

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1968

In Re: JERRY FRANKLIN MEADOWS, SR.; THERESA TUCKER MEADOWS,
Debtors.

DAIMLERCHRYSLER FINANCIAL SERVICES AMERICAS, LLC,
Creditor - Appellant,

v.

JERRY FRANKLIN MEADOWS, SR.; THERESA TUCKER MEADOWS,
Debtors - Appellees.

NATIONAL ASSOCIATION OF CONSUMER BANKRUPTCY ATTORNEYS,
Amicus Supporting Appellees.

Appeal from the United States Bankruptcy Court for the Western
District of Virginia, at Lynchburg. William E. Anderson,
Bankruptcy Judge. (BK-06-62050)

Submitted: August 28, 2008 Decided: September 11, 2008

Before MICHAEL, KING, and DUNCAN, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Stephen P. Hale, Jacob C. Zweig, HALE, DEWEY & KNIGHT, PLLC, Memphis, Tennessee; M. Richard Epps, Sara A. John, M. RICHARD EPPS, PC, Virginia Beach, Virginia; Steven L. Higgs, STEVEN L. HIGGS, PC, Roanoke, Virginia, for Appellant. David Cox, COX LAW GROUP, PLLC, Lynchburg, Virginia, for Appellees. Brett Weiss, Tara Twomey, NATIONAL ASSOCIATION OF CONSUMER BANKRUPTCY ATTORNEYS, Olney, Maryland, for Amicus Supporting Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

DaimlerChrysler Financial Services Americas, LLC, appeals directly from the bankruptcy court's order overruling its objection to the Chapter 13 plan filed by the debtors, Jerry Franklin Meadows, Sr., and Theresa Tucker Meadows. The bankruptcy court held that the bankruptcy code, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), permits the debtor to surrender undersecured collateral in full satisfaction of a secured claim. In light of our decision in Tidewater Fin. Co. v. Kenney (In re Kenney), 531 F.3d 312 (4th Cir. 2008), we vacate the bankruptcy court's orders and remand for further proceedings consistent with Kenney.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED