

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

PRE CONFIRMATION MODIFICATION
CHAPTER 13 PLAN

In re:

**Patrick M. Bigley
Kimberly J. Dittrich-Bigley**

Dated: 07/15/2004

Case No. 03-46696 NCD

Debtor(s)

1. PAYMENTS BY DEBTOR-

- a. As of the date of this plan, the debtor has paid the trustee \$ _____
- b. After the date of this plan, the debtor will pay the trustee \$ 100.00 per month for 18 months, beginning within 30 days after filing of this plan for a total of \$ 1,800.00
- c. The debtor will also pay the trustee \$340.00 per month for months 19 - 36 for a total of \$6,120.00 and \$870.00 per month for months 37 - 60 for a total of \$20,880.00
- d. The debtor will pay the trustee a total of \$ 28,800.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE-The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$ 2,880.00 [line 1(d) x .10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

3. PRIORITY CLAIMS-The trustee shall pay in full all claims entitled to priority under §507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Attorney Fees	\$ <u>1,050.00</u>	\$ <u>90.00</u>	<u>1</u>	<u>12</u>	\$ <u>1,050.00</u>
b. Internal Revenue Serv.	\$ _____	\$ _____	_____	_____	\$ _____
c. Minn. Dept. of Revenue	\$ _____	\$ _____	_____	_____	\$ _____
d. _____	\$ _____	\$ _____	_____	_____	\$ _____
e. TOTAL					\$ <u>1,050.00</u>

4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT-The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

- a. Ohio Savings
- b. Wells Fargo Bank

5. HOME MORTGAGES IN DEFAULT-[§ 1322(b)(5)]-The trustee will cure defaults on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. _____	\$ _____	\$ _____	_____	_____	\$ _____
e. TOTAL					\$ <u>0.00</u>

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322 (b)(5)]**-The trustee will cure defaults (plus interest at the rate of 8% per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL					\$ 0.00

7. **OTHER SECURED CLAIMS [§1325(a)(5)]**-The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8%. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. _____	\$ _____	\$ _____	_____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	_____	\$ _____
d. TOTAL						\$ 0.00

8. **SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in ¶9, there shall be a separate class of non priority unsecured creditors described as follows: _____

- a. The debtor estimates that the total claims in this class are \$ _____
- b. The trustee will pay this class \$ _____

9. **TIMELY FILED UNSECURED CREDITORS**-The trustee will pay holders of non priority unsecured claims for which proofs of claim were timely filed the balance of all payment received by the trustee and not paid under ¶2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ **24,870.00** [line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d) and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$ _____
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶7 and ¶8) are \$ **98,876.00**
- c. Total estimated unsecured claims are \$ **98,876.00** [line 9(a) + line 9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS**-All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of non priority unsecured claims for which proofs of claim were tardily filed.

11. **OTHER PROVISIONS**-The trustee may distribute funds not allocated above at his/her discretion.

The debtors shall pay the trustee any tax refunds which exceed \$1,000.00 during the term of this plan.

12. **SUMMARY OF PAYMENTS-**

Trustee's Fee [line 2]	\$ 2,880.00
Priority Claims [line 3(e)]	\$ 1,050.00
Home Mortgage Defaults [line 5(d)]	\$ 0.00
Long-Term Debt Defaults [line 6(d)]	\$ 0.00
Other Secured Claims [line 7(d)]	\$ 0.00
Separate Class [line 8(b)]	\$ 0.00
Unsecured Creditors [line 9(c)]	\$ 24,870.00
TOTAL [must equal Line 1(d)]	\$ 28,800.00

Robert J. Everhart #180671
 Attorney at Law
 PO Box 120534
 New Brighton, MN 55112
 651-636-9212

Signed /e/Patrick M. Bigley
 DEBTOR

Signed /e/Kimberly J. Dittrich-Bigley
 DEBTOR (if joint case)

In RE:
Patrick M. Bigley
Kimberly J. Dittrich-Bigley

U.S. Bankruptcy Court
District of Minnesota

Debtor(s)

Unsworn Declaration
Proof of Service

Mari M. Scotch, employed by Robert J. Everhart attorney(s) licensed to practice law in this court, with office address of P. O. Box 120534, New Brighton, Minnesota 55112, declares that on July 21 , 2004, I served the annexed:

Notice of Pre-Confirmation Modification and Modified Chapter 13 Plan.

upon each of the entities named below by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at New Brighton, Minnesota addressed to each of them as follows:

U.S. Bankruptcy Court
(Electronic Filed Service)

Michael J. Farrell
Chapter 13 Trustee
PO Box 519
Barnesville, MN 56514

Office of the U. S. Trustee
1015 US Courthouse
300 South 4th Street
Minneapolis, MN 55415

Hedback Arendt & Carlson PLLC
John A. Hedback, Attorney
2855 Anthony Lane South, Ste 201
St. Anthony, MN 55418

MBNA America Bank, NA
ECAST Settlement Corp
Becket & Lee LLP, Attorneys
PO Box 35480
Newark, NJ 07193

Patrick M. & Kimberly Bigley
8780 Autumn Oaks Drive
Rockford, MN 55373

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: 07/21/2004

Signed:



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Patrick M. Bigley
Kimberly J. Dittrich-Bigley

Debtor(s)

SIGNATURE DECLARATION

Re: *Electronic Filing*

Case No. 03-46696 NCD

- PETITION, SCHEDULES & STATEMENTS
- CHAPTER 13 PLAN
- AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
- MODIFIED CHAPTER 13 PLAN
- SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
- OTHER _____

I (We), the undersigned debtor(s) or authorized representative of the debtor, **make the following declarations under penalty of perjury:**

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and /or chapter 13 plan, as indicated above, is true and correct.
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct; [**individual debtors only**]. If no **social security number** is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a social security number.
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable. I understand that a scanned image of this declaration shall be electronically filed **no later than five days** after the above named documents have been electronically submitted. If an amendment, **no later than the next business day** following the date of service of the amendment. I understand that failure to file the signed original of this Declaration will provide cause for my case to be dismissed pursuant to 11 U.S.C. § 707 (a)(3) without further notice.

(**Individual debtors only**) debts are primarily consumer debts and has chosen to file under chapter 7) I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

[**Corporate and Partnership debtors only**] I have been authorized to file this petition on behalf of the debtor.

Date: 07/15/2004

X Patrick M. Bigley
Signature of Debtor

X _____
Signature of Debtor or Authorized Individual

X Kimberly J. Dittrich-Bigley
Signature of Joint Debtor

X _____
Printed name of Debtor or Authorized Individual

X MS

Signature of Attorney for Debtor(s)
Robert J. Everhart #180671
Everhart Law Office, Ltd.
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New Brighton, MN 55112
651-636-9212