



Opinion 452

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Opinion Title: 03/05/2004 UNPUBLISHED Jared W. Campbell 03-23673, Judge Thurman

Body: Chapter 13 Debtor filed a Plan proposing payments for thirty-six months to return 16% to non-priority, unsecured creditors. The Plan also provided for monthly payments to be made directly to the Utah Higher Education Assistance Authority ("UHEAA") for outstanding student loans, pursuant to §1322(b)(5). The Chapter 13 Trustee filed an Objection to Confirmation of Plan, alleging that the payments to UHEAA, who would receive 71% of the principal amount of its claim over the projected term of the plan, constituted unfair discrimination as to the Debtor's other unsecured creditors. The Court found that, absent proof of extraordinary or compelling circumstances, the Debtor's Plan "unfairly" discriminated against the other classes of unsecured creditors, pursuant to §1322(b)(1). Accordingly, the Court denied confirmation of the Debtor's Plan.

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

Date: Friday, March 5, 2004

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