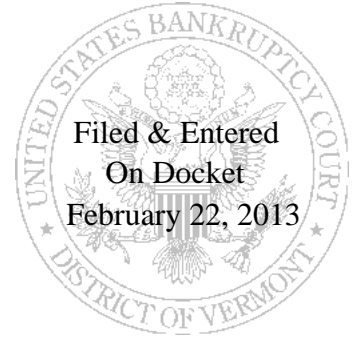


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



**David Walter Smith and
Rose Marie Smith,
Debtors.**

**Chapter 13 case
12-10142**

*Appearances: Joan Adler, Esq.
Brattleboro, VT
For the Debtors*

*Jan M. Sensenich, Esq.
Norwich, VT
Chapter 13 Trustee*

*Jeffrey P. White, Esq.
Rutland, VT
Local Counsel For the Defendant*

ORDER

OVERRULING THE TRUSTEE'S AND DEBTORS' OBJECTION TO THE SN SERVICING CLAIM


For the reasons set forth in a memorandum of decision of even date, THE COURT FINDS that

1. this Court has constitutional authority to enter a final judgment determining the nature and amount of SN Servicing's allowed claim,
2. SN Servicing is not bound by the terms of the confirmation order in this case because it timely filed a proof of claim asserting a right to treatment that conflicted with the confirmed plan, and
3. SN Servicing has met its burden of proof with respect to each element of the proof of claim:
 - a. the forbearance amount (\$42,665.79),
 - b. legal fees and costs (\$1,000.00),
 - c. current principal (\$33,034.11),
 - d. pre-petition interest (\$3,845.56),
 - e. late charges (\$387.78),
 - f. insurance advances (\$2,580.15),
 - g. and the fax fee (\$10).

Based upon these findings, IT IS HEREBY ORDERED that the objection to claim filed by the Debtors and Trustee is OVERRULED. The SN Servicing claim is allowed as a secured claim in the amount of \$83,523.39.

IT IS FURTHER ORDERED that the Debtors shall file an amended plan, consistent with this order, by April 1, 2013.

February 22, 2013
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge