

Final Denial Order entered when Debtor failed to file an accurate amended budget to support feasibility of the Plan

Case: 11-60806 *Jackson*

Docket: Confirmation Docket on 2/22/12 Tyler Docket

Facts: At the 341 Creditor's Meeting, the Debtor testified that she was no longer receiving the child support payments that were reflected on her Schedule I. Accordingly, the Trustee requested that she amend her budget to remove the child support payment from her budget and show the feasibility of the plan. The Trustee also requested, among other things, a certification from the Debtor that all of her post-petition mortgage payments have been made as well as a copy of her tax return. Upon failure of the Debtor to amend her budget and provide the supporting documentation, the Trustee objected to confirmation. In that confirmation had previously been denied, the Debtor was facing a final deadline to confirm a plan. The attorney for the Debtor requested the matter to be placed upon the "Call" docket to allow him to request a continuance to allow him an opportunity to amend the budget and obtain the missing documentation. The attorney also pointed out that the Debtor was current on her plan payments. However, the Debtor was not present in Court.

Ruling: The Court entered a final denial order with a dismissal order to be entered in the case.

Result: Making plan payments by itself is not sufficient to show feasibility of the plan. The budget on file must be accurate and support feasibility of the plan. The Court also reaffirmed the importance of the Debtor certifying that all post-petition mortgage payments have been made in show that the plan is feasible. Finally, documentation needed to be provided to the Trustee must be produced in a reasonably timely manner, preferably prior to the scheduled 341 Creditor's Meeting.