

KUHNEL, STEPHEN E. and ANGELA G., Bankr. No. 07-50232, Chapter 13 (bench ruling, December 6, 2007). **Issue 1:** Whether the Court could confirm a three-year plan when Debtors had above-median income and did not propose to pay their unsecured creditors in full? **Ruling:** No. Pursuant to 11 U.S.C. § 1325(b)(4), the Court could not confirm a plan of less than five years. **Issue 2.** Whether Debtors had committed their projected disposable income to making payments to their unsecured creditors? **Ruling:** No. A properly completed Form B22C determines a debtor's disposable income. However, pursuant to 11 U.S.C. § 1325(b)(1)(B), Debtors were required to commit their *projected* disposable income. Under their plan, Debtors proposed to surrender a vehicle and their home. Thus, upon confirmation, Debtors would no longer be entitled to either an operation expense or an ownership expense for that vehicle, and they would not be making the monthly payments on either that vehicle or their home. Consequently, Debtors' projected disposable income was greater than both their disposable income and the amount Debtors proposed to pay their unsecured creditors under their plan.