

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



Russ Kendig
United States Bankruptcy Judge

Dated: 05:13 PM February 5, 2015

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:) CHAPTER 13
)
GUY M. GEARHART AND) CASE NO. 10-62529
GEORGENE R. GEARHART,)
) JUDGE RUSS KENDIG
Debtors.)
) **MEMORANDUM OF OPINION**
) **(NOT FOR PUBLICATION)**

Debtors filed a modification of their plan on November 5, 2014. The chapter 13 trustee, Toby L. Rosen (“Trustee”), filed an objection. Debtors and Trustee thereafter submitted an agreed order. For the reasons contained herein, the court cannot approve the agreed order.

The court has jurisdiction of this case under 28 U.S.C. § 1334 and the order of reference, General Order 2012-7, dated April 4, 2012. In accordance with 28 U.S.C. § 1409, venue in this district and division is proper.

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the court.

DISCUSSION

Through their recent modification, Debtors propose to surrender real estate and to cease payments on the mortgage. This modification impermissibly alters an allowed secured claim. *See Chrysler Fin. Corp. v. Nolan (In re Nolan)*, 232 F.3d 528 (6th Cir. 2000); *Ruskin v. DaimlerChrysler Serv. N.A., LLC (In re Adkins)*. The modification is therefore **DENIED**.

A separate order will be issued immediately.

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