Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
ST. PAUL DIVISION

In re:
DANIEL JOHN SIMON

Debtor
In a joint case,
debtor means debtors in this plan.

CHAPTER 13 PLAN

Dated: **09/29/2004**

Case No. **04-41707**

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 **$115.00** per **month** for **36 months**, beginning within 30 days after the filing of this plan for a total of **$4,140.00**.

   c. The debtor will also pay the trustee _____

   d. The debtor will pay the trustee a total of **$4,140.00** [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 **$414.00** [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 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.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	**$1,250.00**	**$103.50**	**1**	**13**	**$1,250.00**
b. Internal Revenue Serv.					
c. Minn. Dept of Revenue					
d. Other: **None**					
e. TOTAL					**$1,250.00**

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.

Name of Creditor	Description of Property
FIRSTAR	**1997 RIVIERA**

5. **HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] --** The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) 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 wil 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

TOTAL **$0.00**

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322(b)(5)]** -- The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on other claims as follows and the debtor will maintain 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
TOTAL					**$0.00**

7. **OTHER SECURED CLAIMS [§ 1325(a)(5)]** -- The trustee will make payments to the following creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8 percent. 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
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 nonpriority unsecured creditors described as follows:

Classification Creditor

a. The debtor estimates that the total claims in this class are **$0.00**.

b. The trustee will pay this class **$0.00**.

9. **TIMELY FILED UNSECURED CREDITORS** -- The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately **$2,476.00** [line 1(d) minus lines 2, 3(e), ¶ 5 Total, ¶ 6 Total, ¶ 7 Total and 8(b)].

a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are **$0.00**.

b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are **$77,170.00**.

c. Total estimated unsecured claims are **$77,170.00** [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 nonpriority unsecured claims for which proofs of claims were tardily filed.

11. **OTHER PROVISIONS** --

ATTORNEYS FEES

ATTORNEY FEES WILL BE PAID PURSUANT TO APPLICATION APPROVED BY THE COURT.

Pledge of All Disposable Income

Debtors pledge to their Chapter 13 plan all disposable income for the benefit of unsecured creditors.

12. SUMMARY OF PAYMENTS --

Trustee's Fee	**$414.00**
Priority Claims	**$1,250.00**
Home Mortgage Defaults	**$0.00**
Long-Term Debt Defaults	**$0.00**
Other Secured Claims	**$0.00**
Separate Class	**$0.00**
Unsecured Creditors	**$2,476.00**
Total	**$4,140.00**

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