

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

In re: Case No. 9:12-bk-06378-FMD  
Chapter 13

Raymond Cumella and  
Martha Beatriz Cumella,

Debtors.

**ORDER DENYING EXPEDITED MOTION  
FOR CONTINUANCE OF EVIDENTIARY  
HEARING ON MOTION TO VALUE AND  
DETERMINE SECURED STATUS OF LIEN**

THIS CASE came on for consideration, without a hearing, of the *Expedited Motion for Continuance of Evidentiary Hearing on Motion to Value and Determine Secured Status of Lien* (Doc. No. 61) (the "Motion to Continue"). In the Motion to Continue, the Debtors seek a continuance, due to both Debtors' health issues, of the final evidentiary hearing on the Debtors' motion to value and to determine secured status of Bank of America (Doc. No. 34) (the "Motion to Value") now scheduled for August 21, 2013.

The issue to be determined at the final evidentiary hearing is the value of the real property that is the subject of the Motion to Value. On their witness list, the Debtors have listed an appraiser, as well as themselves, as witnesses on the issue of value. (Doc. No. 52.) The Court will give the greatest weight to the testimony of the parties' expert appraisers.

The Debtors' Chapter 13 case has been pending since April 26, 2012. A final confirmation hearing of the Debtor's Chapter 13 Plan is now scheduled for September 19, 2013. The Motion to Value was filed on November 21, 2012. A final evidentiary hearing was originally scheduled for April 24, 2013. The hearing was continued, at the request of Bank of America, to June 11, 2013. (Doc. Nos. 45, 46.) Prior to the June 11, 2013 hearing, the Debtors filed an agreed motion to continue the hearing (Doc. No. 54),<sup>1</sup> and the Court continued the final evidentiary hearing to August 21, 2013. (Doc. No. 55.)

<sup>1</sup>As with the instant Motion to Continue, the continuance of the June 11, 2013 hearing was sought due to Mrs. Cumello's health concerns and because the parties were discussing settlement.

The Court finds that the Motion to Value needs to be resolved in order for the Court to consider confirmation of the Debtors' Plan, pending now for nearly sixteen months; that the final evidentiary hearing has been continued twice before; and that the Debtors, having listed an expert appraiser on their Witness List, will not be prejudiced if they are unable to attend the hearing as scheduled on August 21, 2013.

Accordingly, it is

**ORDERED** that the Debtors' Motion is **DENIED**.

**DONE** and **ORDERED** in Chambers at Tampa, Florida, on August 19, 2013.

/s/  
Caryl E. Delano  
United States Bankruptcy Judge

Henry Hernandez is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.