

The United States Bankruptcy Court  
The Northern District of Indiana  
Hammond Division

In re

Mark Pierre LOWE )  
 )  
1040 Drackert St )  
Hammond, IN 46320 )  
& )  
Ethel Lamar MAEWEATHER )  
 )  
1040 Drackert St )  
Hammond, IN 46320 )

xxx-xx-3023

xxx-xx-0868

Bankruptcy Case No. **10-22011** KL/prc  
Chapter Thirteen Proceeding

2015 068297

Debtors.

Mark Pierre LOWE and  
Ethel Lamar MAEWEATHER,

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v.

HOMEPLUS FINANCE CORPORATION

Defendant.

**ORDER**  
**ON DEBTOR-PLAINTIFFS' MOTION TO WITHDRAW COMPLAINT**

The debtor-plaintiffs present this Court with a motion to withdraw this adversary complaint against the claimant-defendant Homeplus Finance Corporation. This Court had earlier found this adversary complaint to be unnecessary and duplicative of the terms of their confirmed plan, which provided that the secured claim of Homeplus would be voided, and modified by paying the claim pro rata as general, unsecured, and non-priority.

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

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MICHAEL B. BRENNAN  
RECORDER



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The debtors were instructed by this Court [D-9] to prepare and file a motion to dismiss this complaint, which they have done. They also ask that this Court explicitly recall the provisions of their confirmed plan, and find that, due to its terms and in the absence of any pertinent objection to the plan's treatment of Homeplus's claim, the claim of Homeplus Finance Corporation or any assignee of that claim, is no longer a secured claim; rather, it is merely a general non-priority unsecured claim; and any evidence of a security interest by Homeplus in the debtors' principal residence, is nullified under the debtors' plan, and now reiterated by Order of this Court.

that:

This Court so finds. It is, therefore, ORDERED, ADJUDGED, AND DECREED,

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- A. The debtors' motion to withdraw their adversary complaint be, and hereby is, withdrawn without prejudice;
- B. Under applicable Bankruptcy Law, the voluntary lien of Homeplus Finance Corporation, which constituted a second mortgage on the debtors' principal residence, be and hereby is avoided.

SO ORDERED, this 15 day of September, 2015, at Hammond, Indiana.



HON. KENT LINDQUIST, JUDGE  
U.S. Bankruptcy Court, N.D. Indiana