

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

IN RE:

CHAPTER 13

JOHN DAVID LANE and
STACEY PAIGE LANE,

CASE NO. 8: 12-bk-17854-KRM

**ORDER GRANTING DEBTORS' MOTION TO REINSTATE
CONFIRMED CHAPTER 13 CASE AND MODIFYING PLAN PAYMENTS**

THIS CAUSE came on for a hearing on September 11, 2013 upon the Debtors' Motion to Reinstate Confirmed Chapter 13 Case and Modifying Plan Payments. The Court having heard argument of counsel and having reviewed the record, is satisfied that it is appropriate to reinstate this Chapter 13 Case. Accordingly, it is

ORDERED and ADJUDGED as follows:

1. The Debtors' Motion to Reinstate Confirmed Chapter 13 Case and Modifying Plan Payments is hereby GRANTED.
2. The Order Dismissing Chapter 13 Case entered on August 18, 2013, is hereby VACATED and the case is reinstated as an active Chapter 13 case.
3. In lieu of the provisions of the Order Confirming Plan and Exhibit A attached thereto entered on July 29, 2013, the Debtors' Plan payments shall commence on December 18, 2012 in the sum of \$1,844.00 per month for 6 months; thereafter, commencing on June 29, 2013 in the sum of \$0.00 per month for 2 months; thereafter, commencing on August 28, 2013 in the sum of \$2,128.00 per month for 2 months; thereafter, commencing on October 28, 2013 in the sum of \$2,214.00 per month for 50 months.
4. The Debtors shall make the August 28, 2013 and September 28, 2013 payments, each in the sum of \$2,128.00 on or before September 28, 2013, which amount includes all payments due through the September, 2013 payment.
5. In the event the Debtors fail to make the payments required to be made on time, as provided in paragraph 3 above, and/or cure arrearages as herein provided, the Trustee shall, without further notice to the Debtors, submit for this Court's consideration an Order dismissing this case for failure to make payments to the Trustee.

6. The entry of this Order shall constitute final notice to the Debtors that in the event payments to the Trustee hereafter become more than thirty (30) days delinquent, the Trustee shall, without further notice to the Debtors, submit an Order dismissing the above-styled Chapter 13 Case for failure to make payments to the Trustee.

7. This Court's Order Confirming Plan and Exhibit A attached thereto entered on July 29, 2013 is modified in accordance with the attached Amended Exhibit A and shall in all other respects remain in full force and effect.

DONE AND ORDERED at Tampa, Florida on _____.

K. RODNEY MAY
UNITED STATES BANKRUPTCY JUDGE

Debtors' Counsel, Kelley M. Petry, P.A., is directed to serve a copy of this Order on interested parties and file a proof of service within three (3) days of entry of the Order.
TES/WCH/cla C13T 09/23/13

John David Lane and Stacey Paige Lane
Case No.: 8:12-bk-17854-KRM

AMENDED EXHIBIT A

CLAIM # Attorney Fees:

N/A Kelley M. Petry, P.A. (\$3,850.00) \$ 2,350.00 **Total**
 (To be paid at \$460.00 per month)
Additional Attorney Fees (Order/Appl. Mtg. Med/Docket #59) \$ 1,800.00 **Total**

Priority:

2-2 Internal Revenue Service \$ 208.85 **Total**
13 State of Florida Dept. of Revenue (Sales & Use Tax '10 & '11) \$ 1,968.15 **Total**

Secured Creditors Receiving **Monthly** Adequate Protection Payments:

8 Suncoast Schools Federal Credit Union \$ 881.42 **Monthly**

Secured Creditors Curing Arrearage **Total:**

8 Suncoast Schools Federal Credit Union \$ 24,084.89 **Total**
14 Chapel Pines Homeowners Association, Inc. \$ 1,549.90 **Total**

Secured Creditors Paying Secured Balance **Total:**

11 Suncoast Schools Federal Credit Union (Estimated) \$ 21,103.00 **Total**
 \$ 18,525.00 @ 5.25 % (Order/Value/Docket #55)

Distribution to unsecured – (Amount) (Estimated) \$ 11,220.00 **Total**
 Order of Distribution:

1. Adequate protection over life of plan or until creditor is paid in full and allowed Attorney's Fees and Administrative Expenses
2. Secured Balance plus interest over the life of the plan or as otherwise specified.
3. Domestic Support Obligations under \$500.00
4. Small Secured creditors-Under \$500.00 in balance.
5. Arrearages and Domestic Support Obligations pro rata
6. Other Priority Creditors and Pro-Rata Distribution to Unsecured Creditors

Total Monthly Amount to be Paid to the Chapter 13 Trustee:

Starting	12/28/12	<u>\$1,844.00</u>	for 6 Months
	06/28/13	<u>\$ 0.00</u>	for 2 Months
	08/28/13	<u>\$2,128.00</u>	for 2 Months
	10/28/13	<u>\$2,214.00</u>	for 50 Months

Total Plan Length 60 Months

The Debtors shall, on or before August 15, 2013 provide the Chapter 13 Trustee with a complete copy of their 2012 federal income tax return, together with copies of all W-2's and Form 1099's, and shall on or before April 15th of each year thereafter for the duration of the Chapter 13 Plan also provide the Chapter 13 Trustee with complete copies of all subsequent federal income tax returns, together with all W-2's and Form 1099's.

In addition to the periodic Plan payments, the Debtors shall also pay to the Chapter 13 Trustee a sum, to be determined by the Court, derived from any net proceeds which the Debtors may receive from the sale, refinance or any other transfer of the Debtors' non-homestead real estate, as disclosed to the Trustee at the meeting of creditors, in whatever form. The Debtors shall advise the Trustee as to the status of the non-homestead real estate on a semi-annual basis throughout the life of the Plan and shall promptly account for all proceeds received there from. The non-homestead real estate owned by the Debtors and any equity associated with the non-homestead real estate shall remain property of the bankruptcy estate, and the Debtors shall be required to seek court approval prior to any sale, refinance or transfer of any interest in the property by any means.

The Motion to Reduce Trustee Payments *Nunc Pro Tunc* (Docket No. 53) is hereby GRANTED, as reflected by the Plan payments stated herein.