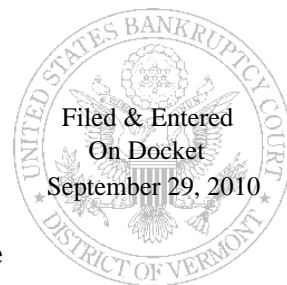


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

**Timothy S. Weatherell
and Tara J. Weatherell,
Debtors.**

**Chapter 13 Case
10-10123**

Appearances: *Michelle Kainen, Esq.
Kainen Law Office, PC
White River Junction, VT
For the Debtors*

*David Edwards, Esq.
Lobe & Fortin PLC
South Burlington, VT
For the Creditor*

ORDER
SUSTAINING DEBTORS' OBJECTION TO MODIFIED INTEREST COMPONENT OF CLAIM AND
DIRECTING CREDITOR TO FILE AMENDED PROOF OF CLAIM

For the reasons set forth in a memorandum of decision of even date, THE COURT FINDS that (i) the Debtors presented sufficient arguments to rebut the prima facie validity of the "Modified Interest" component of the proof of claim filed by Wells Fargo Bank, N.A. as Trustee for ABFC 2006-OPT3 Trust, ABFC Asset-Backed Certificates, Series 2006 OPT3 (the "Creditor"), (ii) under § 1322 of the Bankruptcy Code and the applicable case law the Debtors are entitled to cure in such a way that will restore the parties to status quo ante, (iii) the salient provisions of the Modification Agreement do not expressly prohibit reinstatement under the terms set forth in the Debtors' Chapter 13 plan, and (iv) the cure and reinstatement of the Modification Agreement that the Debtors propose in their Chapter 13 plan is proper.

Therefore, IT IS HEREBY ORDERED that the Debtors' objection to the Modified Interest portion of the Creditor's proof of claim is sustained and the Creditor's secured claim is allowed in the amount of \$137,421.56.

IT IS FURTHER ORDERED that the Creditor shall file an amended proof of claim consistent with this Order by October 29, 2010.

SO ORDERED.

September 29, 2010
Rutland, Vermont

Colleen A. Brown
United States Bankruptcy Judge