

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DEBRA KAYE KAZMUCHA,) CASE NO. 05-69036 JPK
) Chapter 13
Debtor.)

ORDER FOR HEARING REGARDING REPORT OF SALE

On May 27, 2009, the court entered an order approving the debtor's motion for sale of property located at 385 Cherry Hills Drive, Chesterton, Indiana. That order expressly allowed only certain payments to be deducted from the sales proceeds, and required the balance of the proceeds – after deduction of those amounts – to be delivered to the Chapter 13 Trustee. A report of sale was filed by the debtor's counsel on June 5, 2009, which discloses that a realtor's commission was paid (despite the court never having authorized the debtor's employment of a professional under applicable law), and that a disbursement was made to the debtor. While it appears that perhaps the proceeds received by the Chapter 13 Trustee were sufficient to satisfy the remaining obligations under the debtor's plan, that determination should have been made by following the instructions in the court's order, rather than by modifying them at the closing. Additionally, there has been no authorization for payment of any realtor's or broker's compensation.

IT IS ORDERED that a hearing will be held on **July 27, 2009, at 1:00 P.M.** to address with the debtor's counsel the reasons for failure to adhere to the court's order by which the sale was authorized.

Dated at Hammond, Indiana on June 26, 2009.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee