

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**ABDELLA AHMED
ABDOSH, ET AL.**

Debtor-Appellants

v.

**OCWEN LOAN
SERVICING, LLC, ET AL.**

Appellees

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Civil No. **PJM 14-2916**

MEMORANDUM OPINION

This case is on appeal from an order of the United States Bankruptcy Court for this District. *See In re Abdosh*, 13-29298PM (Bankr. D. Md. Sept. 21, 2012); *Abdosh et al. v. Ocwen Loan Servicing, LLC et al.*, 14-190PM (Bankr. D. Md. Mar. 27, 2013). Debtor-Appellants Abdella Ahmed Abdosh and Djuweria Mohammed Abdulahi sought a declaratory ruling that, under a Chapter 13 plan, the mortgage on their primary residence could be bifurcated into a secured claim up to the appraised value of the residence (i.e. \$58,000) and an unsecured claim on the remaining balance owing on the mortgage (i.e. \$78,000). The Debtor-Appellants argued, for various reasons, that 11 U.S.C. § 1322(b)(2) does not prohibit such a modification. After hearing oral argument on July 24, 2014, the Bankruptcy Court held that the Debtor-Appellants were not entitled to the bifurcation sought, and granted the motion to dismiss by Order entered July 31, 2014. This appeal followed.

This Court has reviewed the parties’ briefs, the Order, the transcript of oral argument, and the record. Conclusions of law are reviewed de novo; findings of fact are reviewed for clear

error. There is no need to re-visit in detail this clear legal issue. The Court adopts the reasoning of the Bankruptcy Court, as well as the reasoning of Judge Hazel as set forth in *Akwa v. Residential Credit Solutions, Inc.*, 530 B.R. 309 (D. Md. 2015) and the reasoning of Judge Grimm as set forth in *Birmingham v. PNC Bank, N.A., Inc.*, 2015 WL 4111645 (D. Md. July 7, 2015).

For the foregoing reasons, the decision of the Bankruptcy Court is **AFFIRMED**. The appeal is **DISMISSED**.

A separate Order will be **ENTERED**.

/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

July 30, 2015