



Opinion 581

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Opinion Title: 01/13/2014 UNPUBLISHED In re Norman and Suzanne Stain, 10-30043, Judge Thurman.

Body:

The Chapter 13 Trustee filed a motion to dismiss after Debtors failed to make three plan payments. Debtors objected and filed a motion to abate, requesting, inter alia, that the Court "permanently" abate the three payments that had already come due under the plan as Debtor was injured and unable to work full time. The Court explained, citing to *In re Tonioli*, 359 B.R. 814 (Bankr. D. Utah 2007) and *In re Hughes*, No. 08-24736, 2009 WL 2252181 (Bankr. D. Utah, July 17, 2009), that abatement in this District is a term of art and that it may only be applied prospectively. The Court held that the Debtors showed cause and granted the abatement, prorating the future payments to account for the delinquent payments in full and ongoing plan payments under the modified plan.

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Judge: [Judge William T. Thurman](#) [2]

Date: Monday, January 13, 2014

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