**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE EASTERN DISTRICT OF TENNESSEE**

In re No.

Chapter 13

Debtor(s).

**ORDER DISMISSING CHAPTER 13 CASE PRE-CONFIRMATION**

**UPON MOTION OF CREDITOR OR PARTY IN INTEREST**

The [name of creditor or party in interest] having filed on [insert date] a motion to dismiss this chapter 13 case pursuant to 11 U.S.C. §1307(c) and after notice and a hearing held [insert date], the court directs the following:

1. The motion to dismiss is granted and this case is hereby dismissed.

2. 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.

3. As provided in E.D. Tenn. LBR 2016-1(d), the attorney for the debtor(s) 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 debtor(s) or chapter 13 trustee files an objection to the fee award; or (2) counsel for the debtor(s) 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 debtor(s) should be accompanied by a proposed order, contain a certificate evidencing service upon the debtor(s), chapter 13 trustee, and/or counsel for the debtor(s), as appropriate, and be set for hearing. Any objection filed by the debtor(s) will be set for hearing by the clerk and notice given.

4. The attorney’s fee awarded herein is directed to be paid from any prepetition retainer held by counsel for the debtor(s), with the balance paid by the chapter 13 trustee from any plan payments held by the trustee after payment of any unpaid filing fees. In the event that counsel for the debtor(s) has received a retainer in an amount greater than the amount awarded herein, counsel is directed to refund the balance to the debtor(s) after first determining that the filing fee in the case has been paid or that the chapter 13 trustee has sufficient funds on hand from plan payments to pay the outstanding filing fee. If the filing fee has not been paid and the chapter 13 trustee does not have sufficient funds on hand to pay such fee, counsel for the debtor(s) is directed to transmit to the trustee from the retainer balance an amount sufficient to pay the filing fee or the remaining balance from the retainer, whichever is less.

5. As provided in E.D. Tenn. LBR 2016-1(d), in the event there are other unpaid administrative expenses awarded under 11 U.S.C. § 503(b), the chapter 13 trustee is directed to pay these expenses along with the balance of the fee award on a pro rata basis from plan payments in the trustee’s possession.

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APPROVED FOR ENTRY BY:

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[insert name, office address, telephone

number, and bar number]