



**IT IS ORDERED as set forth below:**

**Date: April 01, 2011**

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**In re:** :  
: **Case No. 09-41226-pwb**  
**DANNY D. MOORE and BRENDA C. MOORE,** :  
: **Chapter 13**  
**Debtors.** :  
:

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**ORDER ON DEBTOR'S MOTION TO VACATE  
APPROVAL OF PLAN MODIFICATION**

Debtors filed a motion [54] to vacate the Court's approval on June 2, 2010 [33] of the modification of their plan filed on May 5, 2010 [28]. The modification changed the name of a creditor from "Titlemax" to "Complete Cash" and added a provision with regard to tax refunds.

The motion states that the Debtors seek to vacate the approval because Complete Cash was not properly served and requests that a new confirmation hearing be held, apparently on the same modification. Thus, it appears that the Debtors want the plan to be modified as set forth in the May 5 modification.

The Court in a separate order has ruled that the Debtors cannot now deal with “Complete Cash” in a plan. [60]. Vacating the approval of the modification and holding a new hearing on such modification cannot cure the problem with regard to Complete Cash. With regard to the other provisions of the modification, vacating the approval of the modification and holding a new hearing would result in a modified plan that would have the same provisions as the plan in place now has.

It appears, therefore, that the motion to vacate is moot. Accordingly, the Court will dismiss it, without prejudice. If the Debtors still desire to vacate the approval of the modification, they may re-file their motion.

**[End of Order]**

**DISTRIBUTION LIST**

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