UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

PRE CONFIRMATION MODIFICATION

CHAPTER 13 PLAN

In re:
William J. Gajeski
Betty C. Gajeski

Dated: **07/20/2004**

Case No. **04-42285 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 $ **1,150.00** per month for **24** months, beginning within 30 days after filing of this plan for a total of $ **27,600.00**

   c. The debtor will also pay the trustee **$1,500.00 per month for months 25 - 60 for a total of $54,000.00**

   d. The debtor will pay the trustee a total of $ **81,600.00** [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 $ **8,160.00** [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	$ 1,250.00	$ 1,035.00	1	2	$ 1,250.00
b.	Internal Revenue Serv.	$ 562.00	$ 562.00	42	1	$ 562.00
c.	Minn. Dept. of Revenue	$ 4,000.00	$ 1,215.00	43	3	$ 4,000.00
d.		$	$			$
e.	TOTAL					$ 5,812.00

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.

   a. _____
   b. _____

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.	Long Beach Mortgage	$ 20,627.00	$ 735.00	2	29	$ 20,627.00
b.		$	$			$
c.		$	$			$
d.		$	$			$
e.	TOTAL					$ 20,627.00

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322 (b)(5)]**-The trustee will cure defaults (plus interest at the rate of 8% per 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.	**Anoka County Property Tax**	$ **1,156.00**	$ **1215.00**	**40**	**2**	$ **1,469.00**
b.		$	$			$
c.		$	$			$
d.	TOTAL					$ **1,469.00**

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.	**Americredit**	$ **23,877.00**	$ **13,125.00**	**200./515./1250.**	**2/25/31**	**23/6/7**	$ **15,630.00**
b.	**Wells Fargo Financial**	$ **4,550.00**	$ **6,000.00**	**100.00/1,250.00**	**2/28**	**36/2**	$ **5,673.00**
c.		$	$				$
d.	TOTAL						$ **21,303.00**

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 $ **24,229.00** [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 $ **10,750.00**

   b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶7 and ¶8) are $ **11,355.00**

   c. Total estimated unsecured claims are $ **22,105.00** [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.

Title to the 2001 Chevrolet Impala shall vest in the debtors after the secured claim has been paid in full with interest. The claim of Anoka County Property Tax shall be paid as priority or secured, however the claims are filed.

12. **SUMMARY OF PAYMENTS-**

Trustee's Fee [line 2]	$ **8,160.00**
Priority Claims [line 3(e)]	$ **5,812.00**
Home Mortgage Defaults [line 5(d)]	$ **20,627.00**
Long-Term Debt Defaults [line 6(d)]	$ **1,469.00**
Other Secured Claims [line 7(d)]	$ **21,303.00**
Separate Class [line 8(b)]	$ **0.00**
Unsecured Creditors [line 9(c)]	$ **24,229.00**
TOTAL [must equal Line 1(d)]	$ **81,600.00**

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

Signed **/e/William J. Gajeski**
DEBTOR

Signed **/e/Betty C. Gajeski**
DEBTOR (if joint case)

In RE:
William J. Gajeski
Betty C. Gajeski

Debtor(s)

U.S. Bankruptcy Court
District of Minnesota

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 22, 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)

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

US Department of Justice
Roylene A. Champeaux, Atty
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Jasmine Z. Keller
Chapter 13 Trustee
12 South 6th Street Ste 310
Minneapolis, MN 55402

Internal Revenue Service
STOP 5700
316 North Robert Street
St. Paul, MN 55101

William J. & Bettty C. Gajeski
7045 Centerville Road
Centerville, MN 55038

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

Executed: 07/22/2004

Signed: Mari M. Scotch

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:	)**Case No.04-42285 NCD**
William J. Gajeski	)
Betty C. Gajeski	)
	)NOTICE OF HEARING AND
	)MOTION FOR PRE-CONFIRMATION
	)MODIFICATION OF
	)CHAPTER 13 PLAN
	)
Debtor(s)	)

To: Jasmine Z. Keller, Standing Chapter 13 Trustee; the U.S. Trustee; and other parties specified by Local Rules 3015-2(a).

PLEASE TAKE NOTICE that the above debtor(s) have modified their Chapter 13 Plan filed **April 22, 2004.** A copy of the Modified Plan dated **July 20, 2004** is attached hereto. The hearing on confirmation of the Modified Plan shall occur on **August 05, 2004** at 10:30 a.m. in United States Bankruptcy Court, Courtroom 7 West, 300 South Fourth Street, Minneapolis, Minnesota.

Respectfully submitted,

Date: 07/20/2004

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

William J. Gajeski
Betty C. Gajeski

Debtor(s)

SIGNATURE DECLARATION
Re: *Electronic Filing*
Case No. 04-42285 NCD

- [ ] PETITION, SCHEDULES & STATEMENTS
- [ ] CHAPTER 13 PLAN
- [ ] AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
- [X] 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: 07/20/2004

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

X _____
Signature of Debtor or Authorized Individual

X _____
Printed name of Debtor or Authorized Individual

X _____
Signature of Attorney for Debtor(s)

Robert J. Everhart #180671
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