

Pro Se Debtors given additional time to file a new plan after prior 4 plans were stricken after Debtors were able to bring their plan payments current under the last stricken plan

Case: 11-61065 *Lambrecht*

Docket: 2/22/12 Tyler Confirmation and Dismissal Docket

**Facts:** The Debtors filed their case without the assistance of an attorney. During the progress of their case, the Debtors filed at least four Chapter 13 plans, all of which were stricken by the Court. The Trustee filed a Motion to Dismiss based upon the Debtors' failure to make Chapter 13 Plan payments and such was set along with confirmation. Prior to the hearing, the Debtors were able to bring their plan payments current with the Trustee under the terms of the last Chapter 13 Plan that the Debtors had filed that the Court had stricken. Both matters were placed upon the call docket to allow the Debtors an opportunity to request additional time to file an amended plan.

**Ruling:** The Court gave the Debtors an additional 30 days to file and properly serve a Plan. The Court did not enter a denial order because there was no plan on file. The Court also continued the dismissal motion for one month based upon the observation that it appeared that the Debtors could confirm a plan if such was properly filed and noticed.

**Update:** The pro se Debtors filed another plan but again fell behind on their plan payments. The Debtors filed their own motion to dismiss but the Court granted the Trustee's Motion to Dismiss with prejudice for 120 days.