



ENTERED
05/26/2016

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:

CHAPTER 13 PLAN ADMINISTRATION

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MISC CASE NO: 15-701

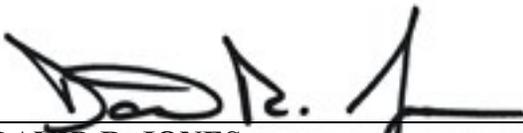
ORDER
(Docket No. 39)

The Court has considered Cindy Boudloche’s, Chapter 13 Trustee, Emergency Motion for Stay of Order Pending Appeal. In the motion, the trustee seeks a stay of the Court’s May 6, 2016 order. The May 6 order implements a remedy to address the trustee’s failure to comply with confirmed chapter plans. Given the public importance of addressing pending discharges due to debtors that have made the required number, albeit the wrong amount, of payments and the harmed caused by additional delay, the trustee cannot meet the requirements for a stay. Likewise, the trustee has not shown the existence of (i) a likelihood of success on the merits; or (ii) irreparable injury. Notwithstanding the foregoing, the trustee’s primary personal complaint is that the Court’s May 6 order requires her to pay the difference between the amount of the wrongful payments and the amounts recovered within 60 days. The trustee previously told the Court that she could easily recover these amounts and that the practice of recovering improper disbursements occurs periodically. At this point, it is not even known if this provision will become operative. Accordingly, it is

ORDERED THAT:

1. Enforcement of the provision of the Court’s May 6, 2016 Order requiring the trustee to repay any amounts wrongfully paid that are not recovered within 60 days is stayed pending further proceedings once the amount at issue is known.
2. All other provisions of the May 6, 2016 Order remains in full force and effect. The Court’s expects immediate and full compliance.
3. All other requested relief is denied.

SIGNED: May 25, 2016.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE