

Name of Debtor(s): Wagner, Cory R.
Wagner, Lynn E.

Case No. BKY 04-44275

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 \$1170.00
- b. After the date of this plan, the debtor will pay the Trustee \$1315.00 per month for 35 months, beginning within 30 days after the filing of this plan for a total of \$46,025.00
- c. The debtor will also pay the Trustee
- d. The debtor will pay the Trustee a total of \$47,195.00 (line 1a + line 1b = line 1c)

Debtors will provide the Trustee with copies of their 2004, 2005 and 2006 tax returns and will not cash any refund check received until it can be determined what portion of their refunds must be paid to the Trustee as additional payments.

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 \$4290.00 (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	\$1064.00	1	2	\$1250.00
b. Internal Revenue Service					
c. Minnesota Department of Revenue					
TOTAL					\$1250.00

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. DaimlerChrysler
- 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. Chase Manhattan Mortgage	\$11,563.00	\$645.00	3	18	\$11,563.00
TOTAL					\$11563.00

Regardless of statement above, no interest is to be paid. Debtors shall pay their regular post-petition mortgage payment to Chase Manhattan Mortgage ("Chas") on the first day each month commencing September 1, 2004 and continuing each month thereafter. In the event the debtors fail to make any of the above payments as and when due, the attorney for Chase shall serve notice by first class mail alleging the debtors' failure to pay said payment. If the debtors fail to cure the default within ten (10) days of service of said notice, Chase shall be entitled to ex parte relief from the automatic stay.

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. WFS Financial	\$16,221.00	\$10800.00	\$520.00	2	19	\$11432.00
TOTAL						\$11432.00

Trustee will pay full amount of secured claim filed at 6% interest on the secured amount if claim filed is 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:

- The debtor estimates that the total claims in this class are
- 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 \$18,660.00 (line 1d minus lines 2, 3e, 5d, 6d, 7h, and 8b).

- The debtor estimates that the total unsecured claims held by creditors listed in paragraph 7 are \$8800.00
- The debtor estimates that the debtor's total unsecured claims (excluding those in paragraphs 7 and 8 are \$19,768.00
- The total estimated unsecured claims are \$28,568.00 (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)	\$4290.00
Priority Claims (Section 3 Total)	\$1250.00
Home Mortgage Defaults (Section 5 Total)	\$11563.00
Long-Term Debt Defaults (Section 6 Total)	\$0.00
Other Secured Claims (Section 7 Total)	\$11432.00
Separate Class (Section 8 Total)	\$0.00
Unsecured Creditors (Section 9 Total)	\$18660.00
TOTAL (must equal line 1d)	\$47195.00

Dated October 18, 2004

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/ Cory R. Wagner

Signature of Debtor

/e/ Lynn E. Wagner

Signature of Joint Debtor (if any)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

WAGNER, CORY R.
WAGNER, LYNN E.

BKY No.04-44275
Chapter 13

Debtor(s)

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 October 18, 2004.
2. The court will hold a hearing on this motion at 10:30 a.m. on November 18, 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 November 12, 2004, which is 5 days before the time set for the hearing, or filed and served no later than November 10, 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 objection of WFS Financial.

Dated: October 18, 2004

Prescott & Pearson, P.A.

/s/ Richard J. Pearson

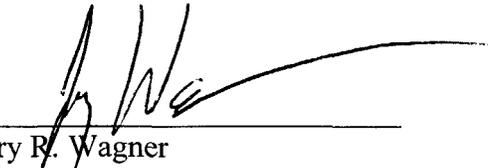
Jack L. Prescott #88079
Richard J. Pearson #130308
Attorneys for Debtor
445 Old Highway Eight #208
New Brighton, MN 55112-008
Telephone: (651) 633-2757

modnotkressel

VERIFICATION

Cory R. Wagner and Lynn E. Wagner, 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: October 18, 2004

Signed: 
Cory R. Wagner

Signed: 
Lynn E. Wagner

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

WAGNER, CORY R.
WAGNER, LYNN E.

BKY No. 04-44275
Chapter 13

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 October 18, 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: October 18, 2004

/s/ Lindy Voss

Lindy Voss

CORY AND LYNN WAGNER
18916 VICKERS ST NE
WYOMING MN 55092

MESSERLI & KRAMER ATTYS
3033 CAMPUS DR STE 250
PLYMOUTH BLDG 55441

AMO RECOVERIES
PO BOX 100036
KENNESAW GA 30156-0236

US TRUSTEE OFFICE
1015 US COURTHOUSE
300 SO FOURTH ST
MPLS MN 55415

NCO FINANCIAL
PO BOX 41417
DEPT 99
PHILADELPHIA PA 19101

BALOGH BECKER LTD
4150 OLDON MEMORIAL HWY
SUITE 200
MPLS MN 55422-4804

CHAPTER 13 TRUSTEE
310 PLYMOUTH BLDG
12 SO SIXTH ST
MPLS MN 55402

NORTH METRO ANESTHESIA
5200 FAIRVIEW BLVD
WYOMING MN 55092-8013

FAIRVIEW HOSPITAL
PO BOX 147
MPLS MN 55440

CHASE MANHATTAN MTG
PO BOX 830016
BALTIMORE MD 21283-0016

NORTHLAND GROUP INC
PO BOX 390846
EDINA MN 55439

FOREST LAKE DOCTORS
C/o RELIANCE RECOVERIES
PO BOX 29227
MPLS MN 55429

DAIMLER CHRYSLER
ATTN JACK HEAP
400 HORSHAM RD
HORSHAM PA 19044

PARK BLAINE DENTAL
C/O PINNACLE FINANCIAL
7925 WASHINGTON AVE S STE 410
MPLS MN 55439

MARK PITZELE
ATTORNEY AT LAW
1550 UTICA AVE S STE 500
ST LOUIS PARK MN 55416

USSET & WEINGARDEN
4500 PARK GLEN RD STE 120
ST LOUIS PARK MN 55416

PENTAGROUP FINANCIAL
5959 CORP DR STE 1400
HOUSTON TX 77036

MASTERCARD
HOUSEHOLD CARD SVCS
PO BOX 5222
CAROL STREAM IL 60197-5222

WFS FINANCIAL
PO BOX 25341
SANTA ANA CA 92799-5341

PINNACLE FINANCIAL
7825 WASHINGTON AVE S STE 410
EDINA MN 55439

MASTERCARD
CAPITAL ONE
PO BOX 85167
RICHMOND VA 23285-5167

ACCOUNTS RECEIVABLE MGMT
PO BOX 129
THOROFARE NJ 08086-0129

RICHARD D SEIERSTAD ATTY
PO BXO 570
SAUK RAPIDS MN 56379-0570

MASTERCARD
FIRST PREMIER
PO BOX 5147
SIOUX FALLS SD 57117-5147

AFFILIATED CREDIT SERVICES
PO BOX 1329
ROCHESTER MN 55903

SCHREIBER & ASSOC
POB XO 210
DANVERS MA 10923

MASTERCARD
CAPITAL ONE
PO BXO 85167
RICHMOND VA 23285-5167

ALLINA HEALTH SYSTEMS
C/o RELIANCE RECOVERIES
6160 SUMMIT DR STE 420
BROOKLYN CENTER MN 55430-2149

SEVENTH AVENUE
PO BOX 8994
MADISON WI 53794-0005

MASTERCARD/PROVIDIAN
ATTY BKY DEPT
PO BXO 5050
NORCROSS GA 30091

SPRINT PCS
PO BOX 219718
KANSAS CITY MO 64121-9718

TARGET
GUEST CREDIT MAILSTOP 3C-K
3701 WAYZATA BLVD
MPLS MN 55416-3400

SURBURBAN IMAGINE
c/o RICHARD SEIERSTAD ESQ
POB XO 570
SAUK RAPID SMN 56379-0570

VERIZON WIRELESS
POB XO 553
WARRENDALE PA 15098-0553

SUBURBAN RADIOLOGIC SONSULT
4801 W 81ST ST
STE 108
MPLS MN 55437-1191

VISA
TARGET
PO BOX 59317
MPLS MN 55450-0317

SUNRISE CREDIT SVCS
260 AIRPORT PLAZA
FARMINGTON NY 11735

VISA
CAPITAL ONE
PO BXO 85167
RICHMOND VA 23285-5167

TARGET
GUEST CREDIT MAILSTOP 3C-K
3701 WAYZATA BLVD
MPLS MN 55416-3400

VISA/ PROVIDIAN
ATTN BKY DEPT
POB XO 5050
NORCROSS GA 30091

VAN RU CREDIT CORP
PO BOX 658
PARK RIDGE IL 0068-0658

WALMART
BKY NOTICES
PO BOX 103126
ROSWELL GA 30076

WM STORES
c/o MARK PITZELE
1550 UTICA AVE S STE 500
ST LOUIS PARK MN 55416

WOLPOFF & ABRAMSON LLP
TOW IRVINGTON CENTRE
702 KING FAR BLVD
ROCKVILLE MD 20850-5775

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: WAGNER, CORY R.
WAGNER, LYNN E.

SIGNATURE DECLARATION

Debtor(s).

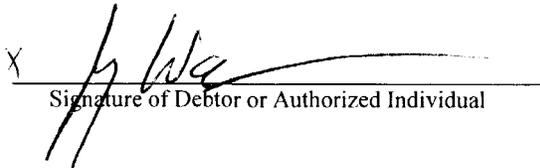
Case No. 04-44275

- 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: October 18, 2004

X 

Signature of Debtor or Authorized Individual

Cory R. Wagner

Printed Name of Debtor or Authorized Individual

X 

Signature of Joint Debtor

Lynn E. Wagner

Printed Name of Joint Debtor