

Charles M. Walker
U.S. Bankruptcy Judge

Dated: 11/27/2017



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:)	
)	CASE NO: 17-04384
Edward George Faria,)	Chapter 13
)	Honorable Charles M. Walker
Debtor.)	
_____)	

ORDER DENYING DEBTOR’S MOTION FOR RECONSIDERATION

This matter was before the Court on the *pro se* Debtor’s Motion for Reconsideration (Motion).¹ The Debtor sought reconsideration of the Court’s denial of confirmation and dismissal of the Chapter 13 case, as evidenced in the Order Dismissing Case and Denying Confirmation entered October 5, 2017(Order). The matter was set for hearing on November 22, 2017, with Pretrial statements, exhibits, and witness lists due no later than 5:00 p.m. on November 17, 2017. The Court heard argument from the *pro se* Debtor, counsel for the Chapter 13 trustee (Trustee), and counsel for Select Portfolio Servicing (SPS). The Court being duly advised, finds as follows:

- A. The Debtor offered no new evidence, argument, or circumstance to support reconsideration of the Order;
- B. This Debtor’s failure to provide for the secured debt on his residence in his plan despite the instruction from the secured lender, the Trustee, and this Court is evidence of the Debtor’s bad faith;
- C. The Debtor’s failure to maintain plan payments, and requests to extend his payment obligations with no supporting circumstance or reasoning, is evidence of the Debtor’s bad faith;
- D. The Debtor’s refusal to inform this Court of the date of his last mortgage payment, coupled with the representations of SPS counsel that the last payment was made prior to August 2010, is evidence of the Debtor’s bad faith.

¹ The Debtor filed an Objection and Rebuttal to Order Denying Confirmation and Dismissing Case (ECF 62). The Court deemed this to be a Motion for Reconsideration and entered an Order to that effect scheduling the motion for hearing.

THEREFORE, the following findings made from the original hearing on Confirmation and the Trustee's Motion to Dismiss are affirmed and adopted herein:

- a. The plan does not properly address the secured debt on the Debtor's residence;
- b. The Debtor is in default of plan payments.²

IT IS, THEREFORE, ORDERED that

1. The Debtor has failed to provide any basis for the Motion;
2. The Motion is DENIED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THIS PAGE

² The Trustee could not determine the specific amount, however, it appears to be in excess of \$2800 (this is calculated by the Debtor's proposal to increase his plan payment to \$1000 at the last hearing, and the Debtor's payment obligations triggered by the filing date.)

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