

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

**2005 STANDING ORDER NO. 4
EMERGENCY REFUNDS AND SUSPENSIONS**

Local Rule 3088-1 is modified as follows:

- A. **Emergency Refunds.** The Chapter 13 trustee shall cease issuing emergency refunds from property of the estate unless the refund was authorized prior to October 17, 2005.

- B. **Debtor Refunds.** The court shall cease ordering refunds in Chapter 13 cases. The court may order the suspension of plan payments. If the court orders a suspension, it shall be the debtor's responsibility to take that order to the affected employer to stop the deduction of the plan payments for the amount of the suspension so ordered; it shall be the debtor's responsibility to make certain that the plan payments recommence on time. Any funds remitted to the trustee, in spite of a court ordered suspension, shall be distributed to filed and allowed claimants pursuant to the terms of the confirmed plan; or shall be distributed to adequate protection claimants if the plan is not yet confirmed; or shall be held by the Chapter 13 trustee pending confirmation of the plan. These funds shall not be returned to the debtor.

- C. **Emergency Borrowing.** The Chapter 13 trustee may grant a debtor permission to borrow sums of \$2,500.00 or less per request. The application must state the lender, the amount of the loan, the terms of repayment (including monthly payments and interest rate), and the purpose of the loan. Requests to borrow amounts in excess of \$2,500.00 must be filed with and approved by the court. Requests filed with the court must include the lender, the amount of the loan, the terms of repayment (including monthly payments and interest rate), the purpose of the loan, and the impact of the borrowing on the debtor's ability to continue to fund their Chapter 13 plan.

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