

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN
DISTRICT OF MISSOURI
BAPCPA**

**2005 STANDING ORDER NO. 1
PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS**

All adequate protection payments required by 11 U.S.C. §1326(a)(1) shall be paid as follows:

1. The debtor shall pay directly to the lessor all payments scheduled in a lease of personal property for that portion of the obligation that becomes due after the order for relief. Absent a timely objection to confirmation of the proposed plan, the debtor is presumed to have made these payments as required under 11 U.S.C. §1326(a). Since the Chapter 13 plan shall provide that payments to lessors will be paid directly, there shall be no reduction in the Chapter 13 plan payment for these direct payments.
2. The Chapter 13 plan shall provide that §1326(a)(1) pre-confirmation adequate protection payments to a creditor holding an allowed claim secured by personal property to the extent that the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief is entered shall be paid through the Chapter 13 trustee, unless the court orders otherwise.
 - a. The debtor shall list the creditor name, address, account number and payment for each secured creditor receiving a §1326(a)(1) pre-confirmation adequate protection payment in paragraph 7 of the Chapter 13 Plan and Plan Summary for Cases Filed On or After October 17, 2005.
 - b. Unless the plan provides in the “Other Remarks or Provisions” section of the Chapter 13 Plan and Plan Summary for Cases Filed On or After October 17, 2005, that the creditor is not entitled to adequate protection payments because it is not a purchase money secured creditor in personal property, it is presumed that any creditor listed in Paragraph 7 of the Chapter 13 Plan and Plan Summary for Cases Filed On or After October 17, 2005, shall be entitled to adequate protection.
 - c. The Chapter 13 trustee shall not remit any adequate protection payment to any secured claimant who is not listed in Paragraph 7 of the Chapter 13 Plan and Plan Summary for Cases Filed On or After October 17, 2005, absent other order of the court.
 - d. All adequate protection payments paid through the Chapter 13 trustee shall be subject to the trustee’s statutory percentage fee, as set by the designee of the United States Attorney General, and the Chapter 13 trustee shall collect such fee at the time of the distribution of the adequate protection payment to the claimant.

- e. No adequate protection payments shall be paid until a proof of claim is filed.
- f. All adequate protection payments through the Chapter 13 trustee shall be made in the ordinary course of the trustee's business from funds in the case as they become available for distribution to claimants.
- g. All adequate protection payments through the Chapter 13 trustee shall be made in the equal monthly amount provided for the claimant in the Chapter 13 plan unless the plan provides otherwise in the remarks section of the plan.
- h. Pursuant to 11 U.S.C. §1326(a)(3), claimants may file objections to the adequate protection treatment provided by the plan. The Chapter 13 trustee shall continue to make payments to the movant in the equal monthly amount provided in the plan until the court orders otherwise.
- i. Upon the dismissal or conversion to another chapter of a case prior to the confirmation of a Chapter 13 plan, the Chapter 13 trustee shall make the pre-confirmation adequate protection payments, or a portion thereof, from any funds available for that purpose received on or before the date of the entry of the order of dismissal or conversion to creditors that have filed proofs of claim prior to the date of the dismissal or conversion.
- j. The principal amount of the adequate protection recipient's claim shall be reduced by the amount of the adequate protection payments remitted to the claimant unless the court orders otherwise.

This order is in effect until further notice or order of the court.

Dated: September 6, 2005

/s/ Jerry W. Venters

Jerry W. Venters, Chief Bankruptcy Judge

/s/ Arthur B. Federman

Arthur B. Federman, Bankruptcy Judge

/s/ Dennis R. Dow

Dennis R. Dow, Bankruptcy Judge