

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

_____ ,

No. _____

Debtor.

ORDER ON DEBTOR'S MOTION TO DISMISS CHAPTER 13 CASE

This matter came before the Court on the Debtor's Motion to Dismiss this Chapter 13 case, doc. __ (the "Motion"). The Court, being duly advised, HEREBY ORDERS:

1. If any allowed fees charged by Debtor's counsel remain unpaid, the Chapter 13 trustee is hereby ordered to pay any funds she had on hand as of the date of dismissal to the Debtor's counsel rather than the Debtor until such fees have been paid (and also to pay herself any trustee fees in connection therewith, if a plan has been confirmed). The Court finds that there is cause to modify the provisions of 11 U.S.C. § 349(b)(3) to such an extent.

2. If any portion of Debtor's counsel fees have not yet been approved by the Court, the Chapter 13 Trustee shall hold sufficient funds on hand as of the date of dismissal until debtor's counsel has submitted a final fee application and the Court has ruled on the same. Debtor's counsel may file a final fee application within seven days. The deadline to object is hereby shortened to 10 days, to which three days is added pursuant to Fed.R.Bankr.P. 9006(f). When the fee application has been ruled on, the Trustee shall comply with the provisions of paragraph 1 of this Order. If a fee application is not timely filed, the Trustee is directed to return all funds to the Debtor.

3. The case is dismissed as of the date this Order is entered. The Court retains jurisdiction to rule on any attorney fees that have not yet been approved. *See In re Johnson*, 575 F.3d 1079, 1083-84 (10th Cir. 2009) (court retains jurisdiction over core matters despite dismissal of the underlying bankruptcy case).

4. Any funds the Trustee receives after the date of dismissal shall be disbursed to the Debtor.

END OF ORDER

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