UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:

Noticing Costs in
Chapter 13 Cases

Oct 9 4 14 PM '91

IT APPEARING that the Court has directed that notices of the Section 341 meeting and other events in Chapter 13 cases are to be provided by the Chapter 13 trustee pursuant to Bankruptcy Rule 2002(a) and that Section 1326(b) of the Bankruptcy Code provides for the payment of administrative claims, including noticing fees, in Chapter 13 cases separately from the Trustee's percentage;

IT FURTHER APPEARING that the Bankruptcy Division of the Administrative Office of the United States Courts has concluded that the cost of general noticing in Chapter 13 cases should be paid by the estate from plan payments held by the trustee and not from the trustee's statutory percentage fee;

IT FURTHER APPEARING that the Court should approve the Chapter 13 trustee recovering the cost of preparing and mailing notices from the Chapter 13 plan payments as an administrative expense;

IT FURTHER APPEARING that it is not practical to conduct a hearing on notice to all creditors on the noticing costs in each case and that a general order of the Court permitting reimbursement to the Chapter 13 trustee for noticing costs within certain limitations would be appropriate; now, therefore

IT IS ORDERED that the Chapter 13 trustees in this district are hereby authorized reimbursement from Chapter 13 plan payments for the costs of noticing the Section 341 meeting and other events in a Chapter 13 case at the rate of 50 cents per notice where 50 or fewer parties are mailed the notice effective with notices dated October 1, 1991 forward; and, it is further

ORDERED that in any Chapter 13 case where the number of parties who are being mailed a notice exceeds 50, the Chapter 13 trustee shall make separate application for approval for reimbursement of the costs of processing the notice; and, it is further

ORDERED that the Chapter 13 trustee statutory percentage fee shall be charged against the costs of noticing; and, it is further

ORDERED that general notice of this order shall be included in the notice of the Section 341 meeting in Chapter 13 cases; and, it is further

ORDERED that the Chapter 13 trustee shall maintain a record of the number of notices provided, the subject matter of the notices, the date of the notices and the amount reimbursed in each case and the Chapter 13 trustee shall provide information on the total number of notices and the amount reimbursed to the Chapter 13 trustee for noticing in the final report filed in each case; and, it is further

ORDERED that the Chapter 13 trustee shall provide information on the total number of notices provided and the amount reimbursed for noticing during the fiscal year on the trustee's annual report.

Date: October 9, 1991

CHIEF JUDGE