

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

Case No. 9:13-bk-04048-FMD  
Chapter 13

IN RE:

Brenda Lee Kerstetter

Debtor(s)

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**ORDER RESERVING RULING ON TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS  
TO TRUSTEE AND GRANTING PERIOD TO CURE DEFAULT**

This matter came on for consideration, for the purpose of the entry of an appropriate Order in the above named Chapter 13 Case, upon the Trustee's Motion to Dismiss for Failure to Make Plan Payments. The Court having reviewed the motion and based upon the facts set forth above, it is

**ORDERED** as follows:

1. The Debtor(s) shall make the September 28, 2013 & October 28, 2013 payments of \$2,700.00 each, both on time. The Debtor(s) shall also cure all delinquencies and bring all payments current under the Plan by paying to the Chapter 13 Trustee the additional sum of \$8,100.00 on or before November 28, 2013, which amount includes the November, 2013 payment. Notwithstanding the foregoing, nothing contained in this order relieves the Debtor(s) of the obligation to be current with all plan payments at the time of the confirmation hearing as a means of demonstrating that the plan is feasible.
2. In the event Debtor(s) fail to timely make payments as mentioned above and to cure arrearages as herein provided, the Trustee shall, without further notice to the Debtor(s), submit for this Court's consideration an Order dismissing this case.
3. Assuming the Debtor(s) bring all payments to the Trustee current pursuant to

Paragraph 1 above, the Court will reserve ruling on the Trustee's Motion to Dismiss and the entry of this Order shall constitute final notice to the Debtor(s) that in the event payments to the Trustee hereafter become more than thirty (30) days delinquent, the Trustee shall, without further notice to the Debtor(s), submit an Order dismissing the above-styled Chapter 13 case.

4. In the event the Debtor(s) complete all of the required payments under the Plan, the Court will deny the Trustee's Motion to Dismiss as moot by separate order.

**DONE AND ORDERED** at Tampa, Florida on \_\_\_\_\_.

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Caryl E. Delano  
United States Bankruptcy Judge

Chapter 13 Trustee, Jon M. Waage is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.

JMW/jlz

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