

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re)
) Case No. _____
)
) MOTION BY TRUSTEE
) TO DISMISS CASE
Debtor(s)) AND NOTICE THEREON

The trustee states the debtor(s), whose last known address is _____, are in default under the terms of the plan since the required plan payments have not been made as detailed below:

Debtor's last payment received: _____
Amount in default: _____
Number of payments in default: _____
Number of Trustee's previous motions: _____

The debtor(s) made no showing of just cause for such default.

WHEREFORE, the trustee prays that an order be entered dismissing this case as provided in 11 USC §1307(c).

DATED: _____

Trustee

NOTICE

NOTICE IS GIVEN that the court will dismiss this case unless, within 38 days of the service date of this notice, the debtor does one of the following and mails a copy of any document filed with the Clerk to the trustee, Robert E. Ridgway, P.O. Box 993, Pendleton, Oregon 97801:

1. Cure any existing default in plan payments, AND obtain from the trustee a copy of the trustee's withdrawal of this motion to dismiss;
2. File with the Clerk a modified plan using Local Form (LBF) #1355.10;
3. File with the Clerk a motion to dismiss or convert the case to one under Chapter 7;
4. Simultaneously file BOTH (a) a motion for a hardship discharge under 11 USC §1328(b), AND (b) a completed Notice of Motion using Local Form (LBF) #1378;
5. File a written request for hearing with the court stating specific grounds for denial of the motion.

CLERK, U.S. BANKRUPTCY COURT
1001 SW 5th Ave., #700
Portland, OR 97204

I certify on _____ I served copies of the above motion to the debtor(s) and any debtor's attorney.

1366R (5/1/04) _____
Trustee