

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

IN RE:)
)
JACK L. WHITE and) Bankruptcy Case No. 88-40003
RUTH A. WHITE,)
)
Debtors.)

O R D E R

This matter is before the Court on a Motion to Strike Objection to Debtors' Amended Chapter 12 Plan filed by Debtors on July 19, 1989, and on the Response to Motion to Strike Objection to Debtors' Amended Chapter 12 Plan filed by Creditor, Ralph McCormick, on July 28, 1989. The Court, having heard arguments of counsel, having reviewed the Memorandum in Support of Debtors' Motion to Strike Objection, and being otherwise advised in the premises, finds as follows:

1. Debtors, original Chapter 12 Plan was filed on March 31, 1989.
2. Secured Creditor, Ralph McCormick, did not object to Debtors' original Chapter 12 Plan.
3. Debtors filed an Amended Chapter 12 Plan on June 26, 1989, treating Secured Creditor, Ralph McCormick, in exactly the same manner as in the original Chapter 12 Plan filed by the Debtors on March 31, 1989.

Pursuant to Bankruptcy Code 11 U.S.C. §1223(c), the holder of a secured claim that has accepted or rejected a plan of reorganization is deemed to have accepted or rejected the plan as modified unless the modification provides a change in the rights of such holder of the

secured claim from whatever such rights were under the plan before modification.

That the Debtors' Amended Chapter 12 Plan of Reorganization treats the Secured Creditor, Ralph McCormick, as he was treated in the original Chapter 12 Plan of Reorganization and there is nothing in the Plan which indicates that there is a modification of the rights of Secured Creditor, Ralph McCormick.

WHEREFORE, IT IS HEREBY ORDERED that:

A. Pursuant to 11 U.S.C. §1223(c), Creditor Ralph McCormick is deemed to have accepted Debtors' Chapter 12 Plan of Reorganization and that plan as amended on June 26, 1989;

B. The Motion to Strike Objection to Debtors' Amended Chapter 12 Plan is hereby ALLOWED.

ENTERED: August 24, 1989.

/s/ Gerald D. Fines
United States Bankruptcy Judge