

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

**TIM TESTIT
TONYA TESTER**

CASE NO. 15-90062-DML

CHAPTER 13

**AGREED ORDER ON NOTICE OF INTENT TO DISBURSE EXCESS 2009
TAX REFUND TO CREDITORS AND RAISE DEBTORS' PLAN BASE**

WHEREAS the Chapter 13 Trustee filed a Notice of Intent to Disburse Excess 2009 Tax Refund to Creditors and Raise Debtors' Plan Base in response to which the Debtors filed Debtors' Objection to Notice of Intent to Disburse Excess 2009 Tax Refund to Creditors and Raise Debtors' Plan Base, seeking turnover of those same funds to the Debtors.

WHEREAS the Chapter 13 Trustee received Debtors' 2009 Tax Refund in the amount of \$15,000.00.

WHEREAS prior to the hearing \$1,000.00 of the Tax Refund was sent to Debtors and \$1,000.00 was applied to delinquent Trustee payments. The Debtors are current through March 2010.

WHEREAS the Chapter 13 Trustee now holds the excess (of \$2,000.00) in the amount of \$13,000.00 (the "Excess Refund"); and

WHEREAS the Chapter 13 Trustee and the Debtors have reached the following agreement regarding the Excess Refund.

IT IS THEREFORE ORDERED that Trustee shall send \$7,800.00 to the Debtors from the Excess Refund.

IT IS FURTHER ORDERED that the Trustee shall send \$200.00 to the Debtors' attorney from the Excess Refund, which shall not be subject to any Trustee percentage fee.

IT IS FURTHER ORDERED that the \$5,000.00 balance of the Excess Refund shall be distributed to creditors pursuant to the Debtors' plan base and that the plan base shall be increased by such amount.

END OF ORDER

APPROVED:

/s/ Alice Whitten

Alice Whitten
Chapter 13 Trustee

/s/ Jim Jones

Jim Jones
Attorney for Debtors