

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re

WILLIAM G. SANFILIPPO

Case No. 92-10296 K

Debtor

MEMORANDUM OF DECISION

The Court has previously overruled the Objection to Confirmation that had been based on the debtor's alleged lack of good faith (11 U.S.C. § 1325(a)(3)).

The Court now overrules the Objection that is based on an alleged lack of feasibility (11 U.S.C. § 1325(a)(6)).

It has been stated that "some debtors, particularly those with low incomes, may have to strain mightily even to pay priority and secured claims, with no payments to general unsecured creditors... Even when the court has serious doubts about feasibility, these debtors should usually be given a chance to attempt their proposed plan, especially where they have substantially complied with their plan obligations prior to confirmation. In such cases, which often involve vital property such as a home or automobile, the court should be reluctant to impose its idea of what sacrifices the debtor is able to make." 5 Collier on Bankruptcy ¶ 1325.07, text at fn. 17a-19.

While that comment was made in reference to a tight budget, it is equally wise counsel where, as here, the question is whether this self-employed paving contractor has firmed-up or will

firm-up enough jobs to fund this plan.

He is working now. He is current on his mortgage payments and his Chapter 13 payments. I find his plan to be feasible. The Chapter 13 Trustee shall submit an Order of Confirmation.

SO ORDERED.

Dated: Buffalo, New York
May 28, 1992

/S/ MICHAEL J. KAPLAN

U.S.B.J.