

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:)
)
J. KENT RYAN and PEGGY RYAN,) Bankruptcy Case No. 99-60669
)
Debtors.)

OPINION

This matter having come before the Court for hearing on Debtors' Second Amended Plan of Reorganization, Objection to Debtors' Second Amended Plan of Reorganization filed by Purina Ag Capital, and Objection of Bank of America, N.A. to Debtors' Amended Plan of Reorganization; the Court, having heard sworn testimony and arguments of counsel and being otherwise fully advised in the premises, makes the following findings of fact and conclusions of law pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure.

First, as to the Objection to Debtors' Second Amended Plan of Reorganization filed by Purina Ag Capital, the Debtors concede that the Objection filed on October 30, 2000, is valid, and, as such, the Debtors indicated on the record at hearing on November 3, 2000, that they would be willing to amend their reorganization plan further to resolve the Objection of Purina Ag Capital. Counsel for Purina Ag Capital indicated that such an amendment would be acceptable. As such, the Court finds that the Debtors should be allowed to amend their Plan of Reorganization further to meet the objection of Purina Ag Capital, and that that amendment may be contained within the order of confirmation on Debtors' Second Amended Plan of Reorganization.

As for the Objection of Bank of America, N.A. to Debtors' Amended Plan of Reorganization, the Court has reviewed written Memoranda filed by both Bank of America, N.A. and the Debtors, and, in so

doing, has concluded that the Debtors' Second Amended Plan of Reorganization complies with the provisions of 11 U.S.C. §§ 1129(a) and 1111(b). The Court recognizes that, pursuant to 11 U.S.C. § 1129(a)(8), Creditor, Bank of America, N.A., has not accepted the Plan and is impaired under the Plan. Thus, the Debtors must meet the requirements of 11 U.S.C. § 1129(b).

Pursuant to 11 U.S.C. § 1129(b), the Court finds that Debtors' Second Amended Plan of Reorganization does not discriminate unfairly and is fair and equitable with respect to the claim of Bank of America, N.A. in that the Plan proposes to pay the claim of Bank of America, N.A. in full. Further, the Court finds that Bank of America, N.A. will retain its lien securing its claims, and its claim will be paid in an amount exceeding the value of its collateral. Bank of America, N.A. will receive, on account of its claim, deferred cash payments of the value as of the effective date of the Plan of its secured claim.

The Court found that the sworn testimony of Debtor, J. Kent Ryan, was credible, and that the Debtors' Second Amended Plan of Reorganization was filed in good faith and not by any means forbidden by law. The Court further concludes that, based upon the testimony of Debtor, J. Kent Ryan, the Debtors' Second Amended Plan of Reorganization is feasible, and that the Debtors should be allowed an opportunity to reorganize their financial affairs as proposed in their Second Amended Plan of Reorganization.

ENTERED: November 22, 2000.

/s/ GERALD D. FINES
United States Bankruptcy Judge