

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-xxx

Debtor.

Chapter 13

_____ /

**AGREED ORDER REQUIRING EMPLOYER TO
DEDUCT AND REMIT FUNDS TO CHAPTER 13 TRUSTEE**

To:

(Employer name)

(Employer address)

(Employer city, state, ZIP)

The individual named above (the debtor) has filed a voluntary petition under chapter 13 of the Bankruptcy Code and has filed a plan to repay creditors. The plan provides for the submission of all or such portion of future earnings or other future

income of the debtor to the supervision and control of the chapter 13 trustee as is necessary for the execution of the plan. If the plan is confirmed, the chapter 13 trustee will then distribute payments to creditors in accordance with the plan. 11 U.S.C. § 1325(c) provides that after confirmation of a plan, the court may order any entity from whom the debtor receives income to pay all or any part of such income to the trustee. Accordingly, it is

ORDERED that:

1. The employer must immediately begin withholding from wages, salary, commission, or other earnings or income of the debtor \$ _____ per month and remit this amount by check (with the debtor's name and case number indicated on the check) payable to the following chapter 13 trustee:

- ☐ Robin R. Weiner, P.O. Box 2258, Memphis, TN 38101-2258.
- ☐ Nancy K. Neidich, P.O. Box 2099, Memphis, TN 38101-2099.

2. The employer may not terminate the employment of, or discriminate with respect to employment against, the debtor solely because the debtor (a) is or has been a debtor under the Bankruptcy Code; (b) has been insolvent before the commencement of a case under the Bankruptcy Code or during the case but before the grant or denial of a discharge; or (c) has not paid a debt that is dischargeable in a case under the Bankruptcy Code.

3. The automatic stay of 11 U.S.C. § 362(a) prohibits the employer from honoring a writ of garnishment unless it is for the payment of a domestic support obligation under a judicial or administrative order or a statute. Any funds deducted from the debtor's wages, salary, commission, or other earnings due to a writ of garnishment (unless it is for the payment of a domestic support obligation under a judicial or administrative order or a statute) – but not yet remitted to the garnishor – instead must immediately be remitted to the chapter 13 trustee.

4. This order supersedes any previous garnishment or other order to withhold the debtor's income, except for one with respect to the withholding of income for payment of a domestic support obligation under a judicial or administrative order or a statute. Any order with respect to the withholding of income for payment of a domestic support obligation under a judicial or administrative order or a statute remains in full force and effect.

5. The debtor must serve a copy of this order on the employer.

6. This order is effective immediately upon service and will remain in full force and effect until (a) modified, suspended, or terminated, either in writing by the debtor or by further court order; (b) dismissal of this bankruptcy case; (c) conversion

of this bankruptcy case to a case under chapter 7 of the Bankruptcy Code, or (d) the court grants the debtor a discharge.

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Agreed to by:

Debtor:

[Debtor's name]
[Debtor's address]
[Debtor's city, state and zip code]
[Debtor's telephone number]
[Debtor's email address]

Debtor's Attorney:

[Attorney's name]
[Attorney's address]
[Attorney's city, state and zip code]
[Attorney's telephone number]
[Attorney's email address]

Submitted by:

[Submitting attorney name]
[Law firm name]
[Mailing address]
[Phone number]
[Email address]

[Submitting attorney] must serve a copy of this order on the employer and must file a certificate of service as required by Local Rule 9036-2.