

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

YANIRA GAUDELLI

Debtor

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**OBJECTION TO  
CONFIRMATION**  
Chapter 13  
Case No. 10-51381-jf

Nicole C. Gazzo, Esq., an attorney duly licensed to practice law in the State of New York and admitted in the Eastern District of New York, affirms the following to be true, under penalty of perjury:

1. I am an associate with the firm of Steven J. Baum, P.C., attorneys for the Secured Creditor, Wells Fargo Bank, NA.
2. This Affirmation is submitted for the purpose of objecting to confirmation of the Chapter 13 Plan proposed by Yanira Gaudelli (the "Debtor").
3. The Debtor's proposed Plan provides for payment of pre-petition arrears in the amount of \$25,000.00. However, the Proof of Claim filed on behalf of Wells Fargo Bank, NA asserts pre-petition arrears in the amount of \$38,630.72. A copy of said Proof of Claim is attached hereto as Exhibit 'A'. Accordingly, Debtor's proposed plan lists incorrect pre-petition arrears.
4. Moreover, the Debtor's proposed Plan provides for total plan payments in the amount of \$34,560.00, which falls short of full payment of Debtor's pre-petition arrears to Wells Fargo Bank, NA. Accordingly, Debtor's proposed plan is not feasible.

5. It is respectfully requested that Wells Fargo Bank, NA be awarded attorneys fees in the amount of \$400.00 per the terms of the underlying Note and Mortgage for the making of this Objection.

6. By virtue of the foregoing, confirmation of the Debtor's proposed Chapter 13 Plan must be denied pursuant to 11 U.S.C. §1325.

Dated: Buffalo, New York  
February 3, 2011



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