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

In re:	)	
	)	
Vera Williams,	)	Case No. 16-2564
	)	
Debtor(s).	)	

ORDER REGARDING CONTINUED HEARING ON MOTION TO MODIFY

In January 2022, the court granted (doc. 103) the debtor's motion to modify her chapter 13 plan to extend its term to 73 months under the provisions of 11 U.S.C. § 1329(d) in effect at the time pursuant to the CARES Act.[1] In another motion to modify now before the court (doc. 125, filed in April 2022), the debtor seeks to reduce the plan term from 73 months to 71 months. The chapter 13 trustee has objected on the ground that § 1329(d) expired in March 2022 and thus the debtor is stuck with § 1329(c)'s 60 month limit if she wants to change the plan term.

Although it would certainly have made sense for Congress to allow debtors to modify (or at least reduce) the term of their plan within the two year extension provided by the CARES Act, unfortunately that is not the way it wrote the statute. *See, e.g.*, *In re BFW Liquidation, LLC*, 899 F.3d 1178, 1187-88 (11th Cir. 2018) (court must apply a statute's plain, unambiguous language). The term of the debtor's plan thus must remain at 73 months (she is currently at month 69). However, in the absence of any indication in the statute that Congress intended otherwise, the court will allow the debtor to modify aspects of her plan other than the term and will hear the continued motion to modify on June 17, 2022.

Dated: May 17, 2022

Henry A. Callaway

HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE

[1] A modified plan "may not provide for payments over a period that expires more than 7 years after the time that the first payment under the original confirmed plan was due."