

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
CHERRY LEN BULGER,) CASE NO. 05-62207 JPK
) Chapter 13
Debtor.)

ORDER REGARDING CHAPTER 13 PLAN

On June 22, 2005, the Court entered a docket order which sustained the objection to confirmation of the debtor's Chapter 13 plan filed by CarMax, and ordered the debtor to file an amended plan within 20 days. As these things go, the order was not taken seriously, and an amended plan was not filed until February 25, 2006. This plan was accompanied by a Motion to Modify Chapter 13 Plan After Confirmation which, although a misnomer, was processed by the Court as what it was stated to be. An order was entered on March 28, 2006 which approved the foregoing motion. That order will be vacated.

The procedure utilized by the Court with respect to a pre-confirmation amended plan is to issue a Form WE23-A order, and that was not done in this case. However, debtor's counsel did serve a notice of the motion, together with a copy of the proposed amended plan, to all creditors and parties-in-interest pursuant to the drop-dead procedures of N.D.Ind.L.B.R. B-2002-2. No objections were filed to the amended plan, and the Court finds that the procedures utilized to provide notice of the amended plan to creditors is substantially the same as would have been provided by the issuance of a Form WE23-A order. The result is that the amended plan is now before the Court for consideration for confirmation, without objection to it having been filed by creditors.

IT IS ORDERED that the order entered on March 28, 2006 by which the debtor's Motion to Modify Chapter 13 Plan After Confirmation was approved, is vacated.

IT IS FURTHER ORDERED that a hearing on confirmation of the debtor's amended

plan will be held on **August 7, 2006, at 1:00 p.m.**, in conjunction with the hearing scheduled at that time with respect to the Trustee's motion to dismiss the debtor's case.

Dated at Hammond, Indiana on July 26, 2006.

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

Distribution:

Debtor, Attorney for Debtor

Trustee, US Trustee

All Creditors

All Parties-in-Interest