

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

IN RE: )  
 )  
Janis Hayes Crumpton, ) Case No. 23-11177  
 )  
Debtor(s). )

ORDER OVERRULING OBJECTION BY PNC BANK IN PART, REQUIRING PNC TO  
FILE AMENDED CLAIM, AND CONTINUING CONFIRMATION HEARING

The court has continued the confirmation hearing in this case to January 25, 2023. As discussed at the hearing, the court orders creditor PNC Bank to file an amended proof of claim which sets forth the prepetition arrearage owed by the debtor within 21 days of the date of this order.

The PNC home mortgage matures in 2026, within the proposed plan term of 54 months. The court overrules PNC's objection in part to the extent that PNC argues that the debtor is required to modify its claim and pay it (with a high *Till* interest rate) through the trustee under Bankruptcy Code § 1322(c)(2). Under the plain language of that provision, the debtor "may" but is not required to do so. *See, e.g., In re Dukes*, No. 9:09-BK-02778-FMD, 2015 WL 3856335, at \*2 (Bankr. M.D. Fla. June 19, 2015). Here, the debtor can either leave the rights of the mortgage holder PNC unaffected under § 1322(b)(2) or the debtor can modify the loan and pay the secured portion of the loan over the plan period under § 1322(c)(2). *See, e.g., id.*

Dated: December 19, 2023

  
HENRY A. CALLAWAY  
U.S. BANKRUPTCY JUDGE