

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**



In re:

**Michael E. French,
Debtor.**

**Chapter 13
01-10603**

**Maureen Suggitt and PaineWebber, Inc.
Plaintiffs,**

v.

**Adversary Proceeding
01-1058**

**Michael E. French,
Defendant.**

*Appearances: Michael P. Palmer, Esq.
Middlebury, VT
Attorney for the Debtor*

*Robert S. DiPalma, Esq.
Burlington, VT
Attorney for Maureen Suggitt*

*Jan Sensenich, Esq.
White River Junction, VT
Chapter 13 Trustee*

*Craig Weatherly, Esq.
Burlington, VT
Attorney for PaineWebber, Inc.*

ORDER
DENYING MOTION TO DISMISS,
CONFIRMING CHAPTER 13 PLAN, WITH MODIFICATIONS,
AND DETERMINING ALLOWANCE OF ATTORNEY'S FEES

In conjunction with the Court's Memorandum of Decision, dated May 29, 2003,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Dismiss the chapter 13 case is DENIED, and the Plaintiffs' Objection to confirmation of Debtor's Chapter 13 Plan is OVERRULED; and

IT IS FURTHER ORDERED that Debtor's Chapter 13 Plan is confirmed subject to the inclusion of the following provisions:

- (1) that the Plaintiffs' adversary proceeding shall remain open, preserving their § 523 cause of action, until the bankruptcy case is closed; and

- (2) the Debtor shall provide copies of his pay stubs to the Trustee and Plaintiffs quarterly, within three business days of the close of the quarter, beginning June 30, 2003; and that the Debtor shall provide, by June 16, 2003, copies of all pay stubs covering the period from the date of the conversion of the case through the end of the first quarter, 2003; and

IT IS FURTHER ORDERED that the Trustee shall promptly review the submitted paystubs to determine if a modification of the plan is necessary. If the Trustee determines a plan modification is warranted, he shall move for modification on expedited notice, unless the Debtor has already filed a motion for modification that is acceptable to the Trustee; and

IT IS FURTHER ORDERED that the Debtor's counsel's legal fees shall be allowed in the amount of \$18,574.75 and Debtor's counsel shall be entitled to reimbursement of his expenses in the amount of \$213.68; and

IT IS FURTHER ORDERED that the Debtor shall file an amended plan, within 30 days of the date of the Memorandum of Decision, setting forth the terms for payment of the allowed attorney's fees and expenses, affirming the continued pendency of the instant adversary proceeding, and stating the additional income reporting requirements (described above); and that the Debtor shall notice this amended plan for hearing as promptly thereafter as permissible under the Local Rules.

SO ORDERED.

May 30, 2003
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge