

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

IN RE:

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JOHN DOE

Debtor(s)

CHAPTER 13
CASE NO. 09-60000

JOHN DOE

Movant,

v.

HERBERT L. BESKIN, TRUSTEE,

Respondent,

Serve: Herbert L. Beskin, Trustee
401 East Market Street Suite 202
P.O. Box 2103
Charlottesville, VA 22901

**MOTION TO COMPEL RESPONDENT TO REFUND PROCEEDS RECEIVED FROM
WAGE DEDUCTION**

1. The Debtors (the “Movant” herein) filed his bankruptcy case under Chapter 13 of the Bankruptcy Code on September 21, 2007. This Court thus has jurisdiction over this action under 28 U.S.C. Section 1334. This proceeding is a core proceeding.
2. Herbert L. Beskin (the “Respondent” and the “Chapter 13 Trustee”) was appointed the Chapter 13 Trustee in this case.
3. On March 18, 2008 the court entered an Order Suspending the Movant’s Chapter 13 Plan Payments from 03/14/08 to 04/18/08.
4. On March 19, 2008 the Movant was informed by her payroll department that the March 2008 payroll had been processed and they had withheld the \$1,200.00 Chapter 13 plan payment and forwarded said payment to the Trustee.
5. The Movant is paid only once a month and the \$1,200.00 expected from the Suspension is needed to maintain their regular household expenses.

6. Thus, the Movant by way of their counsel are requesting that the Respondent refund to the Movant one monthly Chapter 13 Plan payment of \$1,200.00.

WHEREFORE, the Movant requests that this Court compel Respondent to refund to the Movant one monthly Chapter 13 Plan payment of \$1,200.00, that said refund be issued by the Respondent without deducting his standard Trustee commission and order any other appropriate relief.

03/25/2008

Respectfully submitted,

COX LAW GROUP, PLLC

By: /s/ David Cox
Counsel for Movant

David Cox
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Certification

I hereby certify that a copy of the foregoing Motion was distributed by First Class postage prepaid mail or as permitted by Local Rules to the Chapter 13 Trustee and the Debtors on this 25th day of March 2007.

/s/ David Cox