

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

IN RE:

****,**

Debtor(s).

No. 13-**

STIPULATED ORDER DIRECTING EMPLOYER TO PAY TRUSTEE

THIS MATTER came before the Court upon the stipulation of the debtor(s), through counsel, and the chapter 13 trustee to entry of this wage withholding order directing debtor's employer to deduct debtor's plan payment directly from debtor's wages and to pay the deduction to the chapter 13 trustee. The Court, being sufficiently advised in the premises, **FINDS:**

A. The debtor filed a petition for relief under chapter 13 of the Bankruptcy Code on

****..**

B. Kelley L. Skehen is the duly appointed and acting chapter 13 bankruptcy trustee for this case. Payments to be made under this Order should be made to Chapter 13 Trustee.

C. Debtor **, Social Security No. XXX-XX-**(last 4 digits), is employed by ** (employer name/address). The debtor's address is **.

D. Under 28 USC §1471(e) and 11 USC §1325(b), this Court has exclusive jurisdiction over all property including the earnings from services performed by the debtor during the pendency of this case.

E. A portion of the debtor's earnings from services are necessary for the execution of the debtor(s)' plan.

IT IS THEREFORE ORDERED:

1. The employer shall deduct from the debtor's earnings the sum of \$** weekly/bi-weekly/semi-monthly/monthly from the debtor's wages, salary, and commissions and pay the sum to:

Chapter 13 Trustee
P.O. Box 1788
Albuquerque, NM 87102

commencing with the first payment of wages, salary, and commissions after receipt of this Order and within ten (10) days from the date of each deduction, until further order of this Court.

2. **Payments made to the chapter 13 trustee herein shall include notation of the debtor's name and the above-captioned case number.**

3. Employer shall notify the trustee if the employment of the debtor is terminated and the date of such termination.

4. The payment to the chapter 13 trustee is to be deducted from the debtor's wages even though the debtor may not be receiving a full paycheck.

5. The debtor does not have the authority to request a discontinuation of this deduction without written permission from the Court.

6. No deductions on account of any garnishment, wage assignment, or other purpose not specifically authorized by the Court, other than deductions for taxes, social security, FICA, and insurance, can be made from the earnings of the debtor, except **.

7. This Order supersedes all previous Orders made to the employer in this case.

8. Notwithstanding entry of this Order, the debtor(s) shall be responsible for ensuring that all plan payments due under the terms of the confirmed plan are timely made.

9. A failure by the employer to obey this wage deduction order may result in the issuance of a subpoena, an order to show cause, and/or an appearance in Court to show cause to explain why the employer has not abided by the terms and conditions of this Order.

10. This order shall terminate automatically upon debtors' termination of employment, and with the entry of an order dismissing or converting this bankruptcy case.

11. Good faith effort was made by debtor(s) and debtor's counsel to obtain the written consent of the employer to this Order. This order is being entered by the Court without the prior approval of the employer. If the employer objects to this order, it must file an objection with the United States Bankruptcy Court Clerk's Office, P.O. Box 546, Albuquerque, NM 87103, within fourteen (14) days after the entry of the order and serve a copy of the objection upon the chapter 13 trustee and debtor's counsel at the addresses set forth below. This order is effective immediately, unless and until the employer files with the Court an objection to the entry of this order.

**

U.S. BANKRUPTCY JUDGE

Submitted and approved by:

**** (attorney name)**

Attorney for Debtor(s)

**** (address and telephone number)**

fax

Approved by:

KELLEY L. SKEHEN

CHAPTER 13 TRUSTEE

Kelley L. Skehen

625 Silver SW, Suite 350

Albuquerque, NM 87102

(505) 243-1335 fax (505) 247-2709