

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

JEANNE M. BRAUN : BK No. 02-14222
Debtor Chapter 13

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ORDER DENYING CONFIRMATION OF SECOND AMENDED PLAN

Heard on March 20, 2003, on the Trustee's objection to confirmation of the Debtor's Second Amended Chapter 13 Plan. The Trustee objects on the ground that the plan is not feasible, as it proposes to cure an arrearage to Ameriquest Mortgage Company ("Ameriquest"). Ameriquest was granted *in rem* relief from stay on February 12, 2003, to foreclose its mortgage on the Debtor's home. The Trustee also points out that the Debtor has failed to make the proposed payments under the plan as required by 11 U.S.C. §1326(a).

The Debtor, appearing *pro se* stated that she never received notice of the Motion for Relief from Stay or the Order granting relief from stay. The certificate of service attached to the Motion (Doc. #17), and the Order and Judgment issued by the Court (Doc. #18), indicate that the Debtor was properly served

at her home. The Debtor confirmed that the addresses listed in these documents are accurate.

Notwithstanding the Debtor's claim that she had no notice of Ameriquest's motion for relief from stay, she has done nothing to correct the situation. Based on the state of the record, and for the reasons argued by the Trustee, Confirmation is DENIED.

Normally under R.I. LBR 3015-3(e), the Debtor would have eleven days to file an amended plan. I will extend this period to thirty days to allow the Debtor an opportunity to correct the shortcomings with her present plan, the state of record regarding relief from stay, and her payment history. The Debtor is forewarned that this will be her last opportunity to present a viable plan and she is strongly encouraged to obtain competent bankruptcy counsel to assist her in this endeavor.

Dated at Providence, Rhode Island, this 24th day of March, 2003.

/s/ Arthur N. Votolato
Arthur N. Votolato
U.S. Bankruptcy Judge