

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF: )  
 )  
TERRY LYNN WOOD )  
VONNIE MARIE WOOD )  
 )  
 )  
Debtors )

CASE NO. 06-40468  
CHAPTER 13

**DECISION AND ORDER**

At Fort Wayne, Indiana, on October 23, 2008.

By an order entered on May 4, 2007, the court confirmed the debtors' proposed chapter 13 plan. That plan was for a period of five years beginning January 20, 2007. See, Debtors' plan filed January 5, 2007. The debtors have recently filed a motion to modify their confirmed plan. The proposed modification would, inter alia, extend the term of that plan by six months in order to cure an arrearage in the debtors' payments to the trustee. Although all creditors and parties in interest have been given notice of the debtors' motion, and there have been no objections within the time required, the court is not able to approve it because it contravenes the specific requirements of the Bankruptcy Code.

Section 1329 of the United States Bankruptcy Code, 11 U.S.C. § 1329, allows a plan to be modified after it has been confirmed. Although a plan can be modified in a number of ways, one modification that is prohibited is to provide for payments over a period of time in excess of five years. See, 11 U.S.C. § 1329(c). Since debtors' confirmed plan already runs for the maximum duration of five years, see, 11 U.S.C. § 1322(d), § 1329(c), the proposed modification is not permitted and the motion to approve it is therefore DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court