

SIGNED.



Dated: December 21, 2010

James M. Marlara
JAMES M. MARLAR
Chief Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:) Chapter 13
RHODES S BOND and BEATE BOND,) No. 2:09-bk-26082-JMM
Debtor(s).) **MEMORANDUM DECISION**

The Debtors have lodged an order allowing a "lump sum" adequate protection payment to be made to Credit Union West, in the sum of \$1,774.50 (*see* stipulation and notice of lodging at ECF Nos. 32 and 33). There is no breakdown as to how this figure was determined. Credit Union West, of course, has agreed with this request.

The first problem is, however, that the Debtors' plan does not provide for adequate protection (*see* ECF 4).

The second problem is that Credit Union West, although filing a stay relief motion nine (9) months ago (ECF No. 18), has never moved the matter forward, as was noted last May. The court held a preliminary hearing on Credit Union West's stay relief motion on May 6, 2010, at which time the court was advised that an order would be submitted. Now, seven months later, the parties have finally gotten around to submitting a proposed form of order, which is woefully shy of any meaningful information.

The court will not sign the lodged order. The best it can do is to allow adequate protection payments on a going forward basis only, from and after the time an order is entered.

1 if the parties lodge a new order telling the Trustee, the court and the creditors exactly how much the
2 adequate protection payment is supposed to be each month.

3 Henceforth, counsel are to act more professionally in carrying out their respective
4 duties for their clients, so that the clients' rights (for which each party's attorney is presumably being
5 paid) are not further damaged. The RULES OF PROFESSIONAL RESPONSIBILITY require no less. *See*
6 Rule 42, RULES OF THE ARIZONA SUPREME COURT (found, in case the attorneys were unaware of
7 same, as part of Vol. 17A of ARIZONA REVISED STATUTES).

8 The parties shall upload a new form of order on or before January 4, 2011.

9
10 DATED AND SIGNED ABOVE.

11
12 COPIES to be sent by the Bankruptcy Notification
13 Center ("BNC") to the following:
14 Phil Hineman, Attorney for Debtors
15 David W. Smith, Attorney for Credit Union West
Trustee
Office of the U.S. Trustee