

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

SANDRA M. BEACH : BK No. 07-10418
Debtor : Chapter 13

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ORDER ALLOWING UNSECURED DEFICIENCY CLAIM

Heard on the Debtor's objection to Sovereign Bank's deficiency claim for the balance due on a retail installment security agreement, after the sale of the Debtor's motor vehicle which the Debtor purchased within 910 days of her bankruptcy filing. The issue presented is whether Section 1325's exclusion of 11 U.S.C. § 506 bars a creditor's deficiency claim where the security is a motor vehicle purchased within 910 days of the petition. For reasons which will be more fully set forth in a detailed written opinion, I conclude that the deficiency claim is not barred. Accordingly, the Debtor's objection is **OVERRULED**, and Sovereign Bank's deficiency claim is **ALLOWED** as an unsecured claim.

Dated at Providence, Rhode Island, this 9th day
of April, 2008.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 4/9/08