

Rule 3088-1. Chapter 13 Emergency Refunds, Suspension of Plan Payments and Borrowing

A. Emergency Refunds. The Chapter 13 trustee shall not issue emergency refunds without a court order, which will not be granted unless extraordinary circumstances are shown.

B. Suspension of Plan Payments. The court may order the suspension of plan payments pursuant to a motion. If the court orders a suspension and the debtor is on an employer wage order, it shall be the debtor's responsibility to cause the affected employer to stop the deduction of the plan payments for the amount of the suspension so ordered and it shall be the debtor's responsibility to make certain that the plan payments recommence on time. Any funds remitted to the trustee, despite a court-ordered suspension, shall be distributed to 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. Treatment of Suspended Plan Payments. An order granting an abatement, waiver, or suspension, does not eliminate the payment; rather it adds payments onto the end of the plan and may require the plan to be amended because of the suspension. The granting of an abatement, waiver, or suspension is without prejudice to the rights of any secured creditor to seek a lift of the stay or other appropriate relief.

D. Emergency Borrowing. The Chapter 13 trustee may grant a debtor permission to borrow sums of \$3,500 or less per request. Applications to borrow amounts in excess of \$3,500 must be filed with and approved by the Court. All requests to the Chapter 13 trustee and applications filed with the Court must state 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 the Chapter 13 plan.