

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
JUDITH MARTINEZ, ) CASE NO. 02-65418  
) Chapter 13  
Debtor. )

ORDER REGARDING FURTHER PROCEEDINGS ON  
TRUSTEE'S MOTION TO DISMISS

On October 8, 2009, a hearing was held with respect to the motion to dismiss filed by the Chapter 13 trustee on March 24, 2009. The debtor appeared in person and by counsel Ricardo B. Casas; the Chapter 13 trustee appeared by attorney Amy Godshalk.

The debtor is approximately \$1,400.00 away from completing her Chapter 13 plan, the term of which has already exceeded the 60 month term ordinarily provided for completion of Chapter 13 plans. The consequences of the debtor's being dismissed are significant, in that a federal tax claim will not be fully paid and will generate a much larger debt which must be paid by the debtor if not fully paid pursuant to 11 U.S.C. § 1322(a)(2) under her plan. No creditor or party in interest has evidenced any interest in this case, or has sought dismissal of the case because the debtor has not completed the plan within 60 months – apart from the Chapter 13 trustee. At the October 8, 2009 hearing, the debtor, the court and the Chapter 13 trustee arrived at an arrangement geared toward providing the debtor with an opportunity to complete her Chapter 13 plan.

IT IS ORDERED as follows:

1. Within 14 days of the date of entry of this order, the debtor shall file an amended wage order which provides for bi-weekly deduction of \$100 from her gross wages to be paid to the Chapter 13 trustee.
2. The debtor will file her federal and state income tax returns for calendar year 2009 as promptly as possible, in any event, no later than March 1, 2010. Any refund received

by the debtor with respect to either of those returns will be held by the debtor and not negotiated or transferred in any way without prior authorization of the court.

3. A hearing will be held on **April 5, 2010, at 2:00 P.M.**, to determine further disposition of the debtor's Chapter 13 case, including whether a portion of any federal or state tax refund received for calendar year 2009 should be applied to payment to the Chapter 13 Trustee.

Dated at Hammond, Indiana on December 4, 2009.

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

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee