UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In re:

Chapter 12 and Chapter 13 cases

Administrative Order No. 99- 4

Motion for Fourth Administrative Order concerning transition in Chapter 12 and Chapter 13 cases, generally discharging Trustee in Cases previously Converted or Dismissed

Gary J. Gaertner, Chapter 12 and Chapter 13 Trustee, respectfully represents as follows:

1. Gary J. Gaertner has served as Standing Trustee in all Chapter 13 cases filed in the Western District of Pennsylvania from January 1,1986 through September 30, 1999. Gary J. Gaertner has also served as Trustee in all Chapter 12 cases filed in the Pittsburgh Division since the Chapter was created in 1986, and has served as Trustee in all Chapter 12 cases filed in the Erie Division since 1989.

2. The Bankruptcy Court in this District has a well established process that results in the entry of an order discharging the trustee at the conclusion of a completed Chapter 12 or Chapter 13 plan. No order has been entered discharging the trustee in the past in Chapter 12 and Chapter 13 cases which have been converted to another Chapter, or Dismissed.

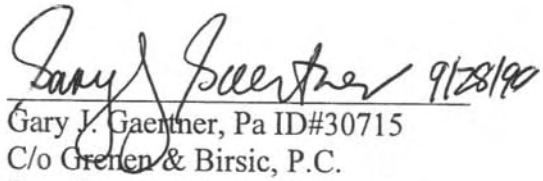
3. Under Section 348 of the Bankruptcy Code, the conversion of a case terminates the service of any trustee that was serving in the case before conversion. The Bankruptcy Code is not clear on the issue whether such termination is equivalent to a discharge of the trustee.

4. Section 349 of the Bankruptcy Code addresses the effect of dismissal, but has no equivalent language concerning the discharge or termination of the trustee. The Court's dismissal orders have provided for the discharge of the trustee after the filing of the final accounting in each case.

5. The trustee has routinely filed final accountings in every converted, dismissed, completed, transferred or otherwise closed case. In order to eliminate any possibility for confusion, the trustee requests that the Court enter an Administrative Order governing the discharge of the Trustee in cases previously converted, transferred or dismissed.

Wherefore, Gary J. Gaertner respectfully requests that the Court enter an Administrative Order in the form attached.

Respectfully submitted,



Gary J. Gaertner, Pa ID#30715
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In re:

Chapter 12 and Chapter 13 cases Administrative Order No. 99- 4

Administrative Order Discharging Gary J. Gaertner as Chapter 12 and Chapter 13 Trustee in all cases previously Converted to another Chapter, Transferred to another Trustee, and Dismissed

And Now, this 29 day of Sept, 1999, upon consideration of the motion for fourth Administrative Order filed by Gary J. Gaertner, it is hereby Ordered that Mr. Gaertner was discharged as Bankruptcy Trustee in each and every Chapter 12 and Chapter 13 case in which he served and which was converted to another chapter, transferred to another Trustee or dismissed, as of the date that Mr. Gaertner filed his final accounting in the case.

BY THE COURT

Judith K. Fitzgerald
Judith K. Fitzgerald
United States Bankruptcy Judge

cc: Gary J. Gaertner, Esq.
Hon. Bernard Markovitz
Hon. M Bruce McCullough
Hon. Joseph L. Cosetti
Hon. Warren W Bentz
Patricia Staiano, UST
Joseph S. Sisco, Esq.
Kevin Callahan Esq.
Darrel Bender, Bank Analyst
Andrew Latnicrawski, Bank Analyst
Ronda J. Winnecour, Ch. 13 Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served on this 28 day of Sept, 19 99 by First Class, Postage Prepaid Mail to the following:

Patricia Staiano, United States Trustee
Region 3 – U.S. Department of Justice
601 Walnut Street, Suite 950 W
Philadelphia, PA 19106

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Assistant U.S. Trustee
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Pittsburgh, PA 15222

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Ronda J. Winnecour, Standing Chapter 13 Trustee (by hand delivery)
Suite 2900, Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

9/28/99
Date

GJG/atb