

**United States Bankruptcy Court
District of Minnesota**

IN RE:

COLBERG, JAMES ROBERT & COLBERG, EMILY KAY

Debtor(s)

Case No. **04-44432**

Chapter **13**

MODIFIED CHAPTER 13 PLAN

Dated: **October 8, 2004**

1. PAYMENTS BY DEBTOR -

- a. As of the date of this plan, the debtor has paid the trustee \$ **460.00**.
- b. After the date of this plan, the debtor will pay the trustee \$ **460.00** per **month** for **27** months or until paid in full up to 36 months, beginning within 30 days after the filing of this plan for a total of \$ **12,420.00**.
- c. The debtor will also pay the trustee: **n/a**
- d. The debtor will pay the trustee a total of \$ **12,420.00** [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 \$ **1,242.00** [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>
James P. Agosto	1,000.00	333.33	1	3	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.

<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>
U S BANK HOME MORTGAGE	4,100.00	393.33	3	11	4,326.64
TOTAL					4,326.64

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).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Payment</i>	<i>Beginning in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
HONDA FINANCIAL SERVICES	2,195.00	1,000.00	250.00	13	4	1,000.00
TOTAL						1,000.00

8. SEPARATE CLASS OF UNSECURED CREDITORS - In addition to the class of unsecured creditors specified in & 9, there shall be a separate class of 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 \$ **4,817.40** [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 \$ **4,817.40**.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in & 7 and & 8) are **0.00**.
- c. Total estimated unsecured claims are \$ **4,817.40** [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 - Debtors shall submit all of their projected disposable income during the plan, including annual tax refunds.

12. SUMMARY OF PAYMENTS C

Trustee's Fee [Paragraph 2].....	1,242.00
Priority Claims [Paragraph 3].....	1,000.00
Home Mortgage Defaults [Paragraph 5].....	4,326.64
Long-Term Debt Defaults [Paragraph 6].....	0.00
Other Secured Claims [Paragraph 7].....	1,000.00
Separate Class [Paragraph 8].....	0.00
Unsecured Creditors [Paragraph 9].....	4,817.40
TOTAL [must equal Paragraph 1, Line (d)]	12,420.00

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

James P. Agosto 000632
James P. Agosto
142 W. Broadway PO Box 896
Monticello, MN 55362
(763) 295-4004

Signed: _____
DEBTOR

Signed: _____
DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

COLBERG, JAMES ROBERT and
COLBERG, EMILY KAY

NOTICE OF MODIFIED
CHAPTER 13 PLAN
PRE-CONFIRMATION

Debtors.

Chapter 13 Case No. 04-44432

PLEASE TAKE NOTICE of the attached Modified Chapter 13 Plan, Pre-Confirmation.

The Hearing on Confirmation of Plan will be:

Date: October 21, 2004

Time: 10 a.m.

Location: Courtroom 8 West (Minneapolis)
U S BANKRUPTCY COURT
U S COURTHOUSE
COURTROOM 8 WEST
300 S 4TH ST
MINNEAPOLIS, MN 55415

/S/

James P. Agosto, Attorney ID No. 0000632
Attorney for Debtors
142 W. Broadway, P.O. Box 896
Monticello, MN 55362
763-295-4004

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: COLBERG, JAMES ROBERT and
COLBERG, EMILY KAY,
Debtors.

BKY Case No. 04-44432

Chapter 13 Case

UNSWORN DECLARATION OF SERVICE

James P. Agosto, an attorney licensed to practice law in this court, with office at 142 W. Broadway, P.O. Box 896, Monticello, MN 55362, declares that on the 8th day of October, 2004, he served the annexed NOTICE OF MODIFIED PLAN PRECONFIRMATION 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 Monticello, Minnesota, addressed to each of them as listed.

BANK ONE
CUSTOMER SERVICE
PO BOX 15299
WILMINGTON, DE 19850-5299

HONDA FINANCIAL SERVICES
G E CAPITAL CARD CO
DEPT 0008
PALATINE, IL 60055-0008

BEST BUY
RETAIL SERVICES
PO BOX 5238
CAROL STREAM, IL 60197-5238

HONDA FINANCIAL SERVICES
G E CAPITAL CARD CO
PO BOX 6150
RAPID CITY, SD 57709

SEARS CARD
PO BOX 818017
CLEVELAND, OH 44181-8017

U S BANK HOME MORTGAGE
PO BOX 1030
MINNEAPOLIS, MN 55480-1030

UNITED STATES TRUSTEE
1015 U S COURTHOUSE
300 FOURTH ST S
MINNEAPOLIS, MN 55415

MICHAEL J FARRELL
CHAPTER 13 TRUSTEE
PO BOX 519
BARNESVILLE, MN 56514

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

Dated: October 8, 2004

/S/

James P. Agosto, Attorney ID No. 0000632
Attorney for Debtors
142 W. Broadway, P.O. Box 896
Monticello, MN 55362
763-295-4004

United States Bankruptcy Court
District of Minnesota

IN RE:

Case No. 04-44432

COLBERG, JAMES ROBERT & COLBERG, EMILY KAY

Chapter 13

Debtor(s)

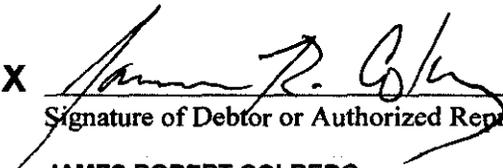
SIGNATURE DECLARATION

- 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: 10-8-04

X 
Signature of Debtor or Authorized Representative
JAMES ROBERT COLBERG
Printed Name of Debtor or Authorized Representative

X 
Signature of Joint Debtor
EMILY KAY COLBERG
Printed Name of Joint Debtor