

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bkry Case No: 04-41907

Vernetta E. Durant,

Chapter 13 Case

NOTICE OF HEARING AND MOTION

Debtor(s).

TO MODIFY CHAPTER 13 PLAN

TO: Trustee; the United States Trustee and other parties in interest specified in Local Rule 1204(a).

1. Vernetta E. Durant, debtor in the above case, by her attorney, moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion before the Honorable Robert J. Kressel, at 10:30 a.m. on October 21, 2004, in Courtroom 8 West, at the United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.

3. Any objection to this motion shall be delivered not later than five days, including intermediate Saturdays, Sundays, and legal holidays, or mailed not later than eight days before the hearing date. The objection shall be filed not later than one day after service. UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, FED.R. BANKR.P.5005 and Local Rule 1070-1.

This motion is a core proceeding. The petition commencing this case under Chapter 13 of Title 11 United States Code was filed on April 9, 2004, and is now pending in this court.

5. This motion arises under 11 U.S.C. §1329 and FED.R. BANKR.P.3015. This motion is filed under FED.R.BANKR.P.9014. The debtor requests relief with respect to the approval of the modified Chapter 13 Plan, attached hereto.

6. The debtor proposes to modify the Chapter 13 plan by continuing the Chapter 13 Plan payments of \$125.00 per month, to the Trustee, beginning with the September 2004 payment and as grounds thereof state as follows:

a. The debtor's Chapter 13 Plan payments to the Trustee shall commence as follows: \$125.00 per month for 38 months, beginning September 2004.

b. The debtor shall include her pre-petition debt owed to the Secretary of Housing onto the Chapter 13 plan..

c. The debtor is still currently employed at Preferred One, located in Golden Valley, Minnesota, as a medical claims examiner. Her monthly gross income remains at approximately \$2,558.00, minus \$640.00 for income taxes/ social security/medicare; \$202.00 for insurance; and \$10.00 for life insurance. This leaves her with an

average monthly net income of approximately \$1,706.00. She is still receiving \$442.00 per month from SSI and \$186.00 from child support.

d. The debtor's combined monthly average household income is approximately \$2,334.00.

e. The debtor's average monthly household expenses remains as follows: mortgage \$763.00 (includes taxes and insurance); electric/heat \$250.00; water/sewer \$100.00; telephone \$100.00; home maintenance \$50.00; food \$350.00; clothing \$70.00; laundry/dry cleaning \$30.00; medical/dental \$80.00; transportation \$76.00; and daycare \$340.00. Her monthly household expenses total approximately \$2,209.00.

f. The debtor has an excess of \$125.00 per month to contribute toward the Chapter 13 Plan payments.

g. As of the date of this modified plan she has paid into the Chapter 13 Plan \$250.00.

h. The debtor's non-priority unsecured claims shall be paid an estimated 5 percent of the amounts allowed.

i. 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 had liquidated under

Chapter 7 of this title on such date;

7. If oral testimony is necessary as to relevant facts, the debtor shall testify at the hearing.

WHEREFORE, debtor moves the Court for its order granting the confirmation the enclosed modified plan, and for any other relief the Court deems just and proper.

Dated: 9/1/04

HOGLUND, CHWIALKOWSKI, GREEMAN & BERGMANIS, P.L.L.C.

Signed: /e/ Robert J. Hogleund

Robert J. Hogleund #210997

Keith Chwialkowski #210134

Marie F. Martin #287040

Jeffrey J. Bursell #293362

Attorney for Debtor(s)

1611 West County Road B, Suite 106

P.O. Box 130938

Roseville, Minnesota 55113

Telephone No: (651) 628-9929

VERIFICATION

Vernetta E. Durant, debtor in the above Chapter 13 case state that

I have read the foregoing Motion to Modify Chapter 13 Plan and declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge and belief.

Dated: 8/25/04

Signed: /e/ Vernetta E. Durant
(Debtor)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:
Vernetta E. Durant,

Chapter 13 Case
Bkry Case No: 04-41907

**UNSWORN CERTIFICATE
OF SERVICE**

Debtor(s).

I, Robin Nori, employed by Hoglund, Chwialkowski, Greeman & Bergmanis, P.L.L.C., attorneys licensed to practice law in this Court, with office address of 1611 West County Road B, Suite 106, Roseville, Minnesota 55113, declare that on September 1, 2004, I served the Notice of Hearing and Motion to Modify the Chapter 13 Plan, and modified Chapter 13 Plan, to each of the entities named below, by mailing to each of them a copy thereof by enclosing the same in an envelope with first class mail postage prepaid, and depositing the same in the post office in Roseville, Minnesota, addressed to each of the entities as follows:

Ms. Jasmine Z. Keller, Trustee
310 Plymouth Building
12 South Sixth Street
Minneapolis, Minnesota 55402

United States Trustee
1015 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota 55415

Vernetta E. Durant
3626 Humboldt Avenue North
Minneapolis, Minnesota 55412

all creditors/parties in interest listed on matrix (see attached)

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

Dated: September 1, 2004

Signed: /e/ Robin Nori
Paralegal

APRIA HEALTHCARE
PO BOX 1450 NW 7140
MINNEAPOLIS MN 55485

CENTERPOINT ENERGY/MINNEGASCO
PO BOX 1297
MINNEAPOLIS MN 55472

CHILDRENS HEALTH CARE
PO BOX 86 12183 SDS
MINNEAPOLIS MN 55488

CITY OF MINNEAPOLIS WATER DEPT
350 S 5TH ST
MINNEAPOLIS MN 55472

FORD MOTOR CREDIT
PO BOX 88306
CHICAGO IL 60680

MCC GROUP INC
10125 CROSSTOWN CIRCLE #100
EDEN PRAIRIE MN 55344

MESSERLI & KRAMER
ATTORNEYS AT LAW
3405 ANNAPOLIS LANE N #300
PLYMOUTH MN 55447

MILLENIUM CREDIT CONSULTANTS
PO BOX 18160
WEST SAINT PAUL MN 55118

PARK RIDGEWAY APARTMENTS
4219 OREGON AVE N
NEW HOPE MN 55428

PEDIATRIC RADIOLOGY
14700 - 28TH AVE N #30
MINNEAPOLIS MN 55447

QWEST
PO BOX 1301
MINNEAPOLIS MN 55483

SEED ACADEMY
1300 OLSON MEMORIAL HWY
MINNEAPOLIS MN 55411

TCF BANK
801 MARQUETTE AVE
MINNEAPOLIS MN 55402

TIME WARNER CABLE
801 PLYMOUTH AVE N
MINNEAPOLIS MN 55411

XCEL ENERGY
PO BOX 9477
MINNEAPOLIS MN 55484-9477

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Vernetta E. Durant,

Bankruptcy Case Number: 04-41907

SIGNATURE DECLARATION

Debtor(s).

- () PETITION, SCHEDULES & STATEMENTS
() CHAPTER 13 PLAN
() SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
() AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
(X) MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING
() OTHER: (Please describe) _____
() VERIFICATION: I (We), debtor(s) named in the attached amended schedules, declare under penalty of perjury that the foregoing is true and correct.

I [We] Vernetta E. Durant, the undersigned debtor(s) or authorized individual, **hereby declare under penalty of perjury** that 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. I consent to my attorney electronically filing my petition, a scanned image of this declaration, statements, and schedules, amendments, and/or chapter 13 plan, as indicated above, with the United States Bankruptcy Court. I understand that a scanned image of this declaration is to be converted to PDF, and either inserted as the last page in the electronic submission or electronically submitted within five days after the above-named document have been electronically submitted.

[] [If petitioner is an individual whose 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.

[] [If petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Date: 8/3/04

Vernetta E. Durant
Signature of Debtor or Authorized Individual

Signature of Joint Debtor

Vernetta E. Durant
Printed Name of Debtor or Authorized Individual

Printed Name of Joint Debtor

HOGLUND, CHWIALKOWSKI, GREEMAN & BERGMANIS, P.L.L.C.

Signed: /e/ Robert J. Hoglund
Robert J. Hoglund #210997
1611 West County Road B, Suite 106
P.O. Box 130938
Roseville, Minnesota 55113
Telephone Number: (651) 628-9929