

**Appendix 1—Common Forms**

Sample Prosecutor’s Objection to Confirmation

IN THE UNITED STATES BANKRUPTCY COURT  
\_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

IN RE: )  
 ) CASE NO. \_\_-\_\_\_\_\_  
JOHN Q. DEBTOR, )  
 )  
DEBTOR. )

PROSECUTOR’S OBJECTION TO CONFIRMATION

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the \_\_\_\_\_ County Prosecutor’s Office, Child Support Division (Title IV-D agency), who files this Objection to Confirmation, and in support of same, now states:

1. Debtor is a child support obligor, having been ordered by the Circuit Court of \_\_\_\_\_ County, \_\_\_\_\_ on \_\_\_\_\_ \_\_, 20\_\_ to pay support for his minor child, Broke Debtor, in the amount of \_\_\_\_ \_\_\_\_\_ dollars (\$\_\_\_\_.00) per week under Cause Number \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_-\_\_\_\_.
2. The \_\_\_\_\_ Circuit Court on \_\_\_\_\_ \_\_, 20\_\_ found Debtor delinquent on his child support obligation in the amount of \$\_\_\_\_,\_\_\_\_.00 as of \_\_\_\_\_ \_\_, 20\_\_.
3. As of \_\_\_\_\_ \_\_, 20\_\_, Debtor’s outstanding child support arrearage is \$\_\_\_\_,\_\_\_\_.\_\_\_\_. There exists no current order of support.
4. Debtor’s Amended Chapter 13 proposal states “Debtor’s child support arrearage is approximately \$\_\_\_\_\_.”

5. Bankruptcy Code section 1008 requires the debtor to verify or affirm, under penalties for perjury the accuracy of the information contained in said petitions, lists and schedules.
6. The amount of child support arrearage in the plan is not accurate.
7. The \_\_\_\_\_ County Prosecutor's Office is requesting a hearing be set in the \_\_\_\_\_ County Circuit Court to establish the accurate amount of the Debtor's child support arrearage.
8. The Amended Chapter 13 plan should not be confirmed unless or until the Debtor's child support arrearage included in the plan is accurate.

WHEREFORE, the \_\_\_\_\_ County Prosecutor's Office, Child Support Division prays that the Amended Chapter 13 plan as proposed by Debtor on \_\_\_\_\_, 20\_\_ not be confirmed.

Respectfully Submitted,

\s\ Buford T. Justice

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Buford T. Justice #1908-23  
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_ \_\_, 20\_\_, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty  
[ECFTrusty1@trustee13.com](mailto:ECFTrusty1@trustee13.com)

Johnny Barrister  
[Johnny@barristerlaw.com](mailto:Johnny@barristerlaw.com);

U.S. Trustee  
[ustpreionXX.XX.ecf@usdoj.gov](mailto:ustpreionXX.XX.ecf@usdoj.gov)

\s\ Buford T. Justice

\_\_\_\_\_  
Buford T. Justice #1908-23  
Deputy Prosecuting Attorney

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division

\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_  
[Buford.Justice@MontagueCounty.Gov](mailto:Buford.Justice@MontagueCounty.Gov)

Sample Motion For Relief Of 362 Stay By Child Support Creditor With 30-Day Waiver

IN THE UNITED STATES BANKRUPTCY COURT  
\_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

IN RE: )  
 )  
JOHN Q. DEBTOR, ) CASE NO. \_\_--\_\_\_\_\_  
 )  
DEBTOR. )

MOTION FOR RELIEF OF 362 STAY BY CHILD SUPPORT CREDITOR AND NOTICE OF  
OBJECTION DEADLINE WITH 30-DAY WAIVER

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the \_\_\_\_\_ County Prosecutor’s Office, Child Support Division (Title IV-D agency), requesting a Motion for Relief of the 362 Stay, saying to the Court as follows:

1. Debtor is a child support obligor, having been ordered by the Circuit Court of \_\_\_\_\_ County, \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ to pay support for his minor children, K.C. and C.C., in the amount of \_\_\_\_ and \_\_\_\_ dollars (\$\_\_\_\_.00) per week under Cause Number \_\_\_\_\_-\_\_\_\_-\_\_\_\_.
2. The \_\_\_\_\_ Circuit Court on \_\_\_\_\_, 20\_\_, found Debtor delinquent on his child support obligation in the amount of \$\_\_\_\_.00 as of \_\_\_\_\_, 20\_\_.
3. As of \_\_\_\_\_, 20\_\_, Debtor’s outstanding child support arrearage is \$\_\_\_\_. There exists no current order of support.
4. Debtor’s Objection to Claim of \_\_\_\_\_ County Prosecutor’s Office, Claim #4 states “Debtor contests the amount of support arrears owed on the claim.”
5. The \_\_\_\_\_ County Prosecutor’s Office provides child support enforcement services to

the obligee, Patricia Law, pursuant to 42 U.S.C. § 651 *et seq* and IC § 31-25-4-1 *et seq*.

6. That in order to accurately establish Debtor's child support arrearage, relief from stay should be granted, permitting the \_\_\_\_\_ County Prosecutor's Office, on behalf of Patricia Law, the child support creditor, to initiate judicial action, to wit: filing a Petition to Determine Child Support Arrearage.

7. That pursuant to 11 U.S.C. 304(G), the child support creditor should not be assessed fees in pursuing the relief from the stay.

NOTICE IS GIVEN that any objection must be filed with the Bankruptcy Clerk within \_\_\_ **days** from date of service. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, IN \_\_\_\_\_.

The objecting party must ensure delivery of the objection to the party filing the motion. **If an objection is NOT timely filed, the requested relief may be granted.**

WHEREFORE, the \_\_\_\_\_ County Prosecutor's Office, Child Support Division, moves the Court to allow lifting of the 362 Stay so that the child support arrearage can be determined and for all other just and proper relief in the premises.

Respectfully submitted,

\s\ Buford T. Justice

---

Buford T. Justice #1908-23  
Deputy Prosecutor

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\s\ Buford T. Justice

---

Buford T. Justice #1908-23  
Deputy Prosecutor

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division  
\_\_\_\_\_. \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, IN \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_  
[Buford.Justice@MontagueCounty.Gov](mailto:Buford.Justice@MontagueCounty.Gov)

IN THE UNITED STATES BANKRUPTCY COURT  
\_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

IN RE: )  
 )  
JOHN Q. DEBTOR ) CASE NO. \_\_-\_\_\_\_\_  
 )  
DEBTOR )

**WAIVER OF REQUIREMENT FOR HEARING UNDER 11 U.S.C. SECTION 362(e)**

Claimant hereby waives the requirement of 11 U.S.C. Section 362(e) of the U.S. Bankruptcy Code and the Rules of Bankruptcy Procedure that Final Hearing be held within thirty (30) days of this request for Relief From Automatic Stay.

Respectfully submitted,

\s\ Buford T. Justice

\_\_\_\_\_  
Buford T. Justice #1908-23  
Deputy Prosecutor

Waiver Issued: \_\_\_\_\_, 20\_\_

Sample Order For Relief of 362 Stay

IN THE UNITED STATES BANKRUPTCY COURT  
\_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

IN RE: )  
 )  
JOHN Q. DEBTOR, ) CASE NO. \_\_-\_\_\_\_\_  
 )  
DEBTOR )

**ORDER FOR RELIEF FROM 362 STAY FOR CHILD SUPPORT CREDITOR**

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the \_\_\_\_\_ County Prosecutor’s Office, Child Support Division (Title IV-D agency), and files a Motion for Relief of 362 Stay by Child Support Creditor with 30-Day Waiver.

And the Court, having examined said motion and being duly advised in the premises, now finds that the motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, that RELIEF FROM STAY SHOULD BE GRANTED, permitting the \_\_\_\_\_ County Prosecutor’s Office, on behalf of Patricia Law, the child support creditor, to initiate judicial action, to wit: filing a Petition to Determine Child Support Arrearage.



Sample #2 Motion For Relief Of 362 Stay By Child Support Creditor With 30-Day Waiver  
IN THE UNITED STATES BANKRUPTCY COURT  
\_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

IN RE: )  
 )  
JOHN Q. DEBTOR, ) CASE NO. \_\_--\_\_\_\_\_  
 )  
DEBTOR )

**MOTION FOR RELIEF OF 362 STAY BY CHILD SUPPORT CREDITOR AND**  
**NOTICE OF OBJECTION DEADLINE WITH 30-DAY WAIVER**

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the \_\_\_\_\_ County Prosecutor’s Office, Child Support Division (Title IV-D agency), requesting a Motion for Relief of the 362 Stay, saying to the Court as follows:

1. Debtor is a child support obligor, having been ordered by the Circuit Court of \_\_\_\_\_ County, \_\_\_\_\_ on \_\_\_\_\_ \_\_, 2005 to pay support for his minor children, K.C. and C.C., in the amount of \_\_\_ \_\_\_\_\_ and \_\_\_\_\_ dollars (\$\_\_\_\_.\_\_) per week under Cause Number \_\_\_\_\_-\_\_\_\_\_-\_\_-\_\_\_\_.
2. The \_\_\_\_\_ Circuit Court on \_\_\_\_\_ \_\_, 20\_\_\_\_, found Debtor delinquent on his child support obligation in the amount of \$\_\_\_\_,\_\_\_\_\_.00 as of \_\_\_\_\_ \_\_, 20\_\_\_\_.
3. As of \_\_\_\_\_ \_\_, 20\_\_\_\_, Debtor’s outstanding child support arrearage is \$\_\_\_\_,\_\_\_\_\_.00. There exists no current order of support.
4. Debtor’s Objection to Claim of \_\_\_\_\_ County Prosecutor’s Office, Claim #4 states “Debtor contests the amount of support arrears owed on the claim.”
5. The \_\_\_\_\_ County Prosecutor’s Office provides child support enforcement services to the obligee, Patricia Law, pursuant to 42 U.S.C. § 651 *et seq* and IC § 31-25-4-1 *et seq*.
6. That in order to enforce the Debtor’s support obligation, relief from stay should be

granted, permitting the \_\_\_\_\_ County Prosecutor's Office, on behalf of Patricia Law, the child support creditor, to initiate judicial and administrative actions, to wit: filing a motion for rule to show cause (civil contempt), income withholding, professional and/or driver's license suspension, state and federal tax refund interception, lottery winnings interception, liens on real and personal property, passport revocation, and submission of the child support arrearage to credit bureaus.

7. That pursuant to 11 U.S.C. 304(G), the child support creditor should not be assessed fees in pursuing the relief from the stay.

NOTICE IS GIVEN that any objection must be filed with the Bankruptcy Clerk within \_\_\_ **days** from date of service. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. The objecting party must ensure delivery of the objection to the party filing the motion. **If an objection is NOT timely filed, the requested relief may be granted.**

WHEREFORE, the \_\_\_\_\_ County Prosecutor's Office, Child Support Division, moves the Court to allow lifting of the 362 Stay so that the \_\_\_\_\_ County Prosecutor's Office may initiate judicial and administrative actions and for all other just and proper relief in the premises.

Respectfully submitted,

\s\ Buford T. Justice

---

Buford T. Justice, #1908-23  
Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_ \_\_, 20\_\_\_, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

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\s\ Buford T. Justice

---

Buford T. Justice #1908-23  
Deputy Prosecutor

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division  
\_\_\_\_\_. \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, IN \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_  
[Buford.Justice@MontagueCounty.Gov](mailto:Buford.Justice@MontagueCounty.Gov)

IN THE UNITED STATES BANKRUPTCY COURT  
\_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

IN RE: )  
 )  
JOHN Q. DEBTOR ) CASE NO. \_\_-\_\_\_\_\_  
 )  
DEBTOR. )

**WAIVER OF REQUIREMENT FOR HEARING UNDER 11 U.S.C. SECTION 362(e)**

Claimant hereby waives the requirement of 11 U.S.C. Section 362(e) of the U.S. Bankruptcy Code and the Rules of Bankruptcy Procedure that Final Hearing be held within thirty (30) days of this request for Relief From Automatic Stay.

Respectfully submitted,

\s\ Buford T. Justice

\_\_\_\_\_  
Buford T. Justice, #1908-23  
Deputy Prosecutor

Waiver Issued: \_\_\_\_\_, 20\_\_

Sample Motion to Withdraw Rule to Show Cause and Order

STATE OF _____	)	IN THE _____	CIRCUIT COURT
	) SS:		
COUNTY OF _____	)	CAUSE NO. _____	- _____ - _____
 PATRICIA LAW,	)		
Petitioner,	)		
	)		
vs.	)		
	)		
JOHN Q. DEBTOR,	)		
Respondent.	)		

**MOTION TO WITHDRAW RULE TO SHOW CAUSE**

Comes now the State of \_\_\_\_\_ by Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, and prays that this Court approve the withdrawal of the Verified Motion for Rule to Show Cause (contempt) petition filed against Respondent on \_\_\_\_\_, 20\_\_ and in support of said motion now states:

1. \_\_\_\_\_ County Prosecutor's Office filed a Verified Motion for Rule to Show Cause on \_\_\_\_\_, 20\_\_.
2. A hearing was held on \_\_\_\_\_, 20\_\_ at which the court reset a hearing on the contempt citation for \_\_\_\_\_, 20\_\_.
3. Respondent filed a Chapter 13 bankruptcy on \_\_\_\_\_, 20\_\_.
4. Contempt actions are automatically stayed under the Bankruptcy Code as of the date of Respondent's filing of chapter 13 bankruptcy. 11 U.S.C. § 362(a).
5. A relief from stay has been filed with the bankruptcy court requesting relief to go forward with the arrears determination only.

Wherefore, the Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, requests

withdrawal of the Verified Motion for Rule to Show Cause filed on \_\_\_\_\_, 20\_\_.

Respectfully Submitted

---

Buford T. Justice  
Deputy Prosecuting Attorney, #1908-23

CERTIFICATE OF SERVICE

I certify that the foregoing has been served upon Respondent (or Respondent's counsel, if applicable at last known address, and Petitioner (or Petitioner's counsel, if applicable), at last known address, via first class United State Mail, postage prepaid, on or about the date of filing.

\_\_\_\_\_  
Buford T. Justice  
Deputy Prosecuting Attorney, #1908-23

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_\_

STATE OF \_\_\_\_\_ ) IN THE \_\_\_\_\_ CIRCUIT COURT  
 )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ ) CAUSE NO. \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
 )  
 PATRICIA LAW, )  
 Petitioner, )  
 )  
 vs. )  
 )  
 JOHN Q. DEBTOR, )  
 Respondent. )

**ORDER WITHDRAWING RULE TO SHOW CAUSE**

Comes now the State of \_\_\_\_\_ by Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, who requests that this Court approve the withdrawal of the State’s Verified Motion for Rule to Show Cause.

And the Court, having examined said Motion, now finds that the withdrawal should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion for Verified Motion for Rule to Show Cause filed against Respondent on \_\_\_\_\_ \_\_, 20\_\_ is hereby withdrawn and the hearing vacated for \_\_\_\_\_ \_\_, 20\_\_ at \_\_:00 \_\_.m.

RECOMMENDED:

DATE: \_\_\_\_\_

\_\_\_\_\_  
MAGISTRATE

APPROVED:

DATE: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

\_\_\_\_\_ County Prosecutor's Office  
 Child Support Division

Patricia Law                      John Q. Debtor  
 Last Known Address    Last Known Address

\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_

(\_\_\_\_) \_\_\_\_-\_\_\_\_





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\s\ Buford T. Justice

\_\_\_\_\_  
Buford T. Justice #1908-23  
Deputy Prosecuting Attorney

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division  
\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_  
[Buford.Justice@MontagueCounty.Gov](mailto:Buford.Justice@MontagueCounty.Gov)



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U.S. Trustee  
[ustpreionXX.XX.ecf@usdoj.gov](mailto:ustpreionXX.XX.ecf@usdoj.gov)

\s\ Rosco P. Coltrane  
\_\_\_\_\_  
Rosco P. Coltrane #1907-23  
Deputy Prosecuting Attorney

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division  
\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_  
[Rosco.Coltrane@HazzardCounty.Gov](mailto:Rosco.Coltrane@HazzardCounty.Gov)



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\s\ Buford T. Justice

\_\_\_\_\_  
Buford T. Justice #1908-23  
Deputy Prosecuting Attorney

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division

\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_  
[Buford.Justice@MontagueCounty.Gov](mailto:Buford.Justice@MontagueCounty.Gov)

Sample Motion to Withdraw Objection to Confirmation and Notice of Objection Deadline

IN THE UNITED STATES BANKRUPTCY COURT  
\_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

IN RE: )  
 )  
JOHN Q. DEBTOR, ) CASE NO. \_\_-\_\_\_\_\_  
 )  
DEBTOR. )

**MOTION TO WITHDRAW PROSECUTOR’S OBJECTION TO CONFIRMATION AND NOTICE OF OBJECTION DEADLINE**

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the \_\_\_\_\_ County Prosecutor’s Office, Child Support Division, \_\_\_\_\_ County, \_\_\_\_\_, who files a Motion to Withdraw Prosecutor’s Objection to Confirmation and Notice of Objection Deadline, saying to the Court as follows:

On \_\_\_\_\_, 20\_\_, the Court entered an order which sets Debtor’s arrearage at \$\_\_\_\_\_. as of \_\_\_\_\_, 20\_\_, which is the arrearage claimed in the Plan. In accordance of this court-approved order, the \_\_\_\_\_ County Prosecutor’s Office hereby withdraws its Objection to Confirmation.

NOTICE IS GIVEN that any objection must be filed with the Bankruptcy Clerk within **21 days** from the date of service [or such other time period as may be permitted by Fed. R. Bankr. P. 9006 (f)]. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail. The objecting party must ensure delivery of the objection to the debtor(s). **If an objection is NOT timely filed, the requested relief may be granted.**

WHEREFORE, Deputy Prosecutor of the \_\_\_\_\_ County Prosecutor’s Office, Child Support

Division, moves the Court for an order withdrawing Prosecutor's Objection to Amended Plan,  
filed \_\_\_\_\_, 20\_\_, as document number \_\_ in this case.

Respectfully submitted,  
/s/ Buford T. Justice

---

Buford T. Justice, #1908-23  
\_\_\_\_\_ County Prosecutor's Office  
Child Support Division  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_\_



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\s\ Buford T. Justice

\_\_\_\_\_  
Buford T. Justice #1908-23  
Deputy Prosecuting Attorney

\_\_\_\_\_ County Prosecutor's Office  
Child Support Division  
\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_-\_\_\_\_  
[Buford.Justice@MontagueCounty.Gov](mailto:Buford.Justice@MontagueCounty.Gov)