

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2008 045700

2008 JUN 24 AM 9:25

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION ORDER

WE-5

IN RE:	)	
	)	
HARRY ALTON BEASLEY,	)	CASE NO. 04-64895 JPK
	)	Chapter 13
Debtor.	)	

**ORDER OF DISMISSAL**

The Court on April 26, 2007, entered an Order on the Motion by the Chapter 13 Trustee to Dismiss this case, that Chapter 13 Debtor cure arrearages and defaults according to the terms and conditions of said Order that have accrued as a result of failure to pay pursuant to the terms of the Plan of the Debtor, and that upon the failure of the Debtor to do so, the Court could dismiss or convert this case without further notice and hearing.

Paul R. Chael, Chapter 13 Trustee, on January 29, 2008, files affidavit of default that Debtor failed to comply with said Order. The Court having examined the record and said affidavit finds that the Debtor has failed to comply with said Order. The Court further finds that the Debtor has materially defaulted with respect to the payments to be made under the terms of said Plan, and that this case should be dismissed without further notice and hearing pursuant to the terms and conditions of said Order.

**IT IS THEREFORE ORDERED**, that said Motion is hereby granted and that the petition of the Debtor should be and is hereby DISMISSED pursuant to 11 U.S.C. §1307.

**IT IS FURTHER ORDERED:**

1. That if the Plan of the Debtor is not confirmed, the Trustee and all parties in interest are hereby allowed leave of Court of twenty (20) days from the date of this Order to apply to this Court pursuant to §503(b) for any actual and necessary expenses of administration pursuant to §1326(a)(2). If the Plan of the Debtor has been confirmed the Trustee shall distribute any payment by Debtor in accordance with the Plan pursuant to §1326(a)(2).
2. That the Trustee is directed to order his final report and account, and he is relieved of his trust and is discharged from his duties.

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- 3. That the bond of said Trustee be and it hereby is canceled, and that the surety or sureties thereon be and they hereby are released from further liability thereunder, except any liability which may have accrued during the time such bond was in effect.
- 4. That if there is an income deduction order pending, the employer is hereby ordered to terminate deductions.
- 5. That the case shall be terminated and closed after completion of the foregoing.

Dated at Hammond, Indiana on February 5, 2008.

/s/ J. Philip Klingebarger  
 J. Philip Klingebarger, Judge  
 United States Bankruptcy Court

Distribution  
 Debtor, Attorney for Debtor  
 U.S. Trustee, Trustee  
 All Creditors  
 All Intervenors  
 Rev. 05/01/03





**OFFICE OF THE LAKE COUNTY RECORDER**

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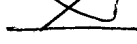
**MICHAEL A. BROWN**  
Recorder



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**MEMORANDUM**

**DISCLAIMER**

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CUSTOMER INITIALS  DATE:   /  /  

EMPLOYEE INITIALS  DATE: 10/24/08