

1 deficiencies, including the failure of the Debtor to provide
2 evidence in support of the Motion. Instead, the Debtor's testimony
3 was merely parroting the Bankruptcy Code and providing the court
4 with the Debtor's layperson conclusions of law and findings of
5 fact. Civil Minutes, Dckt. 125.

6 After reviewing supplemental pleadings filed by the Debtor on
7 June 5, 2012, the Chapter 13 Trustee withdrew his opposition to the
8 Motion. Dckt. 129. The Debtor sought to have the court confirm
9 the plan without an evidentiary hearing based on the Trustee's
10 objection having been withdrawn. The court did not find the
11 Debtor's supplemental pleadings to be sufficient to explain the
12 changes in expenses or provide the court with evidence to support
13 confirmation.

14 For the September 26, 2012 Evidentiary Hearing the Debtor
15 prepared and lodged with the court his Direct Testimony Statements
16 and Exhibits. This evidence provides a basis for the court to
17 determine that the requirements of 11 U.S.C. §§ 1325 and 1322 have
18 been satisfied and confirmation of the plan is warranted. Though
19 the Direct Testimony Statement of the Debtor does not address why
20 the earlier amounts were not correct, the court is satisfied that
21 the current expenses have not just been "made up" in order to
22 exhaust the Debtor's income to reach a predetermined minimum
23 projected disposable income amount.

24 The Second Amended Chapter 13 Plan filed on April 27, 2012,
25 complies with 11 U.S.C. §§ 1325 and 1322, and is confirmed.

26 This Memorandum Opinion and Decision constitutes the court's
27 findings of fact and conclusions of law pursuant to Federal Rule of
28 Civil Procedure 52(a) and Federal Rules of Bankruptcy Procedure

1 9014 and 7052. The court shall issue a separate order consistent
2 with this Decision.

3 Dated: October 10, 2012

4 /s/

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RONALD H. SARGIS, Judge
6 United States Bankruptcy Court

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