UNITED STATES BANKRUPTCY COURT
for the
NORTHERN DISTRICT OF CALIFORNIA
San Jose Division

ORDER RE: PAYMENT OF PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS PURSUANT TO 11 U.S.C. § 1326

1. For all cases filed on or after October 17, 2005, adequate protection payments required to be made by the debtor pursuant to 11 U.S.C.§1326(a)(l)(C) shall be paid by the trustee from plan payments.

2. Adequate protection payments shall commence within 30 days after a proof of claim is properly filed, subject to the trustee's monthly disbursement cycle.

3. In order for adequate protection payments to be disbursed by the trustee, the proposed plan must specifically provide a monthly amount to be paid as adequate protection.

4. Upon dismissal or conversion of the case prior to confirmation, and to the extent there are funds on hand, the trustee shall pay adequate protection payments that are owed as of the date of dismissal or conversion.

5. From the adequate protection payments so made, the trustee shall be entitled to collect the percentage fee established by the Attorney General pursuant to 28 U.S.C. §586(e)(l)(B) in effect at the time of the disbursement.

IT IS SO ORDERED.

Dated: January 1, 2011

ARTHUR S. WEISSBRODT
United States Bankruptcy Judge