

McAlpin, Ronald (USTP)

From: McAlpin, Ronald (USTP)
Sent: Thursday, September 8, 2016 3:16 PM
To: Henry Applewhite; jleving@bellsouth.net; Selene D. Maddox (selenemaddox@bellsouth.net); Stephen P. Livingston (stevel@maxxsouth.net)
Cc: Baronich, Maria (USTP); Dukes, Sarita (USTP); Middleton, Margaret (USTP); Steiskal, Christopher J. (USTP); Tharp, Sammye S. (USTP); Walker, Lois E. (USTP); Walker, Ronnie (USTP); Yelverton, Terry (USTP)
Subject: Order on Show Cause Hearing for Failure to Appear at § 341 Meeting of Creditors
Attachments: Order Show Cause Dismiss 341 Revised PDF.pdf; Order Show Cause Dismiss 341 Revised Word.doc
Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached a proposed order where the parties, or the court, determine that a case will not be dismissed due to a debtor's failure to appear at the § 341 meeting of creditors. The order requires insertion of the § 341 meeting date by the trustee and an agreement by debtor's counsel to an extension of deadlines, noticing of the order and filing of a certificate of service.

This order has been approved by Judge Woodard, and is consistent with his directive from discussions at the Lawyers Advisory Committee meeting in June.

The trustee should coordinate with debtor's counsel in preparing the order for submission to the court.

Thank you for your attention to this matter. Please advise if you have any questions.

Ronald H. McAlpin0
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: DEBTOR(S)

**CHAPTER __ BANKRUPTCY
CASE NO. _____**

**ORDER ON SHOW CAUSE HEARING FOR
FAILURE TO APPEAR AT 341 MEETING OF CREDITORS**

This matter is before the Court on the Order to Show Cause scheduled by this Court due to the debtor(s) failure to appear at the 341 meeting of creditors. For cause, this Court does hereby order as follows:

This case shall not be dismissed. The 341 meeting of creditors is rescheduled to:

_____, 20__, at __:__ m, at _____.

Further, certain deadlines shall be extended as follows in this case:

- (1) The time for filing § 523(c)/§ 727 complaints shall be and is hereby extended to sixty (60) days after the conclusion of the § 341(a) meeting of creditors; and
- (2) The time for filing a motion to dismiss for abuse shall be and is hereby extended to sixty (60) days after the conclusion of the § 341(a) meeting of creditors.

The attorney for debtor(s) shall be required to serve a copy of this Order on the debtor(s), the case trustee and all other parties in interest within five (5) days from the date of this Order. Further, the attorney for debtor(s) is required to file a certificate of service in the office of the clerk of the U.S. Bankruptcy Court, Northern District of Mississippi, and serve a copy of the certificate of service on the case trustee and the United States Trustee, within five (5) days from the date of this Order which states upon whom a copy of the Order was served.

END OF ORDER

APPROVED:

Counsel for the Debtor (MSB #)
(insert name and address)

Case Trustee (MSB #)
(insert name and address)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

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END OF ORDER

APPROVED:

Counsel for the Debtor (MSB #)
(insert name and address)

Case Trustee (MSB #)
(insert name and address)