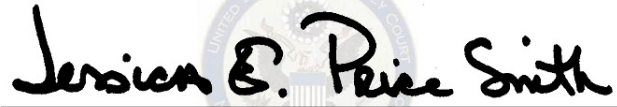


IT IS SO ORDERED.

Dated: 9 September, 2016 02:10 PM



Jessica E. Price Smith

JESSICA E. PRICE SMITH
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:

In Proceedings Under Chapter 13

JUDY BALLINGER

CASE NO. 16-10322

Debtor.

JUDGE JESSICA E. PRICE SMITH

ORDER

The matter before the Court is the Chapter 13 Trustee's Motion for Order Instructing Trustee to make Disbursements (Doc. No. 63). The Debtor's case was voluntarily dismissed on May 6, 2016, prior to confirmation of the Debtor's plan (Doc. No. 61). The Trustee has funds on hand in the amount of \$12,509.20 and was served with a state court order of garnishment by creditor Zions First National Bank. The Trustee seeks to refund the funds on hand to the Debtor. Creditor Zions First National Bank opposes refunding to the Debtor and requests the Trustee to honor the its state court garnishment order (Doc. No. 69). The Debtor wants the Trustee to distribute the funds to her (Doc. No. 68).

These funds were paid to the Trustee by the Debtor per § 1326(a)(1)(A). The disbursement of such funds held by the Trustee, upon dismissal of a Chapter 13 plan prior to confirmation, is governed by § 1326(a)(2). As expressed by other courts in this circuit, this Court

finds the language of § 1326(a)(2) to be plain and unambiguous, requiring the return of those funds to the Debtor. *See In re Kirk*, 537 B.R. 856, (Bankr. N.D. Ohio 2015); *In re Inyamah*, 378 B.R. 183 (Bankr. S.D. Ohio 2007).

The Court orders that the funds held by the Trustee in the amount of \$12,509.20, be returned to the Debtor. Accordingly, the Trustee's request to refund the funds on hand to the Debtor is granted. Zions' objection is overruled.

IT IS SO ORDERED.