

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

IN RE: ) CHAPTER 13  
 ) CASE NO. 00-50187-JDW  
SHAWN L. ORR, )  
 )  
 ) DEBTOR )  
 )  
ELMER DIXON and )  
STEPHANIE DIXON, )  
 ) CREDITORS )  
 )  
vs. )  
 )  
SHAWN L. ORR, )  
 ) DEBTOR )  
 )  
ANDREW ORR, )  
 ) CO-DEBTOR )

ORDER

A confirmation hearing in this case was held on the 23<sup>rd</sup> day of August, 2000. At the confirmation hearing it appeared that Debtor failed to propose the surrender of the subject property, the Debtor's home place, but at the same time failed to properly propose funding for the payment of the claim of Elmer Dixon and Stephanie Dixon, Creditors herein, holders of a claim secured by a second mortgage in the property. Creditors request that confirmation be denied and the case be dismissed. Debtor requested leave to amend the Chapter 13 case to either pay the claim through the plan or, in the alternative, to surrender the property. The Court determined that Creditors should be allowed to advertise the property for foreclosure but should not be allowed to complete the

foreclosure until further order of the Court. The Court notes that there is a Co-Debtor, Andrew Orr, who is affected by these proceedings.

Now, therefore it is hereby

ORDERED that the Creditors be allowed to proceed with the advertisement of the property for foreclosure during the month of September, subject to the entry of an additional order by this Court granting complete relief from the automatic stay; and it is hereby further

ORDERED that Creditors shall file a Motion For Stay Relief and a Motion For Co-Debtor Stay for the purpose of obtaining an order from the Court relieving the automatic stay as to the Debtor and Co-Debtor; and it is hereby further

ORDERED that in the event Debtor proposes a plan which can be confirmed during the month of September providing for payment of the Creditors' claim in full, then stay relief will be denied and the foreclosure process will be terminated; and it is hereby further

ORDERED that any proposal by Debtor which might propose to retain the property and pay the claim through the plan must provide for the payment of all expenses incurred by Creditors in proceeding with the advertisement of this property for foreclosure sale including advertising expenses and attorney's fees; and it is hereby further

ORDERED that, if Debtor proposes to retain the property and pay the claim through the plan, that these expenses of

foreclosure shall be paid as a secured claim in the case.

SO ORDERED, this 1st of September, 2000.

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Honorable James D. Walker, Jr.  
United States Bankruptcy Court