

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No. BKY 04-43612

Dennis J. Sovich and
Roberta J. Sovich,

Debtor(s).

Chapter 13 Case

NOTICE OF MOTION AND MOTION TO MODIFY CHAPTER 13 PLAN

To: Jasmine Z. Keller, Chapter 13 Trustee, U.S. Trustee,
and other entities specified in Local Rule 303 (d) (1).

1. The above-referenced debtor in this case, by and through their undersigned attorney, moves the Court for Relief requested below and gives Notice of Hearing.
2. The Court will hold a Hearing on the Motion at 10:30 a.m. o'clock on the 2nd day of September, 2004, in Courtroom No. 7 West, U.S. Bankruptcy Court, 300 South 4th Street, Minneapolis, Minnesota 55415.
3. Any response to this Motion must be filed and delivered not later than 5 days, including intermediate Saturdays, Sundays, and legal Holidays, or mailed not later than 8 days, before the Hearing date.
4. This Court has jurisdiction over this Motion pursuant to 28 U.S. Code Sec. 157 and Sec. 1334 and Bankruptcy Rule

5005. This Proceeding is a Core Proceeding. The Petition commencing this Chapter 13 Case was filed on June 29, 2004. The case is now pending in this Court.

5. This Motion arises under 11 U.S. Code Sec. 1324 and Sec. 1329. This Motion is filed under the Bankruptcy Rule 9014 and Local Rule 608. Debtor(s) propose(s) to modify the Chapter 13 Plan to reflect the fair market value of the debtor's vehicles receiving secured party treatment.

- a. Debtor(s) have paid approximately \$700.00 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 each such claim if the estate of the debtor(s) were liquidated under Chapter 7 of this Title on such date;
- c. The debtor(s) proposed modification will maintain the payments to unsecured creditors.
- d. The debtor(s) proposed modification will pay approximately 100% to all allowed and filed unsecured claims.

6. If oral testimony is necessary as to relevant facts, the debtor will testify at the Hearing.

WHEREFORE, the debtor moves the Court for its order confirming the Plan as modified, and for such other relief as the Court may deem just and equitable.

Dated: August 12, 2004

MICHAEL C. MJOEN, PA

/e/ Michael C. Mjoen
Michael C. Mjoen
Attorney Reg. No. 16057X
7825 Washington Ave
Suite 500
Bloomington, MN 55439
952-943-3945

VERIFICATION

Dennis J. Sovich and Roberta J. Sovich, 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, information and belief.

Dated: August 3, 2004

/e/ Dennis J. Sovich
Dennis J. Sovich

/e/ Roberta J. Sovich
Roberta J. Sovich

**United States Bankruptcy Court
District of Minnesota**

IN RE:

Sovich, Dennis J & Sovich, Roberta J

Debtor(s)

Case No. 04-43612

Chapter 13

AMENDED CHAPTER 13 PLAN

Dated: August 3, 2004

1. PAYMENTS BY DEBTOR -

- a. As of the date of this plan, the debtor has paid the trustee \$ 700.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 1,250.00 per month for 38 months, beginning within 30 days after the filing of this plan for a total of \$ 47,500.00.
- c. The debtor will also pay the trustee: n/a
- d. The debtor will pay the trustee a total of \$ 47,500.00 [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 \$ 4,750.00 [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.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Beginning Payment</i>	<i>in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
Michael C. Mjoen	1,000.00	1,000.00	1	1	1,000.00
TOTAL					1,000.00

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.

None

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 will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default and no interest.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Beginning Payment</i>	<i>in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
Wells Fargo Home Mortgage	2,968.00	742.00	1	4	2,968.00
TOTAL					2,968.00

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 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.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Beginning Payment</i>	<i>in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
None					
TOTAL					0.00

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 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 mo. #	Number of Payments	TOTAL PAYMENTS
Bank One	11,371.00	3,600.00	749.89	4	5	3,749.45
GMAC	3,285.00	1,000.00	208.30	4	5	1,041.51
TOTAL						4,790.96

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:
- 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 \$ 33,504.00 [line 1(d) minus paragraphs 2, 3, 5, 6, 7 and 8].
- a. The debtor estimates that the total unsecured claims held by creditors listed in & 7 are \$ 10,056.00.
 - b. The debtor estimates that the debtor's total unsecured claims (excluding those in & 7 and & 8) are 23,448.00.
 - c. Total estimated unsecured claims are \$ 33,504.00 [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 claim were tardily filed.

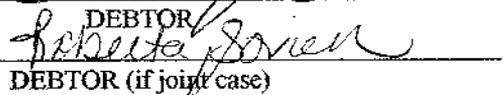
11. **OTHER PROVISIONS** - None

12. **SUMMARY OF PAYMENTS C**

Trustee's Fee [Paragraph 2]	4,750.00
Priority Claims [Paragraph 3]	1,000.00
Home Mortgage Defaults [Paragraph 5]	2,968.00
Long-Term Debt Defaults [Paragraph 6]	0.00
Other Secured Claims [Paragraph 7]	4,790.96
Separate Class [Paragraph 8]	0.00
Unsecured Creditors [Paragraph 9]	33,504.00
TOTAL [must equal Paragraph 1, Line (d)]	47,500.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Michael C. Mjoen 16057X
 Michael C. Mjoen
 Michael C. Mjoen, P.A.
 7825 Washington Ave, Suite 500
 Bloomington, MN 55439

Signed: /s/ Dennis Sovich 
 DEBTOR
 Signed: /s/ Roberta Sovich 
 DEBTOR (if joint case)

United States Bankruptcy Court
District of Minnesota

IN RE:

Case No. 04-43612

Sovich, Dennis J & Sovich, Roberta J

Chapter 13

Debtor(s)

SIGNATURE DECLARATION

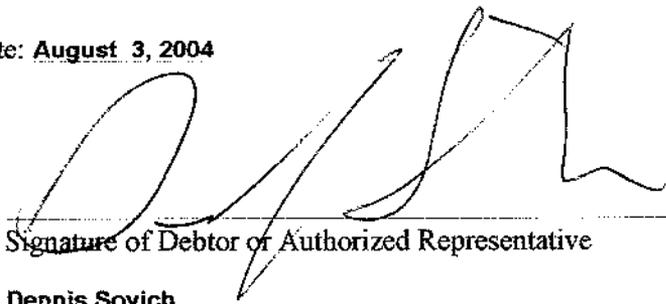
- PETITION, SCHEDULES & STATEMENTS
- CHAPTER 13 PLAN
- SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
- AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
- MODIFIED CHAPTER 13 PLAN
- OTHER (Please describe) _____

I [We], the undersigned debtor(s) or authorized representative of the debtor, **make the following 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 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: August 3, 2004

X

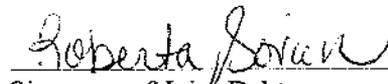


Signature of Debtor or Authorized Representative

Dennis Sovich

Printed Name of Debtor or Authorized Representative

X



Signature of Joint Debtor

Roberta Sovich

Printed Name of Joint Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No. BKY 04-43612

Dennis J. Sovich and
Roberta J. Sovich,

Debtor(s).

Chapter 13 Case

CERTIFICATE OF SERVICE

I certify that copies of the enclosed Notice of Motion and Motion to Modify Chapter 13 Plan and Modified Chapter 13 Plan dated August 3, 2004, were sent by First class Mail, postage prepaid, August 12, 2004, to the following:

U.S. Trustee
1015 U.S. Courthouse
300 South 4th St
Minneapolis, MN 55415

Jasmine Z. Keller
Chapter 13 Trustee
12 S 6th St
Suite 310
Minneapolis, MN 55402

Debtor and interested Parties(see attached)

Dated: August 12, 2004

MICHAEL C. MJOEN, PA

/e/ Michael C. Mjoen
Michael C. Mjoen
Attorney Reg. No. 16057X
7825 Washington Ave
Suite 500
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952-943-3945

Bank One
C/O Stewart, Zlimen & Jungers
430 Oak Grove ST, STE 200
Minneapolis, MN 55403

Citi Cards
PO Box 6414
The Lakes, NV 88901-6414

Emerge
PO Box 23034
Columbus, GA 31902-3034

GMAC
2740 Arthur ST
Roseville, MN 55113-1303

Home Depot Credit Services
PO Box 6028
The Lakes, NV 88901-6028

Providian
PO Box 660548
Dallas, TX 75266-0548

Retailers National Bank
PO Box 59226
Minneapolis, MN 55459-0226

Retailers National Bank
PO Box 59231
Minneapolis, MN 55459-0231

Retailers National Bank
PO Box 59316
Minneapolis, MN 55459-0316

Wells Fargo Home Mortgage
PO Box 10335
Des Moines, IA 50306-0335