

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:

CHAPTER 13 NO.:

RALPH ARNOLD SMITH, JR.

15 - 01048 - EE

****AMENDED****

TRUSTEE'S OBJECTION TO CONFIRMATION

COMES NOW Trustee, Harold J. Barkley, Jr., and files this his Objection to Confirmation of the Debtor's Chapter 13 Plan; and in support thereof would most respectfully show unto this Honorable Court as follows:

1. The Debtor filed a Chapter 13 Petition on March 27, 2015 and a 341(a) Meeting of Creditors was held on June 2, 2015.

2. The Debtor's Plan, a copy being attached hereto as Exhibit "A", does not comply with the provisions of Title 11 pursuant to 11 U.S.C. 1325(a)(1); a copy of Debtor's Schedules I and J are attached hereto as composite Exhibit "B".

3. That, the Debtor's Plan does not list a plan term and no wage order amount has been set forth on same.

4. That, the Debtor's mortgage has been scheduled, but the Debtor has failed to indicate if the payments are to be made direct or paid through the plan.

5. That, the attorney fees scheduled is more than the allowed amount.

**6. That, this plan is not feasible and this case should be dismissed.

**7. That, the Debtor has failed to list of unsecured debt.

**8. That, upon information and belief, the Debtor is solvent and not delinquent on any debts and therefore this case has been filed in bad faith.

**9. That, upon information and belief, the proper venue for this case in in the North District of Mississippi.

**10. That, confirmation should be denied and this case dismissed.

**11. Other grounds to be shown at a hearing hereon.

**12. Trustee hereby objects to any modified plan which may be filed hereafter.

**13. That, should the Debtor's case be dismissed for bad faith or prior to confirmation, the Trustee' prays that he be awarded reasonable expenses and attorneys fees for time expended litigating this matter.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that this Objection be received and filed and at a hearing hereon confirmation be denied and for such other, further and general relief to which the Trustee and this bankrupt estate may be entitled.

Dated: September 3, 2015

Respectfully submitted,

/s/Harold J. Barkley, Jr.
HAROLD J. BARKLEY, JR. - MSB #2008
CHAPTER 13 TRUSTEE
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CERTIFICATE

I, Harold J. Barkley, Jr., Trustee, do hereby certify that I have this date mailed a true and correct copy of the foregoing pleading to the following parties by United States Mail, postage prepaid or by ECF Filing Notification:

Office of the U S Trustee
ustpreion05.ja.ecf@usdoj.gov

Hon. Craig M. Geno
cmgeno@cmgenolaw.com

Ralph Arnold Smith, Jr.
%64 Gillespie Street
Jackson, MS 39202

Dated: September 3, 2015

/s/Harold J. Barkley, Jr.
HAROLD J. BARKLEY, JR.