Opinion Title: 02/06/2007 PUBLISHED In re Tonioli, 06-21049, Judge Thurman.
Body: The Court was called upon to determine whether chapter 13 debtors could modify their plan to abate delinquent payments where the effect of the modification would be unequal monthly payments made to a secured creditor. Section 1329(b)(1) provides that the Court may allow a proposed modification so long as the modified plan would comply with section 1325(a). Section 1325(a)(5) provides that if a debtor pays a secured creditor in periodic payments, those payments must be in equal monthly amounts. The Court held that the proposed modification did not comply with this provision, but was still permissible because the creditor's silence to the proposed modification constitutes implied consent.
File: 509.pdf [1]
Judge: Judge William T. Thurman [2]
Date: Tuesday, February 6, 2007

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