



**SO ORDERED.**

**SIGNED this 20 day of October, 2004.**

*Janice Miller Karlin*  
\_\_\_\_\_  
**JANICE MILLER KARLIN**  
**UNITED STATES BANKRUPTCY JUDGE**

---

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

<b>In re:</b>	)	
<b>JAMES LEROY WOODLING,</b>	)	<b>Case No. 03-40183</b>
	)	
<b>Debtor.</b>	)	
_____	)	
	)	
<b>CENTEX HOME EQUITY</b>	)	
<b>COMPANY, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Adversary No. 03-7102</b>
	)	
<b>JAMES LEROY WOODLING,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**AMENDMENT TO MEMORANDUM AND ORDER  
DATED OCTOBER 14, 2004 (Doc. No. 19)**

To correct one erroneous date contained in the Findings of Fact, paragraph 1, line 5, the attached

page is substituted for the original Page 2 of the Memorandum and Order dated October 14, 2004 (Doc. No. 19). Accordingly, the findings of fact will reflect that the petition and plan were filed January 23, 2003, and the Notice was also mailed the same month and year, January 26, 2003, not 2004, as previously stated. The Clerk of the Court is hereby ordered to file this order to show that the October 14, 2004 Memorandum and Order has been so corrected.

**IT IS SO ORDERED.**

###

This matter is before the Court on Centex's Motion to Vacate Confirmation of Plan and Objection to Debtor's Plan<sup>1</sup> and Centex's Adversary Complaint for Declaratory Judgment to Determine Improper Stripping of Lien and Motion to Vacate Confirmation of Plan and Objection to Debtor's Plan.<sup>2</sup>

**I. FINDINGS OF FACT**

Based upon the Joint Stipulation of Facts submitted by the parties, the Court makes the following findings of fact. Debtor James Woodling filed his Chapter 13 petition and plan on January 23, 2003. The Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, and Deadlines, as well as a copy of the plan, were mailed to Centex Home Equity Company, LLC, PO Box 199400, Dallas, Texas 75219 on January 26, 2003, providing approximately 45 days' notice of the objection deadline, and 60 days' notice of the plan confirmation hearing.<sup>3</sup> The plan contained a provision that Centex's lien on real property commonly known as 228 E. 6th Street, Emporia, Kansas was "to be stripped, no equity after payment of 1st mortgage."

Centex filed its proof of claim twenty-three days after the notice and plan were mailed to it, on February 18, 2003, demonstrating that it had received a copy of the petition and plan. The address on its proof of claim was 1750 Viceroy, VIAK7, Dallas, Texas 75235. Centex did not object to the terms of the plan at any time before the confirmation order was entered on April 25, 2003, and did not file an appeal of that order. Instead, Centex waited over six months after the March 26, 2003 confirmation hearing, until

---

<sup>1</sup>Doc. 15 in the main case.

<sup>2</sup>Doc. 1 in the adversary proceeding.

<sup>3</sup>See Doc. 6 in main case.