

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
THOMAS STANOJLOVIC, JR.,) CASE NO. 07-22982 JPK
) Chapter 13
Debtor.)

ORDER FOR HEARING

On June 6, 2008, the debtor, by counsel, filed a Motion to Modify Chapter 13 Plan Post-Confirmation and Approve Additional Attorney Fees ("Motion"). The Motion first proposes to surrender a 1996 Chevrolet Lumina to a creditor purportedly secured with respect to that vehicle, in full payment of its claim. The Court does not construe 11 U.S.C. § 1325(a)(5)(C) to mean that surrender of collateral subject to a secured creditor's claim allows total extinguishment of the debtor's indebtedness to that creditor – the creditor would still have a deficiency claim if the value of the collateral surrendered, as realized by the creditor, is less than the debt owed by the debtor to the creditor.

Secondly, the Motion seeks to reclassify "any other amounts remaining due on secured claims" as general unsecured claims, and which creditors under the debtor's plan may be affected by this provision is not clear to the Court.

Third, the Motion seeks to obtain additional attorney's fees, as an allowed administrative claim, and there is no itemization whatsoever of the services rendered or the time involved in rendering those services.

IT IS ORDERED that a hearing will be held on the Motion on **August 18, 2008, at 3:00 P.M.**, to address the foregoing matters.

Dated at Hammond, Indiana on July 10, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee