

Name of Debtor(s): Anderson, Al C.  
Anderson, Diane

Case No. BKY 04-43861

United States Bankruptcy Court District of Minnesota

MODIFIED Chapter 13 Plan

1. Payments by Debtor

- a. As of the date of this plan, the debtor has paid the Trustee \$0.00
- b. After the date of this plan, the debtor will pay the Trustee \$1280.00 per month for 60 months, beginning within 30 days after the filing of this plan for a total of \$76,800.00
- c. The debtor will also pay the Trustee
- d. The debtor will pay the Trustee a total of \$76,800.00 (line 1a + line 1b = line 1c)

the debtors will fill as and when due any and all post petition tax returns of any kind; and will timely pay as and when due all post petition tax liabilities of any kind. Debtors' failure to file any and all post-petition tax returns and pay as and when due any and all tax liabilities will constitute grounds for dismissal of the case.

2. Payments by Trustee

The Trustee will make payments only to creditors for which proofs of claim have been filed, will make payments monthly as available, and collect the Trustee's percentage fee of 10% for a total of \$6981.00 (line 1d \* .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 Sec. 507, including the following. The amounts listed are estimates only. The Trustee will pay the amounts actually allowed.

Creditor	Est. Claim	Monthly Pay.	Beg. Mon.	No. of payments	TOTAL PAYMENT
a. Attorney Fees	\$1250.00	\$154.00	1	2	\$1250.00
b. Internal Revenue Service	\$20,920.00	Pro rata	27	28	\$20,920.00
c. Minnesota Department of Revenue	\$6,690.00	Pro rata	37	28	\$6,690.00
TOTAL					\$28860.00

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 (Sec. 1322(b)(5))

The Trustee will cure defaults (plus interest at the rate of 8 percent 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 is filed. The creditors will retain their liens. The amounts of the default are estimates only. The Trustee will pay the actual amounts of default.

Creditor	Amt. of Default	Monthly Amt.	Beg. Mon.	No. of payments	TOTAL PAYMENT
a.					
TOTAL					\$0.00

6. Other Long-Term Secured Claims in Default (Sec. 1332(b)(5))

The Trustee will cure defaults (plus interest at the rate of 8 percent 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 estimated only. The Trustee will pay the actual amounts of default.

Creditor	Amt. of Default	Monthly Amt.	Beg. Mon. #	No. of payments	TOTAL PAYMENT
a.					
TOTAL					\$0.00

**7. Other Secured Claims Sec. 1325(a)(5)**

The Trustee will make payments to the following unsecured creditors having a value 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 lien. 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 USC Sec. 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 USC Sec 506(a).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Amt.</i>	<i>Beg. Mon.</i>	<i>No. of payments</i>	<i>TOTAL PAYMENT</i>
a. Ford Motor Credit	\$23,262.00	\$23,325.00	\$783.00	2	29	\$25,723.00
b. Wells Fargo Auto Finance	\$16,000.00	\$11,525.00	\$465.00	3	24	\$13,610.00
<b>TOTAL</b>						<b>\$39333.00</b>

Trustee will pay amount of secured claims filed at 6% interest on the secured portion of claims filed are less than scheduled above.

**8. Separate Class of Unsecured Creditors**

In addition to the class of unsecured creditors specified in paragraph 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
- b. The Trustee shall pay this class **\$0.00**

**9. Timely Filed Unsecured Creditors**

The Trustee will pay holders of nonpriority unsecured claims for which Proof-of-Claim forms were timely filed the balance of all payments received by the Trustee and not paid under paragraphs 2, 3, 5, 6, 7, and 8 their pro rata share of approximately **\$1626.00** (line 1d minus lines 2, 3e, 5d, 6d, 7h, and 8b).

- a. The debtor estimates that the total unsecured claims held by creditors listed in paragraph 7 are **\$3475.00**
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in paragraphs 7 and 8 are **\$0.00**
- c. The total estimated unsecured claims are **\$3475.00** (line 9a + line 9b)

**10. Tardily filed Unsecured Creditors**

All money paid by the Debtor to the Trustee under paragraph 1, but not distributed by the Trustee under paragraphs 2,3,5,6,7,8 and 9 shall be paid to holders of nonpriority claims for which Proof-of-Claim forms were tardily filed.

**11. Other Provisions**

The Trustee can disburse any funds not specifically designed for a creditor at his discretion. Upon completion of payment of the secured position of any claim, the property securing said claim shall vest in the debtor free and clear of any lien, claim or interest of the secured creditor.

**No provision for secured claim of Countrywide Mortgage as debtors will let home go through foreclosure.**

**12. Summary of Payments**

Trustee's Fee (Section 2 Total)	<b>\$6981.00</b>
Priority Claims (Section 3 Total)	<b>\$28860.00</b>
Home Mortgage Defaults (Section 5 Total)	<b>\$0.00</b>
Long-Term Debt Defaults (Section 6 Total)	<b>\$0.00</b>
Other Secured Claims (Section 7 Total)	<b>\$39333.00</b>
Separate Class (Section 8 Total)	<b>\$0.00</b>
Unsecured Creditors (Section 9 Total)	<b>\$1626.00</b>
<b>TOTAL (must equal line 1d)</b>	<b>\$76800.00</b>

Dated August 24, 2004

**PRESCOTT AND PEARSON P.A.**

Richard J Pearson #130308  
443 Old Highway 8, Suite 208  
P.O. Box 120088  
New Brighton, Minnesota 55112  
(651) 633-2757

/e/ Al C. Anderson  
Signature of Debtor

/e/ Diane Anderson  
Signature of Joint Debtor (if any)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

ANDERSON, AL C.  
ANDERSON, DIANE

BKY No. 04-43861  
Chapter 13

Debtor(s)

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**NOTICE OF HEARING TO APPROVE MODIFIED PLAN**

TO: The debtor(s); US Trustee; Chapter 13 Trustee; and creditors and parties in interest.

1. The debtor(s), by the undersigned attorney, moves the court for approval of the modified plan dated August 24, 2004.
2. The court will hold a hearing on this motion at 10:30 a.m. on October 7, 2004 in Courtroom No. 7W, U.S. Bankruptcy Court, U.S. Courthouse, 300 S. Fourth St., Minneapolis, MN 55415.
3. Any objection to this amended plan must be filed and delivered no later than 10:30 a.m. on October 1, 2004, which is 5 days before the time set for the hearing, or filed and served no later than September 29, 2004, which is 8 days before the date set for the hearing.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sec 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. The petition commencing this Chapter 13 case was filed July 13, 2004. This case is now pending in this court.
5. The plan is being modified to satisfy the concerns of the Chapter 13 Trustee and the secured creditors..

Dated: August 24, 2004

**Prescott & Pearson, P.A.**

/s/ Richard J. Pearson

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Jack L. Prescott #88079  
Richard J. Pearson #130308  
Attorneys for Debtor  
443 Old Highway Eight #208  
New Brighton, MN 55112-008  
Telephone: (651) 633-2757

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**VERIFICATION**

Al C. Anderson and Diane Anderson, the Debtor(s) named in the Motion, declare(s) under penalty of perjury that the information therein contained is correct to the best of our knowledge, information and belief.

Dated: August 24, 2004

Signed:   
Al C. Anderson

Signed:   
Diane Anderson

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

ANDERSON, AL C.  
ANDERSON, DIANE

BKY No. 04-43861  
Chapter 13

Debtor(s)

**UNSWORN DECLARATION  
OF SERVICE**

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Lindy Voss, an employee at Prescott & Pearson, P.A., a law firm licensed to practice law in this court, with offices at 443 Eighth Avenue Northwest, New Brighton, Minnesota 55112, declares that on August 24, 2004, she served the annexed NOTICE OF HEARING TO APPROVE MODIFIED CHAPTER 13 PLAN and MODIFIED CHAPTER 13 PLAN, upon each of the entities listed below or on the attached sheet by mailing to each of them a copy thereof by enclosing same in an envelope with first class postage prepaid and depositing same in the post office at New Brighton, Minnesota, addressed to each of them as listed.

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SEE ATTACHED LIST

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And he declares under penalty of perjury that the foregoing is true and correct.

Dated: August 24, 2004

/s/ Lindy Voss

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Lindy Voss

Internal Revenue Service  
Stop 5700  
316 N Robert St  
St Paul, MN 55101

MN Dept of Revenue  
551 Bky Section CEU Dept  
Po bxo 64447  
St Paul, MN 55164

Countrywide Mtg  
Po Box 660694  
Dallas, TX 75266-0694

Ford Motor Credit Co  
3600 Minnesota Dr Ste 750  
Minneapolis, MN 55435

Wells Fargo Auto Finance  
Po Box 13460  
Philadelphia, PA 19101

Wilford & Geske Attys  
7650 Currell Blvd Ste 300  
Woodbury, MN 55125

Stewart Zlimen & Jungers  
430 Oak Grove St #200  
Minneapolis, MN 55403

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

US Trustee Office  
1015 US Courthosue  
300 S 4th St  
Minneapolis, MN 55415

Al & Diane Anderson  
9325 Garland Ave #106  
Maple Grove, MN 55311

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: ANDERSON, AL C.  
ANDERSON, DIANE

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-43861

- 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 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; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: August 24, 2004

X   
Signature of Debtor or Authorized Individual

Al C. Anderson

Printed Name of Debtor or Authorized Individual

X   
Signature of Joint Debtor

Diane Anderson

Printed Name of Joint Debtor