

UNITED STATES BANKRUPTCY COURT
District of Minnesota

Preconfirmation Modified
CHAPTER 13 PLAN

In Re: Theresa L. Wemhoff

Dated: June 7, 2004

Debtor

Case No: 04-42256 RJK

1. PAYMENTS BY DEBTOR: -

- A. As of the date of this plan, the debtor has paid the trustee \$600.00
 B. After the date of this plan, the debtor will pay the trustee \$ 500.00 per month for 35 months, beginning within 30 days after the filing of this plan for a total of \$ 17,500.00
 C. The debtor will also pay the trustee \$ 0
 D. The debtor will pay the trustee a total of \$ 18,100.00 [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 \$ 1,810.00 [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.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
A. Attorney fees	<u>\$ 1250.00</u>	<u>540.00</u>	<u>1</u>		
		<u>30.00</u>	<u>2</u>	<u>23</u>	<u>\$1250.00</u>
B. Internal Revenue Serv.	\$ _____	\$ _____	_____	_____	\$ _____
C. Minn. Dept. of Revenue	\$ _____	\$ _____	_____	_____	\$ _____
TOTAL					<u>\$1250.00</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. Crow River Bank (Mazda)

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.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
A. <u>CountryWide</u>	<u>\$ 31,886.19*</u>	<u>\$ 400.00</u>	<u>2</u>	<u>24</u>	<u>\$9,600.00</u>
B. <u>Community Bank</u>	<u>\$ 1,100.00**</u>	<u>\$ 20.00</u>	<u>2</u>	<u>26</u>	<u>\$1,100.00</u>
TOTAL					<u>\$ 10,700.00</u>

*Debtor will sell or refinance her home in the 25th month in order to pay the balance of the amount of the actual amount of the default directly to the holder of the claim. ** Payments to increase to \$420.00 once CountryWide's 24 payments have been made.

6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322 (b)(5)] - The trustee will cure defaults 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. <u>none</u>	\$ _____	\$ _____	_____	_____	\$ _____
TOTAL					\$ _____

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 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 COLLATERAL VALUE BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE VALUE OF THE CREDITOR'S INTEREST IN THE DEBTOR'S PROPERTY UNDER 11 U.S.C. § 506(a).

Creditor	Estimated Claim Amount	Collateral Value	Monthly Payment	Beginning in Month	#Payments	Number of PAYMENTS	ESTIMATED TOTAL
A. <u>none</u>	\$ <u> </u>	\$ <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	\$ <u> </u>
TOTAL							\$ <u> </u>

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: none
- 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 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 \$ 4,340.00 [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 \$ 0
- B. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ 0
- C. Total estimated unsecured claims are \$ 6900.47 [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 claim forms were tardily filed.
11. ADDITIONAL PROVISIONS - The Trustee may distribute funds not allocated above at his/her discretion. The mortgage holder shall apply any amounts in suspense at the time of the confirmation of this plan to pay any pre-petition arrearages. The debtor reserves the right to make additional voluntary contributions if necessary to raise the dividend percentage to 70%.
12. SUMMARY OF PAYMENTS -

Trustee's Fee [Line 2]	\$ <u>1810.00</u>
Priority Claims [Line 3(e)]	\$ <u>1250.00</u>
Home Mortgage Defaults [Line 5(d)]	\$ <u>10,700.00</u>
Long-term Debt Defaults [Line 6(d)]	\$ <u> 0 </u>
Other Secured Claims [Line 7(d)]	\$ <u> 0 </u>
Separate Class [Line 8(b)]	\$ <u> 0 </u>
Unsecured Creditors [Line 9]	\$ <u>4,340.00</u>
TOTAL [must equal Line 1(c)]	\$ <u>18,100.00</u>

Sam V. Calvert #1431x
 1011 2nd St North, STE 107
 St. Cloud MN 56302 320 252 4473

/e/ Theresa L. Wemhoff
 Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Theresa Leah Wemhoff

Debtor(s).

Ch. 04-42256

MOTION TO MODIFY PLAN
(Pre-Confirmation)

To: Jasmine Keller, Chapter 13 Trustee; the United States Trustee; and to the other entities specified in Local Rule 1204(a):

1. Theresa Leah Wemhoff, debtor herein, through counsel, moves the court for the relief requested below and give notice of hearing.
2. The Court will hold a hearing on this motion at 10:00 o'clock a.m. on Aug. 19, 2004, in Courtroom 8W, US Court House, 310 Plymouth Bldg, 12 S 6th St, Minneapolis, MN 55402, or as soon thereafter as counsel may be heard.
3. Any response to this motion must be filed and delivered not later than Aug. 9, 2004 at 11:00 am. On July 9, 2004, or filed and served by mail not later than Aug 17, 2004, which is three days before the time set for the hearing.
4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rules 4001(a) and 9014. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed April 21, 2004; the case is now pending in this Court.
5. This motion arises under 11 U.S.C. §1329 and Bankruptcy Rule 9014 and Local Rule 3015-2(b). This motion is filed under Bankruptcy Rule 9014 and Local Rules 3015-1 through 3020-3. Movants request relief as follows: Modification of the plan to increase the payments.
6. A copy of the debtor's modified plan is attached to this motion.
7. Notice is hereby given that if testimony on this matter is required that the undersigned will offer the testimony of movant, Theresa Leah Wemhoff, 431 1st St S, Box 330, Winsted MN 55395-0330.

WHEREFORE, movant moves the Court for an order not disapproving the debtors' modified plan dated as of June 7, 2004, and for such other and further relief as to the Court may seem just.

the debtors' modified plan dated as of June 7, 2004, and for such other and further relief as to the Court may seem just.

/e/ Sam V. Calvert

Sam V. Calvert
1011 2nd St. North, Suite 107
Box 1044
St. Cloud MN 56302
320-252-4473
atty id # 1431X

VERIFICATION

I, Theresa Leah Wemhoff the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

/e/ Theresa Leah Wemhoff
Name of client

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Theresa Leah Wemhoff

Debtors.

Chapter 13 file Case:04-42256

UNSWORN DECLARATION FOR PROOF OF SERVICE

Barb Robinson, assistant to Sam V. Calvert, attorney licensed to practice law in this Court, with office address of 1011 2nd St. North, Suite 107, Box 1044, St. Cloud, MN 56302, declares that on July 12, 2004, I served the Motion to Modify Chapter 13 Plan on the entity or entities listed below, by mailing each of them a copy thereof by enclosing the same in an envelope, first class postage prepaid, and depositing the same in the United States Mail at St. Cloud Minnesota addressed as follows:

US Trustee
Suite 1015
300 South Fourth Street
Minneapolis MN 55415

Jasmine Keller
12 S 6th St, Ste 310
Minneapolis MN 55402

Theresa L. Wemhoff
431 1st St S
Box 330
Winsted MN 55395-0330

See attached list

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

Dated: July 12, 2004



Arthur W Wemhoff Sr
431 South 1st Street Box 330
Winsted MN 55395

Xcel Energy / Northern States Power
PO Box 9477
Minneapolis MN 55484-9477

Bremer Bank
1100 West St Germain Street
St Cloud M 56301

Capital One
4121741508591554
Box 85167
Richmond VA 23285

Capitol One
4121741508591554
PO Box 6000
Seattle WA 98190-6000

Community Bank - Winsted
110 North 1st Street Box 130
Winsted MN 55395

Country Wide Home Mtg
7105 Corporate Drive
Plano TX 75024-4100

Crow River Bank
Hwy 12 E
710 Babcock
Delano MN 556328-8602

Dan Prochnow
126 Franklin St. NW, STE 100
Hutchinson MN 55350

James Geske
Leonard O'Brien
55 E 5th ST, STE 800
St. Paul MN 55101

NCO Financial
Box 41567
Philadelphia PA 19101

NCO Financial Services
515 Pennsylvania Avenue
Fort Washington PA 19034

Sears
PO Box 182149
Columbus OH 43218-2149

Sears Roebuck & CO.
Box 3671
Des Moines IA

Tom Thumb
110 17th St E
Hastings MN 55033-3101

UNITED STATE BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

In Re: Theresa L. Wemhoff

Debtor

Case No: 04-42256 RJK

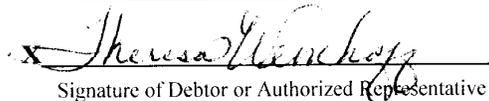
SIGNATURE DECLARATION

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

I (We), the undersigned debtor(s) or authorized representative of the debtor, **make the following declaration 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 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, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages" is applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 7-9-04


Signature of Debtor or Authorized Representative