**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE EASTERN DISTRICT OF TENNESSEE**

In re No.

 Chapter 13 Debtor(s).

**ORDER CONVERTING CHAPTER 13 CASE PRE-CONFIRMATION TO CHAPTER 7 AS TO ONE DEBTOR AND DISMISSING CASE AS TO OTHER DEBTOR**

**UPON REQUEST OF DEBTORS**

 Debtor [insert name] having requested that this chapter 13 case be converted to chapter 7 as to him/her solely, and debtor [insert name] having requested that this chapter 13 case be dismissed as to him/her solely, the court directs the following:

1. The joint case of the debtors is hereby split.

 2. In accordance with Federal Rule of Bankruptcy Procedure 1017(f)(3), the bankruptcy case of debtor [insert name] is deemed converted from chapter 13 to 7 as of the date of the filing of the notice (or motion) and will proceed under the current case number.

 3. The bankruptcy case of debtor [insert name] is dismissed and will proceed under a new case number assigned by the clerk of the court.

 4. Any wage order previously entered by this court is vacated, and the employer or other entity must cease withholding income for payment to the trustee.

 5. As provided in E.D. Tenn. LBR 2016-1(d), the attorney for the debtors is awarded a fee in the amount of $1,750 for services rendered in this chapter 13 case. This fee award is final unless within fourteen days after entry of this order: (1) the debtors or chapter 13 trustee files an objection to the fee award; or (2) counsel for the debtors files an application pursuant to Fed. R. Bankr. P. 2016(a) requesting a fee higher than the amount awarded herein. In accordance with E.D. Tenn. LBR 9013-1(c), (d)(1), and (f), any objection filed by the chapter 13 trustee or application filed by counsel for the debtors should be accompanied by a proposed order, contain a certificate evidencing service upon the debtors, chapter 13 trustee, and/or counsel for the debtors, as appropriate, and be set for hearing. Any objection filed by the debtors will be set for hearing by the clerk and notice given.

 6. As required by E.D. Tenn. LBR 1019-1(a), within 14 days of the date of this order, the converting debtor must file:

(a) a schedule of unpaid debts incurred after the filing of the petition, including the name and address of each claim holder;

(b) a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the petition;

(c) if unpaid debts were incurred or executory contracts or unexpired leases entered into postpetition, a supplemental master address list of creditors in the form required by E.D. Tenn. LBR 1009-1; and

(d) such other amendments to the schedules, statements, and lists as are necessary to reflect any material additions, deletions, or other changes in the assets or liabilities of the converting debtor that have occurred since the filing of the petition.

 7. If required by 11 U.S.C. § 521(a)(2)(A), the converting debtor must file within 30 days of the date of this order a statement of intention with respect to the retention or surrender of property of the estate securing consumer debts.

 8. As required by E.D. Tenn. LBR 1019-1(b), within 30 days from entry of this order, the chapter 13 trustee must:

(a) pay first from any funds on hand any unpaid filing fee and second from any plan payments on hand, added to the estate by 11 U.S.C. § 1306(a)(1) and (2), the attorney fee awarded in paragraph 3 above along with any other previously awarded administrative expenses under 11 U.S.C. § 503(b), in the manner and as contemplated by E.D. Tenn. LBR 2016-1(d);

(b) after payment of the expenses referred to the immediately preceding subparagraph, return to the debtors through the attorney for the debtors all remaining property in the possession of the chapter 13 trustee that was added to the estate by 11 U.S.C. § 1306(a)(1) and (2);

(c) turn over to the chapter 7 trustee all records and property of the estate of the converting debtor, as of the date of the filing of the petition, in the chapter 13 trustee’s possession or control as required by Fed R. Bankr. P. 1019(4); and

(d) file a final report and account, except that the filing of the final report may be delayed until either all checks mailed by the chapter 13 trustee in this case have cleared the bank or 120 days of the entry of this order, whichever first occurs, provided a preliminary report is filed within the 30-day period.

 9. In the event the chapter 13 trustee does not have sufficient funds on hand to pay the filing fee in full, the debtor(s) must pay the balance of the filing fee within 45 days from the conversion of the chapter 13 case to chapter 7.

# # #

APPROVED FOR ENTRY BY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[insert name, office address, telephone

number, and bar number]