

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

IN RE:

ROBIN HILL,

*

Debtor.

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Case No. 06-11717

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ORDER

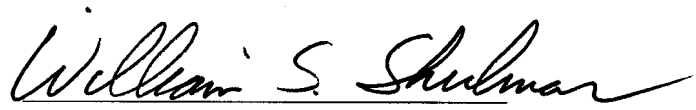
Stephen L. Klimjack, Attorney for Debtor, Mobile, Alabama
Jeffery J. Hartley, Attorney for Chapter 13 Trustee, Mobile, Alabama
John C. McAleer III, Chapter 13 Trustee, Mobile, Alabama

This matter came before the Court on the confirmation of the Chapter 13 plan submitted by the Debtor. The Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§157 and 1334, and the order of reference of the District Court. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2), and the Court has authority to enter a final order. The Court orders as follows.

At the hearing on the confirmation of the Chapter 13 plan proposed by the Debtor, the Debtor's attorney and the Chapter 13 Trustee informally brought an issue before the Court regarding the calculation of projected disposable income for above-median income debtors under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (hereinafter "BAPCPA") and 11 U.S.C. §1325(b)(1)(2). Following the hearing on November 30, 2006, the parties provided the Court with many cases. The Court has read and considered all the cases presented. In the case of *In re Casey*, 2006 WL 3071401 (Bankr.E.D.Wash.)*1, the court sought to "define the role to be played by the Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Form B22C) in determining whether a Chapter 13

debtor has proposed a plan which will pay all projected disposable income as required by 11 U.S.C. §1325(b)(1).” The court concluded “that for above-median income debtors, the disposable income calculated on Form B22C, as modified by any anticipated change in the financial circumstances known at the time of the confirmation, constitutes ‘projected disposable income’ for purposes of §1325(b)(1).” *Casey* at *4. This Court agrees with the reasoning and analysis of Judge Williams and Orders that the Trustee shall review *In re Casey* and determine whether the Debtor’s plan conforms with the analysis of *Casey* and if recommendation of confirmation is appropriate.

Dated: December 29, 2006


WILLIAM S. SHULMAN
CHIEF U.S. BANKRUPTCY JUDGE