

ORIGINAL

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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IN RE:

CHAPTER 13

KENNETH ALLEN SHROCK and
DEBORAH LEAH SHROCK,
_____ /

CASE NO. 05-22968G3

ORDER CONFIRMING PLAN

THIS MATTER came on for a hearing on April 13, 2006 following the transmittal of the Debtors' Chapter 13 Plan to all parties in interest. The Debtor(s) having modified said Plan at the hearing, as provided herein, and it having been determined after notice and hearing that:

1. The Plan complies with the provisions of this chapter and with other applicable provisions of the Bankruptcy Code;
2. Any fee, charge, or amount required under 28 U.S.C. Chapter 123 or by the Plan, to be paid before confirmation, has either been paid or shall be paid by the Trustee from the monies held pursuant to Section 1326 (b) of the Bankruptcy Code;
3. The Plan has been proposed in good faith and not by any means forbidden by law;
4. The value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the Debtor(s) had been liquidated under 11 U.S.C. Chapter 7 on such date;
5. With respect to each allowed secured claim provided for by the Plan as hereinafter set forth:
 - A. The holders of secured claims shall retain the liens securing such claims; and
 - B. The treatment accorded such secured claims complies with the provisions of Section 1325 (a) (5);
6. The holders of secured claims, whether or not dealt with under the Plan as confirmed, shall retain the liens securing such claims; and

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7. The Debtor(s) will be able to make all payments under the Plan and to comply with the Plan.

It is ORDERED that:

1. The Debtors' Plan, as modified be, and it hereby is, confirmed.
2. On February 15, 2006, nunc pro tunc, and each month thereafter for a total of 58 months, the Debtors shall pay to the Chapter 13 Standing Trustee, Terry E. Smith, P.O. Box 830, Memphis, TN 38101-0830, the sum of \$196.00 per month. Nevertheless, in the event the Trustee has insufficient monies to pay the secured claims in full, as herein provided, together with a minimum 20% dividend to the allowed general unsecured claims, then the periodic payments shall continue beyond 58 months and be increased as necessary during the last 24 months of the Plan in order to accomplish the same.
3. The only secured creditors paid by the Trustee through the Plan as confirmed are the Polk County Tax Collector, Select Portfolio Servicing, Inc. and CAR Financial Services, Inc.
4. The Trustee shall first pay the small pre-petition arrearage claim of CAR Financial Services, Inc. in full, without interest. The Trustee shall next pay the pre-petition arrearage claim of Select Portfolio Servicing, Inc. in full without interest. The Trustee shall next pay the secured property tax claim of the Polk County Tax Collector in full, together with applicable interest. With the remaining monies, the Trustee shall thereafter pay the allowed general unsecured claims, pro rata. Pursuant to Bankruptcy Code §330(a)(4)(B), the court allows as reasonable compensation to Debtors' counsel ("Counsel"), Family Legal Centers of Hawk and Associates, P.A., (to include all cost other than the filing fee) for representing the interests of the Debtor(s) in connection with this Chapter 13 case the amount of \$2,500.00 ("Total Fee") which, after crediting the amount of the retainer of \$900.00 ("Retainer"), the sum of \$1,600.00 shall be paid through the confirmed Plan, in full, without interest, by the Trustee to Counsel subject to the following: (a) absent extraordinary circumstances and specific order of the court, Counsel may not charge any additional fees for services or expenses in connection with all services rendered to the Debtor(s) from the commencement of the representation ("Commencement") until 36 months after the date of confirmation of the plan; (b) the Total Fee does not exceed the amount agreed to be paid by the Debtor(s) at the Commencement and as disclosed in the statement filed by Counsel pursuant to Fed.R.Bankr.P. 2016; (c) provided sufficient funds are available, no more than \$1,500 (inclusive of the Retainer) may be paid to Counsel prior to 12 months after the date of the petition; and (d) the balance owed after payment of the initial \$1,500 may only be paid at the rate of \$50 per month.

5. Payments to creditors by the Trustee shall perform be in periodic installments. Creditors, including all taxing authorities, may not properly reject a payment simply because it may not pay a particular claim in full.

DONE AND ORDERED at Tampa, Florida on May 01, 2006.



PAUL M. GLENN
CHIEF BANKRUPTCY JUDGE

Copies to:

Kenneth A. and Deborah L. Shrock, 4117 Shady Hammock Drive, Mulberry, FL 33860
Family Legal Centers of Chawk & Associates, P.A., P. O. Box 8209, Lakeland, FL
33802-8209

Terry E. Smith, Chapter 13 Trustee, P.O. Box 6099, Sun City Center, FL 33571-6099

All Creditors as Listed on Matrix

TES/WCH/cla

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~~Thomas~~ Joel Chawk
P.O. Box 8209
Lakeland, FL 33802-8209

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