

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

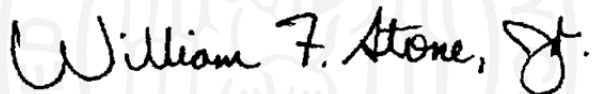
In re: Reginald D. Morton, § Case No. 10-70938
 Melissa D. Morton, §
 Debtor(s) § Chapter 13

ORDER

APPEARING BEFORE THE COURT the 8th day of July, 2013, was the Chapter 13 Trustee, pursuant to an Objection [**Docket No. 49**] to Proof of Claim No. 18 filed by Capital One, N.A., and the Court having considered the arguments of Counsel for the Trustee, and having taken the matter under advisement to consider the same and applicable law, it is hereby **ORDERED** that the Objection be, and the same is, SUSTAINED because the confirmed Plan did not provide for the treatment of such claim as a secured or partially secured claim, the Plan was not objected to, and therefore its provisions are binding upon the creditor pursuant to 11 U.S.C. § 1327(a). Capital One, N.A.'s Proof of Claim No. 18 is disallowed as a secured claim and shall be treated as a general unsecured claim only in this bankruptcy proceeding. Nothing within this Order, however, affects the security interest asserted by Capital One, N.A. pursuant to the Best Buy Credit Card Application dated November 18, 2007, as this Order is without prejudice to Capital One, N.A.'s *in rem* lien rights pursuant to contract and/or applicable law.

The Chapter 13 Trustee shall serve a copy of this Order on the Debtors, Counsel for the Debtors, Capital One, N.A., and any other party having filed a Notice of Appearance in this cause.

ENTER: 7/18/13



UNITED STATES BANKRUPTCY JUDGE

APPROVED FOR ENTRY:

/s/ Jason B. Shorter

JASON B. SHORTER, ESQ.
*Staff Attorney for the Office
of the Chapter 13 Trustee*

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