

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
XXX-XX-1215
504 SOUTHGATE DRIVE
MOUNT PLEASANT, TX 75455-6032

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CASE NO. 05-50414-R
CHAPTER 13

DEBTOR(S)

ORDER DENYING CONFIRMATION OF CHAPTER 13 PLAN, SETTING 30-DAY DISMISSAL DEADLINE FOR FILING NEW CHAPTER 13 PLAN, AND SETTING FINAL DISMISSAL DEADLINE PERTAINING TO PLAN CONFIRMATION

ON THIS DATE, the Court considered the Confirmation of the Chapter 13 Plan proposed by the Debtor in the above captioned case. For the reasons set forth below, the Confirmation of the Chapter 13 Plan should be denied. In light of the failure of the Debtor to confirm a Chapter 13 Plan, and in order to insure the prompt administration of this case and to prevent any abuse of process, good cause exists for the entry of the following Order:

IT IS THEREFORE ORDERED that Confirmation of the Chapter 13 Plan proposed by the Debtor is DENIED without prejudice to the rights of the Debtor to file a new Chapter 13 Plan.

IT IS FURTHER ORDERED that the Debtor file a new Chapter 13 Plan within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that, in the event the Debtor fails to file a new Chapter 13 Plan within thirty (30) days of the date of this Order, absent a further order of the Court extending such deadline for cause shown, or in the event the Debtor thereafter fails to confirm such new Chapter 13 Plan upon consideration by the Court under its normal procedures, this Chapter 13 case shall be dismissed, pursuant to §349(a) of the Bankruptcy Code, without further notice or hearing and *with prejudice* to the rights of the Debtor to file a subsequent petition under any of the provisions of Title 11, United States Bankruptcy Code, for a period of one hundred twenty (120) days from the entry of the order of dismissal, and the Chapter 13 Trustee shall be authorized, following the payment of any allowed administrative expenses, to remit any sums remaining in her possession to the Debtor.

APPROVED AS TO FORM:

ROBERT M. BANDY, PC
Attorney for Debtor

REASONS FOR DENIAL:

_____ Behind on plan payments
_____ Amended plan to be filed
_____ Other _____

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
XXX-XX-1215
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DEBTOR(S)

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CASE NO. 05-50414-R

CHAPTER 13

**ORDER DENYING CONFIRMATION OF CHAPTER 13 PLAN AND DISMISSING CHAPTER 13
CASE WITH PREJUDICE TO REFILE FOR 120 DAYS**

ON THIS DATE, the Court considered the Confirmation of the Chapter 13 Plan proposed by the Debtor in the above captioned case. For the reasons set forth below, Confirmation of the Chapter 13 Plan should be denied.

The Court finds that the following has occurred:

A. At a confirmation hearing on _____, this Court ordered the entry of an Order Denying Confirmation of Chapter 13 Plan, Setting 30-Day Dismissal Deadline for Filing New Chapter 13 Plan, and Setting Final Dismissal Deadline Pertaining to Plan Confirmation” (the “Deadline Order”) which ordered the Debtor to file a New Chapter 13 Plan within thirty (30) days of the date of the order and provided that, in the event the Debtor failed to file a new Plan within that time period, absent a further order of this Court extending the deadline for cause shown, or in the event that the Debtor thereafter failed to confirm such new Chapter 13 Plan upon consideration by this Court under its normal procedures, this Chapter 13 case would be dismissed with prejudice to the rights of the Debtor to file a subsequent petition under any of the provisions of Title 11, United States Bankruptcy Code, for a period of one hundred twenty (120) days from the entry of the order of dismissal without further notice or hearing. Pursuant to the Deadline Order, the Debtor filed a new Chapter 13 Plan.

B. At the confirmation hearing on _____, Debtor requested a continuance. The Court permitted the continuance provided that, absent a further order of this Court extending the deadline for cause shown, in the event that the Debtor thereafter failed to confirm the Chapter 13 Plan at the continued hearing, this Chapter 13 case would be dismissed with prejudice to the rights of the Debtor to file a subsequent petition under any of the provisions of Title 11, United States Bankruptcy Code, for a period of one hundred twenty (120) days from the entry of the order of dismissal without further notice or hearing.

The Court finds that the Debtor failed to confirm the Chapter 13 Plan within the time period designated by the Court. The failure of the Debtor to confirm a Chapter 13 Plan in this case after two confirmation hearings having been set constitutes an unreasonable delay by the Debtor that is prejudicial to creditors and that such failure constitutes just cause for the dismissal of this case with prejudice to refiling pursuant to 11 USC §349(a) and §1307(c). Accordingly, good cause exists for the entry of this order.

The Court further finds that the administrative expenses of the Debtor's attorney, which were properly requested prior to the entry of this dismissal order, should be allowed in the amount specified in this order under 11 USC §503(b)(2) as an award of reasonable compensation and/or reimbursement of expenses for actual and necessary services rendered in this case pursuant to 11 USC §330(a). Accordingly, good cause exists for the entry of this order.

IT IS THEREFORE ORDERED that Confirmation of the Chapter 13 Plan proposed by the Debtor is DENIED.

IT IS FURTHER ORDERED that the above-referenced Chapter 13 case is DISMISSED WITH PREJUDICE to the refiling of any petition under Title 11, United States Bankruptcy Code, by the above-referenced Debtor for a period of one hundred twenty (120) days from the entry of this order, and that all Income Withholding Orders previously entered in this case are hereby terminated.

IT IS FURTHER ORDERED that ROBERT M. BANDY, PC, attorney for the Debtor, is awarded an administrative expense up to \$_____, to be paid, if possible, from the funds on deposit with the Chapter 13 Trustee in this case pursuant to this order.

IT IS FURTHER ORDERED that, pursuant to 11 USC §1326(a)(2), any funds remaining on deposit with the Chapter 13 Trustee shall first be applied to the payment of all approved administrative expenses, to be distributed on an equivalent basis until such time as a claim has been paid in full, unless a different distribution priority has been authorized under any prior order of the Court, and that any funds remaining in the Trustee's possession, following the full satisfaction of all allowed administrative expenses, shall be distributed to the Debtor.

APPROVED AS TO FORM:

ROBERT M. BANDY, PC
Attorney for Debtor

REASONS FOR DENIAL OF CONFIRMATION:

_____ Debtor/Debtor's counsel did not appear at hearing
_____ Payment delinquency
_____ Other _____

THE UNITED STATES BANKRUPTCY COURT
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IN RE:

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DEBTOR(S)

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CASE NO. 05-50414-R

CHAPTER 13

ORDER DENYING CONFIRMATION OF CHAPTER 13 PLAN

ON THIS DATE, the Court considered the Confirmation of the Chapter 13 Plan proposed by the Debtor in the above captioned case. For the reasons set forth below, Confirmation of the Chapter 13 Plan should be denied.

IT IS THEREFORE ORDERED that Confirmation of the Chapter 13 Plan proposed by the Debtor is DENIED.

APPROVED AS TO FORM:

ROBERT M. BANDY, PC
Attorney for Debtor

REASONS FOR DENIAL:

_____ Final denial
_____ Conversion of case to Chapter 7
_____ Case to be dismissed
_____ Other _____

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
XXX-XX-1215
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CASE NO. 05-50414-R

CHAPTER 13

DEBTOR(S)

AGREED ORDER ON TRUSTEE'S MOTION TO DISMISS

On this day, the Court considered the Motion to Dismiss filed by Janna L. Countryman, the Standing Chapter 13 Trustee, wherein she requested that the case be dismissed based upon the Debtor's failure to timely amend the schedules/statement of financial affairs and/or produce documents in accordance with a request made by the Trustee to the Debtor/Debtor's counsel at the Debtor's §341 Creditors' Meeting. The Trustee and the Debtor/Debtor's counsel announced that an agreement had been reached wherein the Debtor would have an additional ten (10) days from _____, to file with the Court the amendments and/or produce the documents set forth in the Trustee's Motion to Dismiss.

In the event the Debtor fails to file the requested amendments and/or produce the documents within the time indicated, the case will be dismissed pursuant to the Trustee's Motion to Dismiss. After due consideration, the Court is of the opinion that said agreement should be approved.

The parties AGREE and the Court ORDERS as follows:

The Debtor shall file with the Court the requested amendments and/or produce the documents as described hereinabove within ten (10) days from _____.

IT IS FURTHER ORDERED that, in the event the Debtor fails to file with the Court the requested amendments and/or produce the documents within the time period as set forth herein, the Trustee will submit a Certificate of Non-Compliance and the Court will enter the Dismissal Order submitted therewith without further motion.

Janna L. Countryman, TBN 04888050
Greg R. Arnov, TBN 00783562
Office of the Standing Chapter 13 Trustee

ROBERT M. BANDY, PC

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

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CASE NO. 05-50414-R

CHAPTER 13

DEBTOR(S)

CERTIFICATE OF NON-COMPLIANCE

COMES NOW JANNA L. COUNTRYMAN, the Standing Chapter 13 Trustee, and files this Certificate of Non-Compliance as follows:

Upon the Debtor's failure to timely amend the schedules/statement of financial affairs and/or produce documents in accordance with a request made by the Trustee to the Debtor/Debtor's counsel at the Debtor's §341 Creditors' Meeting, the Trustee filed a Motion to Dismiss. At the hearing on same, the Court entered a Conditional Dismissal Order, thereby giving the Debtor an additional ten (10) days from _____, to file the requested amendments and/or produce documents requested, or the case would be dismissed pursuant to the Trustee's Motion to Dismiss without further notice or motion.

The Trustee hereby certifies to the Court that the Debtor failed to amend the schedules/statement of financial affairs and/or produce documents in accordance with the Conditional Dismissal Order. The time designated in the Conditional Dismissal Order has passed.

The Trustee requests the Court to enter the Dismissal Order submitted with this Certification based upon the Debtor's failure to abide by the terms of the Conditional Dismissal Order.

Respectfully submitted,

/s/ Janna L. Countryman
Janna L. Countryman, TBN 04888050
Greg R. Arno, TBN 00783562
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Certificate of Non-Compliance has been served upon the following parties in interest on or before the date set forth below by electronic mail and/or by mailing a copy of same to them via first class mail.

ROBERT M. BANDY, PC
826 SOUTH FLEISHEL AVENUE
TYLER, TX 75701-2016

TIMOTHY D. SHANKLE
504 SOUTHGATE DRIVE
MOUNT PLEASANT, TX 75455-6032

Dated March 21, 2006

/s/ Janna L. Countryman
Office of the Standing Chapter 13 Trustee

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
XXX-XX-1215
504 SOUTHGATE DRIVE
MOUNT PLEASANT, TX 75455-6032

DEBTOR(S)

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CASE NO. 05-50414-R

CHAPTER 13

ORDER OF DISMISSAL

Came on for consideration this day the above captioned case wherein the Court found it had previously entered a Conditional Dismissal Order, thereby granting the Debtor an additional ten (10) days from _____, to file requested amendments to the schedules/statement of financial affairs and/or produce documents requested, or the case would be dismissed pursuant to the Trustee's Motion to Dismiss without further notice or motion upon the submission of a dismissal order by the Chapter 13 Trustee. Upon due consideration of this matter, the Court finds that the Chapter 13 Trustee has submitted this Order of Dismissal, along with her certification that the Debtor has failed to comply with the Court's previous order by failing to file requested amendments to the schedules/statement of financial affairs and/or produce the documents by the time provided for in the Conditional Dismissal Order, and that this case should accordingly be dismissed without further notice or motion.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that this Chapter 13 proceeding is hereby DISMISSED.

IT IS FURTHER ORDERED that any wage withholding orders previously entered in this case are hereby terminated.

IT IS FURTHER ORDERED that ROBERT M. BANDY, PC, attorney for the Debtor, is awarded an administrative expense up to \$_____, to be paid, if possible, from the funds on deposit with the Chapter 13 Trustee. In no event shall the total fees paid to ROBERT M. BANDY, PC, including any retainers or payments made prepetition, exceed \$2,000.00.

IT IS FURTHER ORDERED that, pursuant to 11 USC §1326(a)(2), any funds remaining on deposit with the Chapter 13 Trustee shall first be applied to the payment of all approved administrative expenses, to be distributed on an equivalent basis until such time as a claim has been paid in full, unless a different distribution priority has been authorized under any prior order of the Court, and then any funds remaining in the Trustee's possession following the full satisfaction of all allowed administrative expenses shall be distributed to the Debtor.

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
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DEBTOR(S)

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CASE NO. 05-50414-R

CHAPTER 13

AGREED ORDER ON TRUSTEE'S MOTION TO DISMISS

On this day, the Court considered the Motion to Dismiss filed by Janna L. Countryman, the Standing Chapter 13 Trustee, wherein she requested that the case be dismissed based upon the Debtor's failure to attend the §341 Creditors' Meeting. The Trustee and the Debtor/Debtor's counsel announced that an agreement had been reached wherein the Debtor would be given one last opportunity to attend a rescheduled §341 Creditors' Meeting, or the case would be dismissed with prejudice for 180 days pursuant to the Trustee's Motion to Dismiss. The Trustee will notice the Debtor or Debtor's counsel of the new day, time, and location of the rescheduled §341 meeting, and the Debtor or Debtor's counsel shall cause notice thereof to be served upon all parties entitled to notice and file with the Court a Certificate of Service showing such notice was in fact served. In the event the Debtor or Debtor's counsel fails to give proper notice of the rescheduled §341 meeting and/or fails to file a Certificate of Service with the Court evidencing such notice, the case will be dismissed with prejudice for 180 days pursuant to the Trustee's Motion to Dismiss. After due consideration, the Court is of the opinion that said agreement should be approved.

IT IS THEREFORE ORDERED that the Trustee shall provide to the Debtor or Debtor's counsel a new day, time, and location of the rescheduled §341 meeting.

IT IS FURTHER ORDERED that, upon the Debtor's or Debtor's counsel's receipt of a new day, time, and location of the rescheduled §341 meeting, the Debtor or Debtor's counsel shall immediately prepare a Notice of Rescheduled §341 Meeting, and set forth therein the new day, time, and location of the rescheduled §341 Creditors' Meeting and cause such to be served on all parties entitled to notice of same.

IT IS FURTHER ORDERED that Debtor or Debtor's counsel shall cause to be filed with the Court a Certificate of Service showing such notice was in fact served on all parties entitled to notice of same.

IT IS FURTHER ORDERED that the Debtor shall attend the rescheduled §341 Creditors' Meeting at the new day, time, and location as set by the Trustee.

IT IS FURTHER ORDERED that, in the event the Debtor or Debtor's counsel fails to give proper notice of the rescheduled §341 meeting, or the Debtor or Debtor's counsel fails to file with the Court a Certificate of Service evidencing that proper notice concerning the rescheduled meeting was served, or the Debtor fails to attend the rescheduled §341 Creditors' Meeting, the Trustee will submit a Certificate of Non-Compliance and the Court will enter the Dismissal Order submitted therewith without further motion.

Janna L. Countryman, TBN 04888050
Greg R. Arnove, TBN 00783562
Office of the Standing Chapter 13 Trustee

ROBERT M. BANDY, PC

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
XXX-XX-1215
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MOUNT PLEASANT, TX 75455-6032

DEBTOR(S)

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CASE NO. 05-50414-R

CHAPTER 13

CERTIFICATE OF NON-COMPLIANCE

COMES NOW JANNA L. COUNTRYMAN, the Standing Chapter 13 Trustee, and files this Certificate of Non-Compliance as follows:

Upon the Debtor's failure to attend the originally scheduled §341 Creditors' Meeting, the Trustee filed a Motion to Dismiss. At the hearing on same, the Court entered a Conditional Dismissal Order, thereby giving the Debtor one last opportunity to attend a rescheduled §341 Creditors' Meeting, or the case would be dismissed with prejudice for 180 days pursuant to the Trustee's Motion to Dismiss without further notice or motion. The Trustee rescheduled the §341 Creditors' Meeting for March 13, 2006.

The Trustee hereby certifies to the Court that the Debtor failed to attend the rescheduled §341 Creditors' Meeting in accordance with the Conditional Dismissal Order.

The Trustee requests the Court to enter the Dismissal Order submitted with this Certification based upon the Debtor's failure to abide by the terms of the Conditional Dismissal Order.

Respectfully submitted,

/s/ Janna L. Countryman

Janna L. Countryman, TBN 04888050
Greg R. Arnove, TBN 00783562
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Certificate of Non-Compliance has been served upon the following parties in interest on or before the date set forth below by electronic mail and/or by mailing a copy of same to them via first class mail.

ROBERT M. BANDY, PC
826 SOUTH FLEISHEL AVENUE
TYLER, TX 75701-2016

TIMOTHY D. SHANKLE
504 SOUTHGATE DRIVE
MOUNT PLEASANT, TX 75455-6032

Dated March 21, 2006

/s/ Janna L. Countryman
Office of the Standing Chapter 13 Trustee

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
XXX-XX-1215
504 SOUTHGATE DRIVE
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DEBTOR(S)

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§ CASE NO. 05-50414-R
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ORDER OF DISMISSAL WITH PREJUDICE FOR 180 DAYS

Came on for consideration this day the above captioned case wherein the Court found it had previously entered a Conditional Dismissal Order, thereby giving the Debtor one last opportunity to attend a rescheduled §341 Creditors' Meeting as required by 11 USC §343, or the case would be dismissed with prejudice for 180 days pursuant to the Trustee's Motion to Dismiss without further notice or motion. Upon due consideration of this matter, the Court finds that the Chapter 13 Trustee has submitted this Order of Dismissal with Prejudice for 180 Days, along with her certification that the Debtor has failed to comply with the Court's previous order by failing to attend a rescheduled §341 Creditors' Meeting as provided for in the Conditional Dismissal Order, and that this case should accordingly be dismissed without further notice or motion.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that this Chapter 13 proceeding is hereby DISMISSED WITH PREJUDICE to refiling under 11 USC for 180 days.

IT IS FURTHER ORDERED that any wage withholding orders previously entered in this case are hereby terminated.

IT IS FURTHER ORDERED that ROBERT M. BANDY, PC, attorney for the Debtor, is awarded an administrative expense up to \$ _____, to be paid, if possible, from the funds on deposit with the Chapter 13 Trustee. In no event shall the total fees paid to ROBERT M. BANDY, PC, including any retainers or payments made prepetition, exceed \$2,000.00.

IT IS FURTHER ORDERED that, pursuant to 11 USC §1326(a)(2), any funds remaining on deposit with the Chapter 13 Trustee shall first be applied to the payment of all approved administrative expenses, to be distributed on an equivalent basis until such time as a claim has been paid in full, unless a different distribution priority has been authorized under any prior order of the Court, and then any funds remaining in the Trustee's possession following the full satisfaction of all allowed administrative expenses shall be distributed to the Debtor.

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
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CASE NO. 05-50414-R

CHAPTER 13

DEBTOR(S)

AGREED ORDER ON TRUSTEE'S MOTION TO DISMISS

Prior to the hearing on the Motion to Dismiss filed by Janna L. Countryman, the Standing Chapter 13 Trustee, the Court noted an agreement had been reached with regard thereto between the Debtor and the Trustee, such agreement being set forth herein. After due consideration, the Court is of the opinion that said agreement should be approved.

The parties AGREE and the Court ORDERS as follows:

1. In addition to the regular monthly plan payments, the Chapter 13 Trustee's Office must receive all past due Chapter 13 plan payments that are owed through _____ in the total amount of \$ _____ to be paid as follows:
 - a. \$ _____ delinquency payment due by _____, and monthly plan payment of \$ _____ due _____;
 - b. \$ _____ delinquency payment due by _____, and monthly plan payment of \$ _____ due _____;
 - c. \$ _____ delinquency payment due by _____, and monthly plan payment of \$ _____ due _____; and
2. The Debtor shall remain current on the monthly plan payments until this case is completed.
3. In the event the Debtor fails to make any of the payments referenced in Paragraphs 1 and 2 hereinabove, the Trustee will submit a Certificate of Non-Compliance and the Court will enter the Dismissal Order submitted therewith without further motion.

Janna L. Countryman, TBN 04888050
Greg R. Arnove, TBN 00783562
Office of the Standing Chapter 13 Trustee

TIMOTHY D. SHANKLE

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
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DEBTOR(S)

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CASE NO. 05-50414-R

CHAPTER 13

CERTIFICATE OF NON-COMPLIANCE

COMES NOW JANNA L. COUNTRYMAN, the Standing Chapter 13 Trustee, and files this Certificate of Non-Compliance as follows:

Upon the Debtor's failure to make Chapter 13 Plan payments, the Trustee filed a Motion to Dismiss. At the hearing on same, the Court entered a Conditional Dismissal Order, thereby giving the Debtor an opportunity to bring the Chapter 13 Plan payments current by making additional payments per month for _____ months, or the case would be dismissed pursuant to the Trustee's Motion to Dismiss.

The Trustee hereby certifies to the Court that the Debtor failed to make the additional monthly payment due for the month of _____, and thus failed to bring the Chapter 13 Plan payments current in accordance with the Conditional Dismissal Order.

The Trustee requests the Court to enter the Dismissal Order submitted with this Certification based upon the Debtor's failure to abide by the terms of the Conditional Dismissal Order.

Respectfully submitted,

/s/ Janna L. Countryman

Janna L. Countryman, TBN 04888050
Greg R. Arnove, TBN 00783562
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Certificate of Non-Compliance has been served upon the following parties in interest on or before the date set forth below by electronic mail and/or by mailing a copy of same to them via first class mail.

ROBERT M. BANDY, PC
826 SOUTH FLEISHEL AVENUE
TYLER, TX 75701-2016

TIMOTHY D. SHANKLE
504 SOUTHGATE DRIVE
MOUNT PLEASANT, TX 75455-6032

Dated March 21, 2006

/s/ Janna L. Countryman
Office of the Standing Chapter 13 Trustee

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:

TIMOTHY D. SHANKLE
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DEBTOR(S)

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CASE NO. 05-50414-R

CHAPTER 13

ORDER OF DISMISSAL

Came on for consideration this day the above captioned case wherein the Court found it had previously entered a Conditional Dismissal Order, thereby granting the Debtor additional time to bring the Chapter 13 Plan payments current or the case would be dismissed pursuant to the Trustee's Motion to Dismiss without further notice or motion upon the submission of a dismissal order by the Chapter 13 Trustee. Upon due consideration of this matter, the Court finds that the Chapter 13 Trustee has submitted this Order of Dismissal, along with her certification that the Debtor has failed to comply with the Court's previous order by failing to bring the Chapter 13 Plan payments current by the time provided for in the Conditional Dismissal Order, and that this case should accordingly be dismissed without further notice or motion.

It is therefore ORDERED, ADJUDGED and DECREED that this Chapter 13 proceeding is hereby DISMISSED. Any funds remaining on deposit with the Chapter 13 Trustee shall be distributed in accordance with the provisions of the Plan.

IT IS FURTHER ORDERED that any wage withholding orders previously entered in this case are hereby terminated.