



U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

TAWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed April 3, 2014

United States Bankruptcy Judge

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

**IN RE:** §  
§  
**STANDING SCHEDULING ORDER** §  
**CONCERNING MID-CASE AUDITS** § **GENERAL ORDER**  
**IN CHAPTER 13 CASES** § **2014-02**

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The Court has determined that it is necessary to amend local procedures to provide a consistent method for resolving disputes arising from the mid-case audits required by Local Bankruptcy Rule 3002-2. It is therefore

**ORDERED** that the attached Standing Scheduling Order Regarding Mid-Case Audit (the “Scheduling Order”) is approved by the United States Bankruptcy Courts for the Northern District of Texas; and it is further

**ORDERED** that Scheduling Order shall be entered by the Clerk of the Court in every case concurrently with any Notice to Deem Mortgage Current or Notice of Amount Necessary to Cure filed by the chapter 13 trustee.

**###End of Order###**



in the Mortgage Notice, except as follows: if a timely filed Lender's Response asserts a different post-petition arrearage than that asserted in the Mortgage Notice, the post-petition arrearage in the Lender's Response shall control and be set forth in the order regarding the Mortgage Notice.

At the time set for the pre-hearing conference, if there are any unresolved disputes raised in either the Lender's Response or the Debtor's Reply, the disputing parties must attend the pre-hearing conference.

If the lender is a disputing party and the lender does not attend the pre-hearing conference and no timely Debtor's Reply is filed, the court will enter an order approving the amounts asserted by the trustee in the Mortgage Notice. If a Debtor's Reply is filed timely, the court will enter an order approving the amounts asserted in the Mortgage Notice except as follows: if the debtor asserts a different post-petition arrearage in the Debtor's Reply on that part of the mortgage claim being paid post-petition directly by the debtor to the mortgage holder, such post-petition arrearage asserted in the Debtor's Reply shall control and be set forth in the order regarding the Mortgage Notice.

If the debtor is a disputing party and the debtor does not appear at the pre-hearing conference, the court will enter an order approving the amounts asserted in the Mortgage Notice except as follows: if a timely filed Lender's Response asserts a different post-petition arrearage than that asserted in the Mortgage Notice on that part of the mortgage claim being paid post-petition directly by the debtor to the mortgage holder, such post-petition arrearage asserted in the Lender's Response shall control and be set forth in the order regarding the Mortgage Notice.

If the trustee is not a disputing party and the debtor and the lender are both disputing parties and neither the debtor nor the lender appear at the pre-hearing conference, the court will enter an order approving the amounts asserted in the Mortgage Notice except as follows: if the debtor asserts a different post-petition arrearage in a timely filed Debtor's Reply on that part of the mortgage claim being paid post-petition directly by the debtor to the mortgage holder, such post-petition arrearage asserted in the Debtor's Reply shall control and be set forth in the order regarding the Mortgage Notice.

If the matter is not resolved as of the time of the pre-hearing conference, the trustee shall either set the matter on the next regular chapter 13 court docket, or at the trustee's option, contact the courtroom deputy and obtain a special setting for an evidentiary hearing. The court will use its best efforts to provide an evidentiary hearing within 30 to 45 days after the pre-hearing conference. All witness and exhibit lists must be filed and exhibits must be exchanged at least three business days before the evidentiary hearing date.

Once the court enters an order on the Mortgage Notice, the debtor and the lender will be barred from contesting the amounts set out in the order in any contested matter or adversary proceeding in this case, or in any other matter, manner or forum after a discharge in the case, unless the court determines, after notice and a hearing, that the failure to respond or the failure to attend the pre-hearing conference was substantially justified or is harmless.

FOR THE COURT:

Tawana C. Marshall, Clerk of Court

By:/s/ L Holmes, Deputy Clerk