

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN RE:**

**CHAPTER 13/CHANGES IN  
ON-GOING MORTGAGE PAYMENTS**

**GENERAL ORDER 08-3**

**ORDER**

**IT IS ORDERED** that notification of all payment changes to the on-going (continuing) mortgage payments for which the Chapter 13 Trustee is acting as disbursing agent on behalf of the Debtor(s) must be filed with the Court at least **forty-five (45)** days prior to the date that the change is to become effective. The form to be utilized in filing this notification, entitled *Mortgagee's Notice of Adjusted Amount/Mortgage Payment Change* (hereafter, Mortgagee's Notice), can be obtained on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). Failure to file said Mortgagee's Notice with the Court will result in the payment change not being considered effective and may result in the waiver of any increased amounts that are otherwise due under the note and mortgage. **IT IS FURTHER ORDERED** that the Debtor(s) may file a *Debtor's Notice of Adjusted Amount/Mortgage Payment Change* (hereafter, Debtor's Notice), if the Mortgagee's Notice is not timely filed, without waiving any rights to object to the payment change. The Debtor's Notice can be obtained on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**IT IS FURTHER ORDERED** that upon filing of a Mortgagee's Notice, the Chapter 13 Trustee is authorized to commence disbursement of the payment amount set forth in the Mortgagee's Notice without the necessity of an Amended Plan having been filed, unless an objection to the Mortgagee's Notice is filed within **twenty-five (25)** days from the date the Mortgagee's Notice is filed. Should the Debtor(s) object to the Mortgagee's Notice, the Trustee shall reserve payment **on the increased portion** of the payment amount set forth in the Mortgagee's Notice until the objection is disposed of by the Court. This paragraph applies notwithstanding any Plan provision to the contrary, and regardless of the Plan version utilized by the Debtor(s).

**IT IS FURTHER ORDERED** that, absent a timely filed objection to the Mortgagee's Notice, the Debtor(s) shall file, within **forty-five (45)** days after the filing of the Mortgagee's Notice, a form entitled *Chapter 13 Plan Modification to Address Change in On-Going Mortgage Payments* (hereafter, Mortgage Payment Modification), in order to increase (or decrease) the amount of the Chapter 13 Plan payment by the amount of the change in the on-going mortgage payment, plus all applicable Trustee's fees. The Mortgage Payment Modification form can be obtained on the Court's website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). Failure to timely file the Mortgage Payment Modification form will result in the Court dismissing the case without further notice or hearing, upon certification from the Trustee of such non-compliance.

**IT IS FURTHER ORDERED** that any Amended Plan filed subsequent to the filing of a Mortgagee's or a Debtor's Notice must incorporate and set forth all previous payment changes.

**IT IS FURTHER ORDERED** that to the extent that any of the terms of this General Order are inconsistent with Amended Standing Order 07-5, the terms of General Order 08-3 shall control.

**IT IS FURTHER ORDERED** that this General Order is effective as of October 1, 2008.

**ENTERED: August 7, 2008**

**/s/ Kenneth J. Meyers**  

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**UNITED STATES BANKRUPTCY JUDGE**