

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

IN RE: ROBERT EARL WASHBURN, Debtor

**4:07-bk-11351 E
CHAPTER 13**

ORDER OVERRULING OBJECTIONS TO CONFIRMATION

Now before the Court is an *Objection to the Confirmation of the Debtor's Chapter 13 Plan* filed by eCAST Settlement Corporation (the "**eCAST Objection**"), and an *Objection to Confirmation* filed by the Chapter 13 Trustee (the "**Trustee's Objection**"). A hearing was held on these matters September 11, 2007, at which the parties proposed to file stipulated facts and exhibits and brief the legal issues presented. A joint Stipulation of Facts and Exhibits was filed October 2, 2007, by each of the three parties; the each party filed a brief on October 9, 2007.

The Debtor is an above median income debtor, and as such, he must calculate the amount of disposable income available to pay unsecured creditors by using the Means Test outlined in 11 U.S.C. § 707(b)(2), as required by 11 U.S.C. § 1325(b)(3). The issue presented in this case concerns the vehicle ownership expense on Line 28 of the Means Test. Although the Debtor had no purchase or lease payments owing on his vehicle when his bankruptcy case was filed, he claimed the \$471 standardized amount based on the Internal Revenue Service ("**IRS**") Local Standards. The Trustee and eCAST object to the Debtor taking this expense, while the Debtor maintains he is entitled to the expense under the IRS Local Standards. The Court has studied the briefs, the joint stipulations, and the cases cited

by all parties, and hereby adopts, for the reasons stated therein, Judge James Mixon's ruling in *In re Wilson*, 373 B.R. 638, 2007 WL 2199021 (Bankr. W.D. Ark. 2007), holding that debtors were entitled to deduct standard vehicle ownership expense for purposes of the means test notwithstanding that the debtors owned their vehicles outright and thus had no "actual" ownership payments. Accordingly, it is hereby

ORDERED that the eCAST Objection and the Trustee's Objection are **OVERRULED**.

IT IS SO ORDERED.



HONORABLE AUDREY R. EVANS
UNITED STATES BANKRUPTCY JUDGE

DATE: November 21, 2007

cc: David Lester, attorney for debtor
Kimberly Tucker, attorney for eCast Settlement Corporation
Joyce Babin, Chapter 13 Trustee
U.S. Trustee
all creditors per matrix