Name of Debtor(s): Hart, Jeffrey M.
Hart, Rhonda S.

Case No. BKY 04-44269

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 **$175.00** per month for **5** months, beginning within 30 days after the filing of this plan for a total of **$875.00**

c. The debtor will also pay the Trustee **PLUS: $575.00 for 31 months = $17,825.00**

d. The debtor will pay the Trustee a total of **$18,700.00** (ine 1a + line 1b = line 1c)

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 **$1700.00** (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**	**$159.00**	**1**	**8**	**$1250.00**
b. Internal Revenue Service	**$3,955.00**	**$159.00**	**9**	**25**	**$3,955.00**
c. Minnesota Department of Revenue					
TOTAL					**$5205.00**

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. **Ameriquest Mortgage**

b. **Ford Motor Credit Col**

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. **Ameriquest Mortgage**	**$1019.00**	**$159.00**	**9**	**7**	**$1019.00**
TOTAL					**$1019.00**

Regardless of statement above, no interest is to be paid.

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 discout 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).

	Creditor	*Claim Amount*	*Secured Claim*	*Monthly Amt.*	*Beg. Mon.*	*No. of payments*	*TOTAL PAYMENT*
a.							
TOTAL							**$0.00**

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 Proofs-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 **$10,776.00** (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

b. The debtor estimates that the debtor's total unsecured claims (excluding those in paragraphs 7 and 8 are **$32,709.00**

c. The total estimated unsecured claims are **$32,709.00** (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.

12. Summary of Payments

Trustee's Fee (Section 2 Total)	**$1700.00**
Priority Claims (Section 3 Total)	**$5205.00**
Home Mortgage Defaults (Section 5 Total)	**$1019.00**
Long-Term Debt Defaults (Section 6 Total	**$0.00**
Other Secured Claims (Section 7 Total)	**$0.00**
Separate Class (Section 8 Total)	**$0.00**
Unsecured Creditors (Section 9 Total)	**$10776.00**
TOTAL (must equal line 1d)	**$18700.00**

Dated 9/8/04

PRESCOTT AND PEARSON P.A.

Jeffrey M Bruzek #319260

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

/e/ Jeffrey M. Hart
Signature of Debtor

/e/ Rhonda S. Hart
Signature of Joint Debtor (if any)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:
HART, JEFFREY M.
HART, RHONDA S.

Debtor(s)

BKY No. 04-44269
Chapter 13

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 September 8, 2004.

2. The court will hold a hearing on this motion at 10:30 a.m. on October 21, 2004 in Courtroom No. 8W, 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 15, 2004, which is 5 days before the time set for the hearing, or filed and served no later than October 13, 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 August 2, 2004. This case is now pending in this court.

5. The plan is being modified to satisfy the concerns of the Chapter 13 Trustee.

Dated: September 9, 2004

Prescott & Pearson, P.A.

/s/ Richard J. Pearson

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

Jeffrey M. Hart and Rhonda S. Hart, 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: September 3, 2004

Signed: X _____
Jeffrey M. Hart

Signed: X Rhonda S Hart
Rhonda S. Hart

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:
HART, JEFFREY M.
HART, RHONDA S.

BKY No. 04-44269
Chapter XX

Debtor(s)

UNSWORN DECLARATION OF SERVICE

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 September 9, 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.

SEE ATTACHED LIST

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

Dated: September 9, 2004

/s/ Lindy Voss

Lindy Voss

Jeffrey & Rhonda Hart
707 Shady Ridge Rd
Hutchinson, MN 55350

Hutchinson Medical Ctr
3 Century Ave
Hutchinson, MN 55350

St Cloud Hospital
1409 St Germain St
St Cloud, MN 56302

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

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

William Dunbar MD
1126 Ives Ave N
Glencoe, MN 55336

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

JC Christersen & Assoc
Po BOx 519
Sauk Rpaids, mN 56379-0519

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

Mark Pitzele
Attorney at Law
1550 Uttica Ave S Ste 500
St Louis Park, MN 55416

Ameriquest Mortgage
1100 Town & Country Rd Ste 200
Orange, CA 92868

McLeod Social Avcs
1805 Ford Ave Ste 100
Glencoe, MN 55336

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

Millenium Credit
Po Box 18160
W St Paul, MN 55118

Auto Express
Hwy 7 West
Hutchinson, MN 55350

National Recoveries
11000 Central Ave NE
Blaine, MN 55434

ClX Systems/Westwood Mgmt
Po Box 125
Medina, MN 55340-9625

New Life Trmt Center
Po Box 38
Woodstock, MN 55380

Coborns
c/o Mark Pirzele Atty
1550 Uttica Ave S Ste 500
St louis Park, MN 55416

Pinnacle Financial
7825 Washington Ave S Ste 410
Edina, MN 55439

Hutchinson Area Healthcare
1095 Hwy 155
Hutchinson, MN 55350

Richard D Segerstad Atty
Po Box 570
Sauk Rapids, MN 56379-0570

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: HART, JEFFREY M.

HART, RHONDA S.

Debtor(s).

SIGNATURE DECLARATION

Case No. 04-44269

- ☐ 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: September 9, 2004

X Jeffrey M. Hart
Signature of Debtor or Authorized Individual

X Rhonda S. Hart
Signature of Joint Debtor

Jeffrey M. Hart
Printed Name of Debtor or Authorized Individual

Rhonda S. Hart
Printed Name of Joint Debtor