

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:)
)
PROCEDURES IN AID OF) GENERAL ORDER
WAGE WITHHOLDING ORDERS IN) SETTING PROCEDURES TO BE
CHAPTER 13 CASES) FOLLOWED IN ALL CASES FILED
) UNDER CHAPTER 13 AFTER ENTRY
) OF THIS GENERAL ORDER

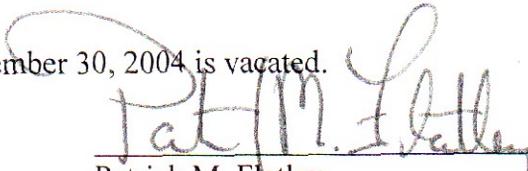
**GENERAL ORDER 06-02
REQUIRING WAGE WITHHOLDING
TO FUND CHAPTER 13 CASES**

On the filing of a Chapter 13 petition, the Court shall enter an order directed to the employer of the debtor that is listed in the debtor's plan and/or schedules. The order shall require that the employer withhold from the debtor's earnings an amount equal to the proposed monthly payments under the debtor's Chapter 13 plan. The Court may not enter a wage withholding order if the debtor's income is derived from sources other than employment, including, but not limited to: social security, pension/retirement, unemployment, or self-employment; provided, however, that if the debtor has income from employment in addition to income derived from sources other than employment, and if the income from the debtor's employment is sufficient to make the debtor's monthly plan payment, the Court may enter a wage withholding order.

If the debtor objects to the entry of a wage withholding order, such objection shall be made with specificity and filed along with the filing of the petition. If the debtor's objection is sustained, then the order for the debtor to commence payments shall include language that if the debtor misses one payment, then upon the expiration of a ten day notice to the court by the trustee, a wage withholding order shall be entered forthwith; provided, however, that entry of a wage withholding order is proper under the first paragraph of this General Order.

If no objection is filed with the petition, wage withholding, if applicable, shall commence on the first pay period following the filing of the Chapter 13 petition and service of the wage withholding order on the debtor's employer. Payments to the Chapter 13 Trustee shall commence within thirty (30) days of the filing of the Chapter 13 petition in accordance with 11 U.S.C. §1326 (a)(1). It is the debtor's responsibility to send payments directly to the Chapter 13 Trustee until the commencement of the wage withholding by the debtor's employer. Notwithstanding the entry of a wage withholding order, it is also the responsibility of the debtor to ensure that all monthly plan payments are made. Payments shall be sent to Helen M. Morris, P.O. Box 2207, Memphis, Tennessee, 38101-2207. If a debtor sends a personal check to the Trustee that is returned for insufficient funds, personal checks will no longer be accepted by the Trustee and future payment should be made by cashier's check or money order.

General Order 04-01 entered on November 30, 2004 is vacated.


Patrick M. Flatley
United States Bankruptcy Judge

7-10-06
(Date)