

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

IN RE: CHAPTER 13
VINCENT LICATA, CASE NUMBER 8:12-bk-07027-KRM

ORDER DENYING CONFIRMATION AND DISMISSING CASE
(EFFECTIVE DATE OF THIS ORDER IS 14 DAYS FROM THE DATE OF ENTRY)

THIS CASE came on for a duly-scheduled confirmation hearing on August 1, 2012, to consider confirmation of the proposed Chapter 13 Plan and the Court having heard argument of counsel and being otherwise duly advised in the circumstances, it is

ORDERED, ADJUDGED AND DECREED as follows:

1. The Debtor's¹ Chapter 13 Plan, as filed, does not meet the requirements for confirmation and therefore confirmation is DENIED.
2. This case is DISMISSED without prejudice.
3. The Trustee shall deduct from all monies disbursed, as herein provided, his normal percentage thereof as necessary costs and expenses from sums collected pursuant to section 1326(a)(2)², together with any fee, charge, or amount required under 28 U.S.C. section 123.
4. The Trustee shall disburse all Trust Fund monies held as adequate protection and for administrative expenses, as provided for in this Court's Order Establishing Duties of Trustee and Debtor etc., to those secured creditors provided for in the Debtor's Chapter 13 Plan ("Plan") and to administrative expense holders.
 - a. The Trustee shall disburse the Trust Fund monies to the secured creditors either in the total amount due for adequate protection or, if Trust Fund monies prove insufficient, pro rata. These monies shall be paid pursuant to the creditor's proof of claim or, if no claim was filed, pursuant to the terms of the Chapter 13 Plan.

¹ All reference to "Debtor" shall include and refer to both of the Debtors in a case filed jointly by two individuals.

² All statutory references are to be Bankruptcy Code Title 11 of the United States Code, unless otherwise noted.

b. Any attorney fees due Debtor's counsel shall be paid pursuant to the Order Establishing Presumptively Reasonable Debtor's Attorney Fee In Chapter 13 Cases entered on August 31, 2007 in Miscellaneous Proceeding No. 07-mp-00002-MGW.

5. The Trustee shall return to the Debtor any monies not previously disbursed, and shall thereafter file his final report and upon which filing he will be discharged of his duties as Trustee.

6. The effective date of this Order is delayed fourteen (14) days to permit the Debtor to convert this case to another Chapter under the Bankruptcy Code if the Debtor wishes to do so.

7. All pending hearings are cancelled.

DONE AND ORDERED at Tampa, Florida on _____.

K. RODNEY MAY
UNITED STATES BANKRUPTCY JUDGE

Copies to be provided by CM/ECF services.
TES*cla

C13T 8/01/12