

ENTERED ON DOCKET
10/22/04

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
DON J. CAMMACK,) CASE NO. 97-70625-MHM
)
Debtor.)

**ORDER AND NOTICE REGARDING DEBTOR'S MOTION
TO ALLOW CHAPTER 13 CASE TO CONTINUE BEYOND 60 MONTHS**

On October 20, 2004, Debtor filed a Motion for Entry of Order Completing Chapter 13 Case after 60 Months. Debtor shows that this case was initially filed as a Chapter 7 case and was converted to a Chapter 13 case July 21, 1999. Debtor's case was confirmed October 13, 1999. Debtor has paid to the Chapter 13 Trustee \$36,028.00 in regular monthly installments, which have been used to pay a 20% dividend to all creditors who filed claims with the Chapter 13 Trustee's office. On June 14, 2004, the Chapter 13 Trustee was sent additional claims by the Clerk of the U. S. Bankruptcy Court that appear to have been filed before conversion to Chapter 13, i.e. while this case was being administered as a Chapter 7 case. On July 21, 2004, the 60-month time limit in 11 USC §1322(d) expired.

Debtor's motion proposes to pay within sixty (60) days of the entry of an order granting his motion a twenty (20) percent dividend minus any monies already paid by the Chapter 13 Trustee to the following claimants:

<u>Name of Creditor</u>	<u>Claim Amount</u>	<u>Amount paid</u>	<u>Amount to be paid by Chapter 13 Trustee</u>
Prime Option	\$3,552.96	151.00	559.59
Chase Manhattan	\$2,678.79	113.85	421.94
First Card	\$2,088.97	42.78	375.01
Crestar Bank	\$5,009.87	212.91	789.06
Citibank	\$4,647.49	197.51	731.99
Citibank	\$8,915.88	378.91	1,404.27
The GM Card	\$7,225.78	307.08	1,138.08
First USA Bank, NA	\$6,647.31	282.47	1,046.97
Universal Card	\$2,490.23	-0-	498.05
Trustee Fee			<u>365.66</u>
Total to be paid by Chapter 13 Trustee within 60 days			\$7,330.62
Undisbursed payment held by Chapter 13 Trustee			223.88
Amount paid by Debtor to Chapter 13 Trustee 8/27/04			4,000.00
Amount to be paid by Debtor			3,106.74

Debtor also shows that no further distribution will be made to Optima Card because its claim was amended by proof of claim number 17 and the Chapter 13 Trustee has already paid Optima Card twenty percent (20%) of its amended claim. The claim of Direct Merchants Bank in the amount of \$1,557.26 was disallowed by order entered September 15, 2004.

Debtor's motion is available for review in the office of the Clerk, U.S. Bankruptcy Court during normal business hours or online at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users).

Accordingly, it is hereby

ORDERED and NOTICE IS GIVEN that any person or party who objects to entry of an order granting the relief sought by Debtor **must file** a written objection, stating the grounds therefor, on or before the close of business¹ November 18, 2004, with the Clerk, U. S. Bankruptcy Court, 1340 U. S. Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303-3367 and **must serve** a copy of said objection on Debtor's attorney, G. Alfred Brunavs, 2800 N. Druid Hills Road, NE, B-100, Atlanta, Georgia 30329 ((404) 982-0088). If objections are filed, a hearing will be held at 3:00 P m. on December 2, 2004, in Courtroom 1204, U. S. Courthouse, 75 Spring Street, Atlanta, Georgia. Any objection not timely filed and served, or not advocated at the hearing set above, shall be deemed waived, and the relief requested may be granted without further notice or hearing.

If no objections are filed, the proposed order attached to Debtor's motion may be signed without further notice or hearing. It is further

ORDERED that Debtor's attorney shall serve a copy of this **Order and Notice** upon Debtor, the Chapter 13 Trustee, and all creditors and parties in interest on or before October 29, 2004, and shall file a certificate of such service within three days thereafter.

IT IS SO ORDERED, this the 22nd day of October, 2004.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE

¹ Objections filed electronically may be filed up to 11:59:59 p.m. All other objections must be filed by delivery to the Clerk's Office at or before 4:00 p.m.