

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

In re:

Chapter 13

Christopher C. Hauck and Madeline Hauck

Case No. 9-13-bk-07750-FMD

Debtors

ORDER ON TRUSTEE'S MOTION TO DISMISS CASE WITH A 24 MONTH BAR AS TO REILING FOR FAILURE TO COMPLY WITH ORDER ESTABLISHING DUTIES

THIS CASE came on consideration for the purpose of the entry of an appropriate order following the entry of an Order Reserving Ruling on Trustee's Motion to Dismiss With a 24 Month Bar to Refiling for Failure to Attend §341 Meeting of Creditors and Rescheduling §341 Meeting of Creditors entered on August 14, 2013 (Docket No. 27). By submission of this order the Court is advised that the Debtors failed to comply with the Order, it is

ORDERED:

1. The Trustee's Motion to Dismiss Case with a twenty four (24) month bar as to re-filing is granted (Docket No. 26).
2. The Trustee shall deduct from the monies to be returned to the Debtors his normal percentage thereof as necessary costs and expenses from sums collected pursuant to 11 U.S.C. §1326(a)(2), together with any fee, charge, or amount required under 28 U.S.C. §586(e)(2).
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 Debtors etc., to those secured creditors provided for in the Debtors' Chapter 13 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 or, if Trust Fund monies prove insufficient, pro rata. These monies shall be paid pursuant to the creditor's proof of claim or, if a claim was not previously filed, pursuant to the terms of the Plan.

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

6. All pending hearings are hereby canceled, except for any Order to Show Cause hearings the Court may have set.

DONE and ORDERED in Chambers at Tampa, Florida on _____

Caryl E. Delano
United States Bankruptcy Judge

The Chapter 13 Trustee, Jon M. Waage, is hereby directed to serve a copy of this Order on all interested parties and file a proof of service within three days of entry of Order.

JMW/MEC/br

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