

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re: **DAVIS, WILL HENRY
DAVIS, BARBARA DELORES**

**POSTCONFIRMATION
NOTICE AND
MOTION TO MODIFY
CHAPTER 13 PLAN**

Debtor(s)

Chapter 13 Case No. 03-47469

To: Jasmine Z Keller, Trustee, and other entities specified in Local Rule 303(d)(1).

1. Will Henry Davis and Barbara Delores Davis, Debtor(s) in the above case by their undersigned attorney, move the Court for relief requested below and gives notice of hearing.
2. The Court will hold a hearing on this motion at 10:30 a.m. on Thursday, October 7, 2004 in front of the Honorable Nancy C. Dreher in Courtroom 7 West, U. S. Courthouse, 300 South 4th Street, Minneapolis, Minnesota.
3. Any response to this Motion must be filed and delivered not later than October 4, 2004, which is three (3) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than September 28, 2004, which is seven (7) business days before the time set for the hearing (excluding Saturdays, Sundays, and holidays).
4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. Section 157 and Section 1334 and Bankruptcy Rule 5005. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on October 24, 2003. The case is now pending in this Court.
5. This Motion arises under 11 U.S.C. Section 1324 and Section 1329. This Motion is filed under Bankruptcy Rule 9014 and Local Rule 608. Debtors propose to modify the chapter 13 Plan payment to \$850.00 per month beginning August 2004 and as grounds therefore state as follows:
 - a. Debtor(s) have paid \$8,330.00 to the Chapter 13 Trustee to date.

- b. The value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the Debtor(s) was liquidated under Chapter 7 of this title on such date.
- c. In order to provide for necessary home maintenance, car repairs and property taxes, debtors refinanced their home mortgage. The refinancing increased the monthly mortgage payment by approximately \$320.00 thereby significantly reducing monthly disposable income and necessitating the proposed modification.
6. If oral testimony is necessary as to relevant facts, the Debtor(s) will testify at the hearing.
7. WHEREFORE, Debtor(s) move the Court for its Order confirming Plan as modified, and for such other relief as is just and equitable.

Date: 8-12-04



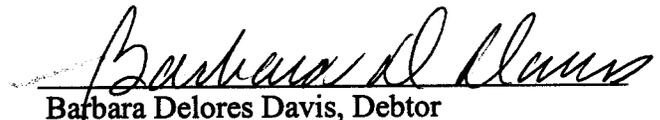
Craig Cook, Attorney at Law
1821 University Avenue, Ste. S217
Saint Paul, Minnesota 55104
Attorney Registration 1865X
Telephone: 651-644-1110

I, Will Henry Davis and Barbara Delores Davis, Debtor(s) in the above Chapter 13 case, state that they have read the foregoing Motion to Modify Chapter 13 Plan and that the facts stated therein are true and correct to the best of their knowledge and belief.

Date: 8-12-04



Will Henry Davis, Debtor



Barbara Delores Davis, Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: DAVIS, WILL HENRY
DAVIS, BARBARA DELORES

SIGNATURE DECLARATION

Debtor(s).

Case No. 03-47469

- PETITION, SCHEDULES & STATEMENTS
 CHAPTER 13 PLAN
 SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 MODIFIED CHAPTER 13 PLAN POSTCONFIRMATION
 OTHER (Please describe: _____)

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; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 8-7-04

X Will H Davis
Signature of Debtor or Authorized Representative

WILL HENRY DAVIS
Printed Name of Debtor or Authorized Representative

X Barbara D Davis
Signature of Joint Debtor

BARBARA DELORES DAVIS
Printed Name of Joint Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Will Henry Davis
Barbara Delores Davis

UNSWORN DECLARATION
OF PROOF OF SERVICE

Chapter 13 Case No. 03-47469

Debtor(s).

Susan Steging, employed by Craig Cook, Attorney at Law, with office address of 1821 University Avenue, Suite South 217, Saint Paul, Minnesota, 55104, declares that I served a copy of the attached:

NOTICE OF POSTCONFIRMATION MODIFICATION AND HEARING ON CHAPTER 13 PLAN and
POSTCONFIRMATION MODIFIED CHAPTER 13 PLAN,

upon each of the entities named, by mailing to each of them a copy thereof, by enclosing same in an envelope with first-class postage prepaid and depositing same in the post office at Saint Paul, Minnesota, addressed to:

Jasmine Z Keller
Chapter 13 Trustee
12 South Sixth Street
310 Plymouth Building
Minneapolis, MN 55402

Office of the US Trustee
1015 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415

And to all creditors on the attached matrix.

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

Date: 8/17/04

Signed: /e/ Susan Steging
Susan Steging

ADT SECURITY
PO BOX 371490
PITTSBURGH PA 15250

ADVANCED FINANCE CO
PO BOX 4068
CARLSBAD CA 92018

ALINA URGENT CARE
PO BOX 9324
MINNEAPOLIS MN 55440-7633

ALINA URGENT CARE
C/O RELIANCE RECOVERIES
PO BOX 29227
MINNEAPOLIS MN 55429

AT& T WIRELESS
PO BOX 8220
AURORA IL 60572-8220

AT&T WIRELESS
C/O DIVERSIFIED ADJUSTMENT
PO BOX 32145
MINNEAPOLIS MN 55432

AT&T WIRELESS C/O SUNRISE CR
2174 JACKSON
SEAFORD NY 11783

BURNET TITLE
7550 FRANCE AV S #220
MINNEAPOLIS MN 55435

CAPITAL ONE VISA
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RICHMOND VA 23285-5015

CAPITAL ONE VISA
PO BOX 6000
SEATTLE WA 98190-6000

CAPITAL ONE VISA
PO BOX 85617
RICHMOND VA 23276

CAPITAL ONE VISA
C/O ALLIED INTERSTATE
3111 S DIXIE HWY #101
WEST PALM BEACH FL 33405

CAPITAL ONE VISA
C/O OSI COLLECTION
PO BOX 7526
DUBLIN OH 43017

CENTERPOINT ENERGY
PO BOX 1297
MINNEAPOLIS MN 55472-0061

CITY OF RICHFIELD
6700 PORTLAND AV S
RICHFIELD MN 55423

COLON & RECTAL SURGERY
393 DUNLAP #500
SAINT PAUL MN 55104

CROSS COUNTRY BANK VISA
PO BOX 310728
BOCA RATON FL 33431-0728

CROSS COUNTRY BANK VISA C/O
SIMM ASSO
254 CHAPMAN RD #200
NEWARK DE 19702

CULLIGAN WATER
7165 BOONE AV N
BROOKLYN PK MN 55428

CULLIGAN WATER C/O CLX SYS
PO BOX 125
HAMEL MN 55340-9625

DR ROSARIO GRACE
6525 DREW AV S
EDINA MN 55435

E&K FAMILY DENTISTRY
1537 16TH AV S
RICHFIELD MN 55423

FAIRVIEW CLINICS
2450 RIVERSIDE
MINNEAPOLIS MN 55454

FAIRVIEW HOSP
C/O JC CHRISTENSEN
PO BOX 519
SAUK RAPIDS MN 56379

FAIRVIEW HOSPITAL
2450 RIVERSIDE
MINNEAPOLIS MN 55454

FASHION BUG
PO BOX 856021
LOUISVILLE KY 40285-6021

FIRST CONSUMERS MASTERCARD
PO BOX 3910
PORTLAND OR 97208-3910

FIRST PREMIER BANK VISA
PO BOX 5147
SIOUX FALLS SD 57117-5147

GORDONS
PO BOX 9025
DES MOINES IA 50368-9025

HENNEPIN CO TREASURER
A600 GOVERNMENT CTR
300 S 6TH
MINNEAPOLIS MN 55487

HOUSEHOLD AUTO FINANCE
PO BOX 60115
CITY OF INDUSTRY CA 91716-0115

HOUSEHOLD BANK CARD MASTRCRD
PO BOX 5222
CAROL STREAM IL 60197-5222

INTERNAL REVENUE SVC
ATTN STOP 5700
316 N ROBERT
SAINT PAUL MN 55101

MAZDA AM CREDIT
PO BOX 680020
FRANKLIN TN 37068

MCI NEIGHBORHOOD
PO BOX 105271
ATLANTA GA 30348

MERRICK BANK
PO BOX 5721
HICKSVILLE NY 11802-5721

MINNESOTA DEPT REVENUE
551 BKY SECTION
PO BOX 64447
SAINT PAUL MN 55164

MSN INTERNET
PO BOX 847124
DALLAS TX 75284-7124

NEWPORT NEWS C/O
ALLIANCE ONE
PO BOX 960
PLYMOUTH MEETING PA 19462-0960

NEWPORT NEWS C/O FCNB PROCESS
9310 SW GEMINI DR
BEAVERTON OR 97078-0001

NORTH SHORE AGY / COFFEE
CUSTOMER SVC - BKY
751 SUMMA
WESTBURY NY 11590

OCWEN FED BANK
PO BOX 514577
LOS ANGELES CA 90051-4577

OREK FINANCIAL SVC
PO BOX 23476
NEW ORLEANS LA 70123

OREK FINANCIAL SVC C/O
ALPAT COM INC
40070 CANE AV #400
SLIDELL LA 70459-1689

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2450 RIVERSIDE
MINNEAPOLIS MN 55454

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AMERICAN ACCOUNTS & ADVISORS
3904 CEDARVALE DRIVE
EAGAN MN 55122

PROVIDIAN VISA
PO BOX 85015
RICHMOND VA 23285-5015

QWEST C/O ACCENT SVC CO
7171 MERCY RD #150
OMAHA NE 68106

QWEST C/O NATIONWIDE CREDIT
PO BOX 740627
ATLANTA GA 30374

QWEST/ US WEST CMC
ATTN: BKY GROUP- 17TH FLR
PO BOX 52152
PHOENIX AZ 85072-2152

SOUTHWEST FAMILY SVC
3801 HENNEPIN
MINNEAPOLIS MN 55408

SOUTHWEST FAMILY SVC
C/O ROSSO & SEIERSTAD, PA
PO BOX 130668
SAINT PAUL MN 55108

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1450 E. PARHAM RD
RICHMOND VA 23280-1001

TIME WARNER CABLE
801 PLYMOUTH AV N
MINNEAPOLIS MN 55411

TIME WARNER CABLE C/O
PO BOX 99
24 N FRONT ST
NEW ULM MN 56073

US BANK
PO BOX 64799
SAINT PAUL MN 55164

WELLS FARGO
7000 VISTA DR
MAC# N8235-049
WEST DES MOINES IA 50266

WELLS FARGO C/O
B HALBERSTADT & P ZERBY JR
1700 W HWY 36 #510
ROSEVILLE MN 55113