



In re: WINDMILL DURANGO OFFICE, LLC, Debtor.

BEAL BANK USA, Appellant,

v.

**WINDMILL DURANGO OFFICE, LLC; UNITED STATES TRUSTEE; DP
AIR CORPORATION, Appellees.**

[BAP No. NV-11-1728-DKiPa, No. NV-11-1737-DKiPa \(Related appeals\), Bk. No.
10-25594-1br.](#)

United States Bankruptcy Appellate Panel, Ninth Circuit.

Filed June 27, 2012.

Summary

Beal Bank appealed the bankruptcy court's order denying its motion to permit it to change a ballot accepting the debtor's chapter 11 plan and the bankruptcy court's order confirming the debtor's chapter 11 plan over Beal Bank's objection. The issues raised in the appeal were: (1) Did the bankruptcy court err in denying Beal Bank's ballot motion?; (2) Did the bankruptcy court err in confirming the debtor's second amended plan by finding that the debtor demonstrated that it was feasible?; and (3) Did the bankruptcy court err in confirming the debtor's second amended plan by finding that the debtor filed it in good faith? The court affirmed the bankruptcy court's orders.

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