

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : **CHAPTER 13 PROCEEDING**
:
Philip Jay Berg, :
:
Debtor : **BANKRUPTCY NO. 05-39380-DWS**

OBJECTION TO CONFIRMATION OF PLAN

NOW COMES, Wachovia Bank, N.A. (“Wachovia”), by and through its counsel, Pina S. Wertzberger, Esquire, of Milstead & Associates, LLC, and hereby requests an order sustaining its objection to the confirmation of the proposed chapter 13 plan. In support of this motion, Wachovia respectfully represents as follows:

THE PARTIES

1. Wachovia Bank, N.A. is a secured creditor of the Debtor.
2. Debtor, Philip J. Berg, is an adult individual residing at 706 Ridge Pike, Lafayette Hill, PA 19444.

OBJECTION

3. On November 29, 2005, the Debtor filed a bankruptcy case pursuant to chapter 13 of Title 11 of the United States Code (the “Bankruptcy Code”). Debtor, Philip J. Berg, is the owner of 10 Peartree Lane, Lafayette, PA 19444 (the “Property”).
4. Secured Creditor is a secured creditor of the Debtor pursuant to a mortgage secured by the Property.
5. The Debtor’s chapter 13 plan does not propose to pay any arrears set forth in Secured Creditor’s secured proof of claim in full (the “Claim”).

6. According to the Claim, Debtor owes to Secured Creditor \$14,443.76 in pre-petition arrears on account of the Mortgage, yet the proposed chapter 13 plan does not propose to pay the pre-petition arrears as set forth in the Claim.

7. Therefore, Secured Creditor respectfully objects to the chapter 13 plan as same does not provide for payment of the pre-petition delinquency owed to Secured Creditor over the life of the plan. As the chapter 13 plan does not provide for payment in full of the arrears set forth in the Claim, the plan is not feasible as required pursuant to §1325(a)(6) of the Bankruptcy Code.

WHEREFORE, Secured Creditor respectfully objects to confirmation of the chapter 13 plan as same is not feasible. Secured Creditor relies on the information contained in the within Objection, the file proof of claim and Debtor's chapter 13 plan as proof of same.

Respectfully submitted,
MILSTEAD & ASSOCIATES, LLC

DATED: January 11, 2006

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