

02-1016 TILL, ET UX. v. SCS CREDIT CORP.

Ruling below: CA 7, 301 F.3d 583.

QUESTIONS PRESENTED

a) Is an undersecured creditor entitled to the "indubitable equivalent" of its nonbankruptcy entitlement for purposes of discounting deferred payments to present value under the Chapter 13 cramdown provision at 11 U.S.C. § 1325(a)(5)(B)(ii), resulting in fixing of a subprime lender's 21% contract rate as the presumptive discount rate?

b) What is the proper method for discounting of deferred payments to present value on property retained by the debtor under the Chapter 13 cramdown provision, and what is the creditor entitled to be compensated for in calculating the appropriate discount rate of interest?

CERT. GRANTED: 6/16/03