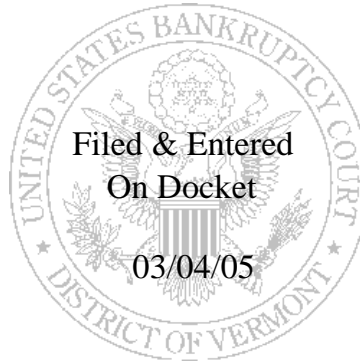


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

**In re Michael E. French
Debtor.**



**Chapter 13 Case
01-10603**

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

*Robert DiPalma, Esq.
Burlington, VT
Attorney for Creditor Suggitt*

ORDER
APPROVING STIPULATION WITH MODIFICATION
AND GRANTING IN PART
BOTH THE DEBTOR'S MOTION TO REFINANCE
AND THE CREDITOR'S MOTION TO MODIFY PLAN


For the reasons set forth in the Memorandum of Decision of even date, IT IS HEREBY ORDERED that

1. The Stipulation (docs. ## 124 and 126) is approved if it is modified such that the amount the Debtor pays into the plan upon refinance is increased by \$20,000 (to \$46,436.80), and the Debtor tenders this sum to the Trustee during the month of April 2005.
2. If the Debtor wishes to modify the Stipulation as set forth herein, **within ten (10) days of this Order**, the Debtor and Trustee shall file a revised Stipulation and a corresponding proposed order consistent with this Order, and the Motion shall include a verification that the Debtor has a commitment for a loan sufficient to fund this amount and to make the payment to the Trustee during April 2005.
3. If the Debtor is not able to increase the amount set forth in the Stipulation by \$20,000 then, **within ten (10) days of this Order** the Debtor shall file an amended plan, a motion to modify and reliable Schedules I and J, if he wishes to proceed in chapter 13.
4. If the Stipulation is not modified and the Debtor files an amended plan with a motion to modify and amended Schedules I and J, the Court will hold a continued hearing on the Creditor's Motion to Modify and the Debtor's competing motion to modify at **2:30 P.M. on April 14, 2005**.
5. If the Debtor fails to file either a modified Stipulation, or an amended plan with a motion to modify and amended schedules within said ten-day period, and does not seek an extension of time, the Court shall issue an Order directing the Debtor to show cause why the Court should not dismiss the case.
6. The Debtor's Motion to Refinance is granted on condition that the Debtor increases the amount of refinance proceeds to be paid into the plan from the \$16,523 offered in the Motion to Refinance to \$46,436.80.

7. The creditor's Motion to Modify the plan is granted, and the creditor's objection to the Motion to Refinance is sustained, to the extent that if the Debtor wishes to refinance and terminate the plan at this time he must pay into the plan \$29,913.80 more than the present 48-month plan requires.

SO ORDERED.

March 4, 2005
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge