

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ALASKA

FILED

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CLERK  
BANKRUPTCY COURT

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In re

GENERAL ORDER RE ADMINISTRATIVE  
CLAIM IN CHAPTER 13 DISMISSED CASES,

General Order No. 93-002

ORDER

\_\_\_\_\_ x

A. Title 11, United States Code section 1326(a)(2) allows for the payment of unpaid claims under section 503(b) from monies returned to a debtor when a case is dismissed prior to confirmation of the debtor's plan. Section 503(b) allows, after notice and a hearing, "actual, necessary costs and expenses of preserving the estate, including wages, salaries, or commissions for services rendered after commencement of the case". Federal Rules of Bankruptcy Procedure 2002(a)(7) does not require noticing of a request for compensation and reimbursement of expenses if the request is less than \$500.00.

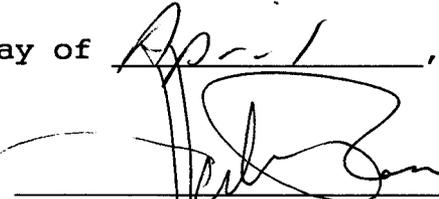
B. In cases where the debtor's chapter 13 case is dismissed prior to confirmation there may be funds available to pay for administrative expenses, including fees due to the Bankruptcy Clerk. The costs to the Chapter 13 Standing Trustee of providing the necessary administration prior to confirmation are normally recovered under the percentage fees paid by the debtor under a confirmed Chapter 13 plan. However, when a case is dismissed prior

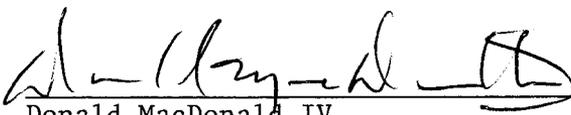
to confirmation of a plan, the debtor is refunded the monies held by the trustee unless the Court allows section 503(b) expenses to reimburse the standing trustee for necessary "start up" expenses. Absent such reimbursement from funds available in a pre-confirmed dismissed case, the standing trustee must absorb the cost of administration through the general expense account.

Therefore,

IT IS ORDERED that in each Chapter 13 case that is dismissed prior to confirmation of a plan the standing trustee may deduct, after payment of Court fees and costs and other section 503(b) awards, from funds available for return to the debtor(s) the amount of \$250.00 and an additional amount of \$50.00 for each hearing or meeting of creditors beyond the initial meeting that is attended by the trustee to reimburse the trusteeship for the expenses of administering the case. Such an award shall not exceed \$500.00 without a separate application. The award will be ordered in each case subject to objection by the debtor(s) within 10 days of the entry of the order dismissing the case.

DATED this 21 day of April, 1993,

  
Herbert A. Ross  
Bankruptcy Judge

  
Donald MacDonald IV  
Bankruptcy Judge