FILED & JUDGMENT ENTERED
David E. Weich

Feb 14 2007

Clerk, U.S. Bankruptcy Court
Western District of North Carolina

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George R. Hodges
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

In Re:)   Case No. 06-31611
)   Chapter 13
JASON E. WHITE, and   )
ANGELA B. WHITE,   )
)
            Debtor(s).   )
_____)

ORDER SUSTAINING IN PART AND OVERRULING IN PART
OBJECTION TO CONFIRMATION

This matter is before the court on the Objection to Confirmation of debtors' Chapter 13 Plan filed by DaimlerChrysler Financial Services of America, LLC ("DaimlerChrysler").

The debtors' Plan proposes to surrender their 2004 Chevrolet Avalanche in full satisfaction of their indebtedness to DaimlerChrysler. DaimlerChrysler objects to that treatment and asserts the right to a <u>secured</u> claim for any deficiency balance remaining after liquidation of the vehicle.

Pursuant to this court's decision in <u>Jerry and Misty Long</u>, 06-10601 (February 1, 2007), the court has concluded that DaimlerChrysler's Objection to the debtors' proposed Plan must be sustained.   But, the court can find no support for DaimlerChrysler's assertion of a right to a <u>secured</u> claim for any deficiency balance.   Consequently, DaimlerChrysler is entitled only to an unsecured claim for such deficiency balance.

It is therefore **ORDERED** that:

1.   DaimlerChrysler's Objection to Confirmation is sustained;

2.   DaimlerChrysler's assertion of a right to a secured claim for any deficiency balance is overruled and denied; and

3.   DaimlerChrysler is entitled to an unsecured claim for a deficiency balance remaining after liquidation of its collateral, and shall have 120 days from the date of this Order to file such a claim.

This Order has been signed electronically.   **United States Bankruptcy Court**
The Judge's signature and Court's seal
appear at the top of the Order.