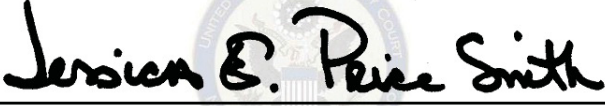


IT IS SO ORDERED.

Dated: 9 July, 2014 03:34 PM

  
JESSICA E. PRICE SMITH  
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE:  
CARLOS PAGAN  
PATRICIA PAGAN  
Debtors.

In Proceedings Under Chapter 13

CASE NO. 11-16438

JUDGE JESSICA PRICE SMITH

**ORDER**

The matter before the Court is the objection of Debtors to Claim No. 17, a secured claim filed by Dollar Bank, FSB Company (“Dollar Bank”). Dollar Bank opposed the relief sought. The claim was filed on April 7, 2014 and is based on a security interest in Debtors’ vehicle. The Debtors’ confirmed plan provided for payment of the secured claim, consistent with the information provided in Dollar Bank’s proof of claim. Debtors’ plan was confirmed on November 14, 2011.

Debtors object to the claim because it was filed after the claims bar date. The objection is not well premised. Bankruptcy Rule 3002 fixes the time for filing a proof of claim. However, only an unsecured creditor or an equity security holder must file of a proof of claim to be allowed. Bankruptcy Rule 3002(a). It is undisputed that Dollar Bank is a secured creditor.

Additionally, 11 U.S.C. § 1327(a) states that the confirmed plan binds the debtor and all creditors. The Chapter 13 Trustee is required, pursuant to 11 U.S.C. § 1326(c), to make

payments to creditors under the plan and shall make distributions in accordance with the plan as soon as practicable. 11 U.S.C. § 1326(a)(2). Dollar Bank's claim is allowed and it should receive distributions because Debtors' plan provides for payment in full of the claim. "[T]he Plan has preclusive effect once confirmed, with the Chapter 13 Trustee being duty-bound under the Plan and § 1326(c) to make distributions to . . . creditor as provided for in the Plan." *In re Moehring*, 485 B.R. 571, 584 (Bankr.S.D. Ohio 2013). Further, disallowing the claim would not allow Debtors to keep the car without payment. The security interest would survive the bankruptcy and Dollar Bank would be entitled to enforce its lien unless Debtors paid the claim outside of bankruptcy. Accordingly, Debtors' objection is overruled and Dollar Bank's opposition is sustained.

**IT IS SO ORDERED.**