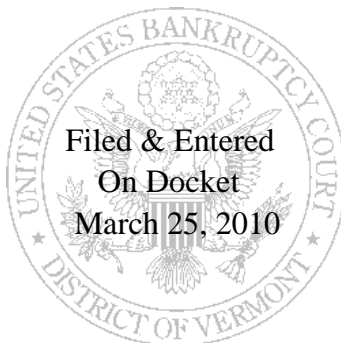


UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

In re:

**Dennis & Jessica Haskins  
Debtor.**



**Chapter 13 Case  
# 09-10520**

*Appearances:*        *Rebecca Rice, Esq.*  
                             *Rutland, VT*  
                             *For the Debtors*

*Michael C. Shklar, Esq.*  
*Newport, N.H.*  
*For Wachovia Dealer Svc.*

**ORDER**

**GRANTING THE DEBTORS' MOTION TO DETERMINE VALUE OF COLLATERAL,  
OVERRULING WACHOVIA'S OBJECTION TO MOTION TO DETERMINE VALUE OF COLLATERAL  
AND OVERRULING WACHOVIA'S OBJECTION TO CONFIRMATION**

Based upon the evidence described in the memorandum of decision of even date, THE COURT FINDS that the Debtors did not acquire the subject Chevrolet Silverado that is collateral for Wachovia Dealer Services, Inc.'s claim "for the Debtors' personal use" as that term is used in § 1325(a), that the totality of circumstances show that on the date the Debtors purchased the vehicle their intent was to use it predominately for Mr. Haskins business; and that the totality of the circumstances also indicate this vehicle was used predominately for Mr. Haskins' business.

THE COURT FURTHER FINDS that the Debtors have shown that one of the elements necessary to trigger the prohibition against cramdown set forth in the § 1325(a) hanging paragraph is not present, and thus, the anti-cramdown provision of chapter 13 does not apply to the Wachovia Dealer Services, Inc. claim in this case.

Therefore, IT IS HEREBY ORDERED that the Debtors' motion to determine value of collateral is granted, and Wachovia's objection to that motion is overruled, and

IT IS FURTHER ORDERED that Wachovia's objection to confirmation is overruled; its claim shall be treated as set forth in the amended plan and the accompanying memorandum of decision.

March 25, 2010  
Rutland, Vermont

Colleen A. Brown  
United States Bankruptcy Judge