

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

- - - - -x

In re: :  
ERNESTO P. ROCHA :  
Debtor : BK No. 09-11363  
Chapter 13

- - - - -x


**ORDER**

Heard on December 3, 2009 on Confirmation of Debtor's Amended Chapter 13 Plan, Debtor's Motion to Modify Secured Claims, and America's Servicing Company's Objection to Confirmation. America's Servicing Company, holder of a first mortgage on Debtor's property located at 63 Nellie Street, Providence, Rhode Island, maintains that the Debtor's real property has a fair market value of \$160,000.00. In his Chapter 13 plan, Debtor attempts to modify America's Servicing Company's claim and maintains that the same real property has a fair market value of \$135,000.00.

After conducting an evidentiary hearing and considering the arguments and submissions of the parties, I find the subject real property has a fair market value of \$145,000.00. Accordingly, Confirmation of the Chapter 13 Plan is **DENIED**. Debtor has until December 14, 2009 to file an amended plan.

Entered as an order of this court.

Dated at Providence, Rhode Island, this 3<sup>rd</sup> day of  
December, 2009.

A handwritten signature in black ink, appearing to read "Arthur N. Votolato", is displayed within a light gray rectangular box.

Arthur N. Votolato  
U.S. Bankruptcy Judge

Entered on docket: 12/3/09