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3 UNITED STATES BANKRUPTCY COURT

4 EASTERN DISTRICT OF CALIFORNIA

5
6 In re:) Case No. 07-26758-D-13L
7)
7 ALBERT G. LEE, JR., and)
GALE D. LEE,) Date: November 6, 2007
8) Time: 1:00 p.m.
8 Debtors.) Dept: D
9 _____)

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11 This memorandum decision is not approved for publication and may
12 not be cited except when relevant under the doctrine of law of
the case or the rules of claim preclusion or issue preclusion.

13 MEMORANDUM DECISION

14 IndyMac Bank ("Creditor") has objected to confirmation of
15 the chapter 13 plan filed by Albert G. Lee, Jr., and Gale D. Lee
16 ("Debtors"). For the reasons set forth below, the objection will
17 be overruled.

18 The Debtors filed their chapter 13 petition on August 24,
19 2007, thereby commencing this case. The Debtors filed their
20 proposed chapter 13 plan ("Plan") the same day. On October 11,
21 2007, Creditor filed a timely objection to confirmation of the
22 Plan ("the Objection"), along with exhibits in support of the
23 Objection. On October 23, 2007, the Debtors filed a response to
24 the Objection. The court heard oral argument on November 6,
25 2007, at which time JaVonne Phillips appeared for the Creditor,
26 and Darrel Rumley for the Debtors. The Objection having been
27 briefed and argued by those parties wishing to be heard, the
28 court took the Objection under submission.

1 This court has jurisdiction over the Objection pursuant to
2 28 U.S.C. §§ 1334 and 157(b)(1). The Objection is a core
3 proceeding under 28 U.S.C. § 157(b)(2)(L).

4 The sole basis for the Objection is that payments to the
5 Creditor on account of its arrearage claim are proposed to begin
6 in the seventh month of the Plan, rather than in the first month.
7 The Debtors' response is that "the [Bankruptcy] Code does not
8 require that payments begin in the first month of the plan[,]
9 only that they be equal monthly payments." Debtors' Response,
10 October 23, 2007.

11 The court agrees with the Debtors, and adopts the reasoning
12 set forth in In re Blevins, 2006 Bankr. LEXIS 2422 (Bankr. E.D.
13 Cal. 2006). On that basis, the court will overrule the
14 Objection. The Debtors may submit an appropriate form of order
15 confirming the Plan, approved as to form by Creditor's counsel
16 and the chapter 13 trustee.

17 Dated: November 19, 2007

_____/s/_____
18 ROBERT S. BARDWIL
19 United States Bankruptcy Judge
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