

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE:** : **CHAPTER 13**  
**ELAINE BOYER** : **CASE NUMBER A12-72097-CRM**  
**DEBTOR** : **JUDGE MULLINS**

**CHAPTER 13 TRUSTEE'S OBJECTION TO  
CONFIRMATION AND MOTION TO DISMISS CASE**

COMES NOW, Nancy J. Whaley, the Standing Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1.

Debtor has failed to attend the 11 U.S.C. Section 341 hearing.

2.

Debtor has failed to make any payments to Chapter 13 Trustee, thus indicating that this case may be infeasible in violation of 11 U.S.C. §1325(a)(6).

3.

Debtor has not filed a plan as required by 11 U.S.C. Section 1321.

4.

Debtor has not filed schedules as required by Bankruptcy Rule 1007.

5.

Debtor has failed to file a Statement of Financial Affairs, in violation of 11 U.S.C. 521(1) and Bankruptcy Rule 1007(b)(1).

6.

Debtor has failed to file Official Form 22C as required by Bankruptcy Rule 1007(b)(6).

7.

The Debtor has failed to file the sixty (60) days of pay advices pursuant to 11 U.S.C. Section 521(a)(1) and Bankruptcy Rule 1007(b)(1)(E).

8.

The Debtor has failed to provide to the Trustee a copy of the last tax return filed with Internal Revenue Service in violation of 11 U.S.C. Section 521(e)(2)(A).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtors' plan, and to dismiss the case.

Respectfully submitted,

/s/  
Nancy J. Whaley, Chapter 13 Trustee  
GA Bar Number 377941

/mp

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served:

Debtor:  
Elaine Boyer  
1571 Barrington View  
Stone Mountain, GA 30087

Attorney for the Debtor:  
Law Office of Danielle J. Eliot, P.C.  
1755 The Exchange  
Suite 160  
Atlanta, GA 30339

with a copy of the foregoing Trustee's Objection by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

THIS THE 11<sup>th</sup> day of October, 2012

/s/  
Nancy J. Whaley, Chapter 13 Trustee  
GA Bar Number 377941  
303 Peachtree Center Ave., NE  
Suite 120  
Atlanta, GA 30303  
678) 992-1201

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In re:

ELAINE BOYER

Debtor(s)

Case No. A12-72097-CRM

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**CHAPTER 13 STANDING TRUSTEE'S FINAL REPORT AND ACCOUNT**

Nancy Whaley, chapter 13 trustee, submits the following Final Report and Account of the administration of the estate pursuant to 11 U.S.C. § 1302(b)(1). The trustee declares as follows:

- 1) The case was filed on 09/03/2012.
- 2) The plan was confirmed on NA.
- 3) The plan was modified by order after confirmation pursuant to 11 U.S.C. § 1329 on NA.
- 4) The trustee filed action to remedy default by the debtor in performance under the plan on NA.
- 5) The case was dismissed on 11/07/2012.
- 6) Number of months from filing to last payment: 0.
- 7) Number of months case was pending: 2.
- 8) Total value of assets abandoned by court order: NA.
- 9) Total value of assets exempted: NA.
- 10) Amount of unsecured claims discharged without payment: \$0.00.
- 11) All checks distributed by the trustee relating to this case have cleared the bank.

<b><u>Receipts:</u></b>		
Total paid by or on behalf of the debtor	\$0.00	
Less amount refunded to debtor	\$0.00	
<b>NET RECEIPTS:</b>		<b>\$0.00</b>

<b><u>Expenses of Administration:</u></b>		
Attorney's Fees Paid Through the Plan	\$0.00	
Court Costs	\$0.00	
Trustee Expenses & Compensation	\$0.00	
Other	\$0.00	
<b>TOTAL EXPENSES OF ADMINISTRATION:</b>		<b>\$0.00</b>
Attorney fees paid and disclosed by debtor:	\$0.00	

<b><u>Scheduled Creditors:</u></b>						
Creditor Name	Class	Claim Scheduled	Claim Asserted	Claim Allowed	Principal Paid	Int. Paid
AMERICAN EXPRESS BANK, FSB	Unsecured	NA	10,378.94	10,378.94	0.00	0.00
AMERICAN INFORSOURCE, LP	Unsecured	NA	2,083.69	2,083.69	0.00	0.00
AMERICAN INFORSOURCE, LP	Unsecured	NA	1,063.43	1,063.43	0.00	0.00
AMERICAN INFORSOURCE, LP	Unsecured	NA	4,870.62	4,870.62	0.00	0.00
AMERICAN INFORSOURCE, LP	Unsecured	NA	1,388.83	1,388.83	0.00	0.00
AMERICAN INFORSOURCE, LP	Unsecured	NA	10,332.58	10,332.58	0.00	0.00

<b>Summary of Disbursements to Creditors:</b>			
	<u>Claim Allowed</u>	<u>Principal Paid</u>	<u>Interest Paid</u>
<b>Secured Payments:</b>			
Mortgage Ongoing	\$0.00	\$0.00	\$0.00
Mortgage Arrearage	\$0.00	\$0.00	\$0.00
Debt Secured by Vehicle	\$0.00	\$0.00	\$0.00
All Other Secured	\$0.00	\$0.00	\$0.00
<b>TOTAL SECURED:</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Priority Unsecured Payments:</b>			
Domestic Support Arrearage	\$0.00	\$0.00	\$0.00
Domestic Support Ongoing	\$0.00	\$0.00	\$0.00
All Other Priority	\$0.00	\$0.00	\$0.00
<b>TOTAL PRIORITY:</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>GENERAL UNSECURED PAYMENTS:</b>	<b>\$30,118.09</b>	<b>\$0.00</b>	<b>\$0.00</b>

<b>Disbursements:</b>		
Expenses of Administration	<u>\$0.00</u>	
Disbursements to Creditors	<u>\$0.00</u>	
<b>TOTAL DISBURSEMENTS :</b>		<b><u>\$0.00</u></b>

12) The trustee certifies that, pursuant to Federal Rule of Bankruptcy Procedure 5009, the estate has been fully administered, the foregoing summary is true and complete, and all administrative matters for which the trustee is responsible have been completed. The trustee requests a final decree be entered that discharges the trustee and grants such other relief as may be just and proper.

Dated: 11/16/2012

By: /s/ Nancy Whaley

Trustee

**STATEMENT:** This Unified Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**CERTIFICATE OF SERVICE**

Case No: A12-72097-CRM

This is to certify that I have this day served:

ELAINE BOYER  
1571 BARRINGTON VIEW  
STONE MOUNTAIN, GA 30087

LAW OFFICE OF DANIELLE J. ELIOT, P.C., ATTORNEY  
1755 THE EXCHANGE  
SUITE 160  
ATLANTA, GA 30339

In the foregoing matter with a copy of the Trustee's Final Report by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

Dated: 11/16/2012

/s/ \_\_\_\_\_

Nancy J. Whaley  
Standing Chapter 13 Trustee  
State Bar No. 377941  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201