

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MANUEL ESTACIO and) CASE NO. 08-22361 JPK
LORNA GABRIEL ESTACIO,) Chapter 13
Debtors.)

ORDER REGARDING MOTION TO SUSPEND ENTRY OF
CONFIRMATION OF AMENDED PLAN POST-CONFIRMATION ("MOTION")

On September 22, 2009, the debtors, by counsel, filed an amended Chapter 13 plan subsequent to the entry of an order which confirmed the plan originally filed in the case. On October 6, 2009, the debtors filed a motion for approval of that plan. On December 23, 2009, the debtors filed the above-designated Motion, and on that same date the court entered an order approving the amended plan filed on September 22, 2009 to which the October 6, 2009 motion related. The Motion "crossed in the mail" so to speak, in that while it had been filed slightly earlier than the entry of the court's order, the order was in the process of entry before the Motion was actually processed by the court. The Motion requests the suspension of approval of the September 22, 2009 amended plan, on the ground that depending upon the results of a hearing to be conducted on February 22, 2010, it may be necessary to again amend the plan. Given the foregoing circumstances, the court deems it unnecessary to grant the Motion: if the September 22, 2009 amended plan requires another modification, the effort necessary for effecting that modification is no more than would be true if the court vacated the December 23, 2009 order, thus leaving the debtors with the obligation of amending the plan anyway. Under the circumstances, the court does not deem the Motion to present a matter to it which requires undoing what has gone before.

IT IS ORDERED that the Motion is denied, of course without prejudice to the debtors requesting whatever modification of their plan may be necessary at any time during the pendency of this case.

Dated at Hammond, Indiana on February 9, 2010.

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

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