

SEP - 1 2017

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI, GALVESTON, HOUSTON AND VICTORIA DIVISIONS

David J. Bradley, *Clerk of Court*
By Deputy Clerk *C. J.*

IN RE: §
§ GENERAL ORDER 2017-6
HURRICANE HARVEY §

FOURTH GENERAL ORDER CONCERNING HURRICANE HARVEY

The Court recognizes that some chapter 13 debtors may be unable to make required plan payments to chapter 13 trustees. The Court therefore orders:

1. Bankruptcy Local Rule 1017-2(b) requires chapter 13 trustees to file motions to dismiss chapter 13 cases if a debtor is two monthly payments in arrears. That rule is suspended through November 1, 2017 in the Corpus Christi, Galveston, Houston, and Victoria Divisions.

2. If a debtor is unable to make required payments to the chapter 13 trustee because the debtor was substantially and adversely affected by Hurricane Harvey, the Court will consider the appropriate method of addressing those missed payments at a hearing on a motion to modify a chapter 13 plan. The Court encourages motions to modify plans for missed payments for the period August 28, 2017 through October 31, 2017 be filed not later than November 17, 2017.

3. Motions seeking a payment moratorium are discouraged. The Court will consider motions to suspend wage orders on an emergency basis.

4. The Court's standard forms of agreed orders conditioning the automatic stay contain default provisions that mandate that a debtor must "[m]ake all payments due to the chapter 13 trustee after the date of this Order." Similar provisions are in non-standard orders. The Court modifies all such provisions. If the failure to make a payment to the chapter 13 trustee is due to Hurricane Harvey's substantial and adverse effect on a debtor, missed payments for the period from August 28, 2017 through October 31, 2017 will be a default only if the Court so determines after notice and hearing.

5. Debtors who are able to maintain their payments must do so.

SIGNED: September 1, 2017.



DAVID R. JONES
CHIEF UNITED STATES BANKRUPTCY JUDGE