

**Information & Instructions: Motion To Dismiss A Debtor's Bankruptcy For Failure To Pay Chapter 13 Payments**

**PREVIEW**

1. Use this form to file a motion to dismiss a debtor's bankruptcy for his or her failure to pay the chapter 13 payments so that the creditor can repossess its secured property.
2. Be sure to check with the trustee and check the local rules concerning the trustee's and court's practice regarding the sanctions that the court will grant when a debtor does not make his or her chapter 13 payments before filing the motion.
3. Ascertain whether or not the above may be accomplished by a "show cause order" instead of the following motion.

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**Form: Motion To Dismiss A Debtor's Bankruptcy For Failure To Pay Chapter 13 Payments**

[Name of attorney in charge]  
 [Address]  
 [Telephone and facsimile nos.]  
 [Federal identification no.]  
 Attorneys for [the Movant's name]

**UNITED STATES BANKRUPTCY COURT**

**THIS DOCUMENT**

**In Re**  
 [Debtor's Name]

**Case No.** \_\_\_\_\_  
**Chapter** \_\_\_\_\_

[Plaintiff's Name]  
 v.  
 [Defendant's Name]

**Adv. Proc. No.** \_\_\_\_\_

**MOTION TO DISMISS**

[Name], hereinafter called "Movant," complaining of [Name], hereinafter called "Respondent," and would show the Court as follows:

**THANK YOU**

1. This Court has jurisdiction of this proceeding pursuant to 28 U.S.C., Section 157 and Section 1334, and Section 362 of the Code

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2. Respondent filed a Petition under Chapter 13 of the U. S. Bankruptcy Code (the "Code") on or about [Date].

**PREVIEW**

3. Movant was at all times herein mentioned and now is a corporation duly authorized under the laws of the United States.

4. Movant requests that the debtor's bankruptcy be dismissed for failure to abide by the court approved Chapter 13 plan which was confirmed by this court on [Date].

5. The debtor has not made his or her payments to Movant as required under the Chapter 13 plan.

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6. Consequently Movant requests the court to dismiss Debtor's bankruptcy.

**PRAYER**

Movant requests that this case be dismissed and that Movant have such other and further relief as may be equitable and just.

**THIS DOCUMENT**

Respectfully submitted,  
[Law firm or attorney's name]

By: \_\_\_\_\_

\_\_\_\_\_  
[Name of attorney]  
Attorney for [Name]  
[Address]  
[Telephone & facsimile numbers]  
Federal I. D. no. [Number]

**THANK YOU**

**ORDER TO DISMISS A BANKRUPTCY**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [NAME] DISTRICT OF TEXAS [NAME] DIVISION**

**LegalFormsForTexas.Com**  
In Re [Debtor's name] Case No. [Chapter] \_\_\_\_\_

[Plaintiff's Name]  
v.  
[Defendant's Name]

# PREVIEW

Adv. Proc. No. \_\_\_\_\_

## ORDER TO DISMISS

Upon the motion of [Name], a creditor of the above named debtor, for an order dismissing this case, and it appearing to the court that the debtor has not paid Chapter 13 payments to [Name], as required by his or her Chapter 13 plan, therefore it is

**PLEASE DO NOT COPY**

Ordered that this case be dismissed.

Signed on \_\_\_\_\_.

UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

**THIS DOCUMENT**

\_\_\_\_\_  
[Law Firm's or Attorney's Name]  
Attorney for [Name]  
[Address]  
[Telephone & facsimile numbers]  
Federal Bar no. [Number]

# THANK YOU

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