

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Mark John Webber, and
Carolyn Petty Webber,

BKY 04-44709

Debtors.

Chapter 13

RESPONSE TO OBJECTION OF DAIMLERCHRYSLER

DaimlerChrysler Services North America ("DCS") has objected to Confirmation of the Debtor's Chapter 13 Plan. At issue is the Debtor's cramdown of DCS's secured claim to an interest rate of 6%. The contract rate of interest is 19.25%. The vehicle is a 2001 Daewoo Nubira SE.

DCS claims the value of the vehicle is \$5,662.00. Pursuant to NADA schedules (attached), the Nubira SE is worth \$3,800.00. The Debtor should not have to pay more than the NADA retail value of the vehicle because that would result in a windfall for DCS.

The Debtor filed this Chapter 13 case in good faith. The Nubira SE is necessary to an effective reorganization as it is Mark Webber's means of transportation to work.

WHEREFORE, the debtors respectfully request the court confirm their proposed Chapter 13 Plan.

CURTIS K. WALKER LAW FIRM

Dated: September 30, 2004

By: _____/e/_____
Curtis K. Walker #113906
Thayer A.K. Butler # 200815
Mary C. Hoben #0335411
4356 Nicollet Avenue South
Minneapolis, MN 55409
(612) 824-4357

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MEMORANDUM

FACTS

The Debtors filed this Chapter 13 case on August 23, 2004. Their plan provides to pay DCS beginning in Month 2 of the plan for 24 payments. The NADA value of the 2001 Daewoo Nubira SE is \$3800.00, which plan proposes to pay at 6% interest, in accordance with SCS v. Till, 124 U.S. _____, 124 S.Ct. 1951 (2004).

ARGUMENT

The vehicle is necessary to an effective reorganization as it is debtor husband's means of transportation to work. The Debtor's Chapter 13 plan provides to pay the retail value of the car pursuant to NADA at 6 % interest. The court should confirm Debtors' proposed Chapter 13 Plan.

CONCLUSION

WHEREFORE, the Debtors respectfully request that the court confirm their proposed Chapter 13 Plan.

Respectfully submitted,

_____/e/
Curtis K. Walker #113906
Thayer A.K. Butler #200815
Mary C. Hoben #0335411
4356 Nicollet Avenue South
Minneapolis, MN 55409
(612) 824-4357

50 **DAEWOO**

Trade-In	Body Type	Model No.	M.S.R.P.	Weight	Lean Retail
		DAEWOO			

*Model can be identified by VIN. Please refer to the VIN Explanation Section.

Trade-In	Body Type	Model No.	M.S.R.P.	Weight	Lean Retail
DAEWOO					
2002 LANOS-4 Cyl.					
Veh. Ident.: K(LA)(Model)(26)(1)(0)000001 Up.					
2150	Hatchback 3D S	A2	\$9199	2447	1830 3275
2900	Hatchback 3D Sport	A2	12999	2447	2625 4175
4225	Sedan 4D S	B5	10099	2522	2200 3500
2002 NUBIRA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(22)(1)(0)000001 Up.					
3900	Sedan 4D SE	C5	\$11699	2800	2700 4225
3500	Sedan 4D CDX	B8	13999	2800	3190 4775
2002 LEANZA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(92)(1)(0)000001 Up.					
4125	Sedan 4D SE	(95)	\$14599	3066	3725 5500
4725	Sedan 4D CDX	(95)	18999	3066	4275 6150
LANOS/NUBIRA/LEANZA OPTIONS					
200	Add Aluminum Alloy Wheels (Std. Sport, Leganza CDX)			200	225
100	Add CD Player (Std. Sport, Leganza CDX)			100	125
150	Add Cruise Control (Std. Leganza CDX)			150	175
275	Add Leather Seats (Std. Sport)			275	425
450	Add Power Locks (Lanos S, Nubira SE)			100	150
450	Add Power Windows (Lanos S, Nubira SE)			450	500
150	Add Power Striped			150	175
75	Add Tire Recovery System			75	100
500	Detect Wind Air Conditioning			500	500
425	Detect Wind Automatic Trans.			425	425

Trade-In	Body Type	Model No.	M.S.R.P.	Weight	Lean Retail
DAEWOO					
2001 LANOS-4 Cyl.					
Veh. Ident.: K(LA)(Model)(26)(1)(0)000001 Up.					
1775	Hatchback 3D S	A2	\$9199	1600	2850
2400	Hatchback 3D Sport	B2	12999	2175	3550
2025	Sedan 4D S	A5	10099	2322	3150
2001 NUBIRA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(22)(1)(0)000001 Up.					
2400	Sedan 4D SE	B5	\$11399	2800	2175 3540
2975	Sedan 4D CDX	D5	14199	2800	2700 4200
3275	Wagon 4D CDX	D8	14799	2800	2950 4625
2001 LEANZA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(92)(1)(0)000001 Up.					
3100	Sedan 4D SE	(95)	\$13999	3102	2800 4325
3550	Sedan 4D SX	(95)	17499	3102	3200 4825
4225	Sedan 4D CDX	(95)	18999	3102	3625 5600
LANOS/NUBIRA/LEANZA OPTIONS					
150	Add Aluminum Alloy Wheels (Std. Sport, CDX)			150	175
75	Add CD Player (Std. Sport, CDX, SX)			75	100
125	Add Cruise Control (Leganza SE)			125	150
225	Add Leather Seats (Std. Sport, Leganza SX/CDX)			225	250
75	Add Power Locks (Lanos S, Nubira SE)			75	100
400	Add Power Striped (Std. Leganza CDX)			400	450

ADJUST FOR MILEAGE - ADJUST FOR CONDITION
MIDWEST EDITION - JULY 2004

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Trade-In	Body Type	Model No.	M.S.R.P.	Weight	Lean Retail
		DAEWOO			

Trade-In	Body Type	Model No.	M.S.R.P.	Weight	Lean Retail
DAEWOO					
2000 LANOS-4 Cyl.					
Veh. Ident.: K(LA)(Model)(26)(1)(0)000001 Up.					
1400	Hatchback 3D S	A2	\$9669	2447	1275 2425
1550	Hatchback 3D SE	B2	10200	2447	1400 2800
1625	Sedan 4D S	A5	9449	2522	1400 2875
1975	Sedan 4D SX	C5	11719	2522	1800 3075
2000 NUBIRA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(22)(1)(0)000001 Up.					
2025	Sedan 4D SE	C5	\$10990	2821	1825 3150
2775	Sedan 4D CDX	B5	13560	2821	2250 3650
2000	Wagon 4D CDX	B8	14160	2749	2500 3975
2000 LEANZA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(92)(1)(0)000001 Up.					
2275	Sedan 4D SE	(96)	\$13660	3066	2050 3425
2525	Sedan 4D SX	(96)	16500	3066	2375 3800
3175	Sedan 4D CDX	(96)	18500	3066	2875 4425
LANOS/NUBIRA/LEANZA OPTIONS					
100	Add Aluminum Alloy Wheels (Std. Lanos SX, CDX)			100	125
50	Add CD Player (Std. SX, CDX)			50	75
175	Add Leather Seats (Std. Leganza SX/CDX)			175	275
50	Add Power Locks (Nubira SE)			50	75
350	Add Power Striped (Std. Leganza CDX)			350	400
100	Add Power Windows (Std. Leganza CDX)			100	125
400	Detect Wind Air Conditioning			400	400
325	Detect Wind Automatic Trans.			325	325

Trade-In	Body Type	Model No.	M.S.R.P.	Weight	Lean Retail
DAEWOO					
1999 LANOS-4 Cyl.					
Veh. Ident.: K(LA)(Model)(26)(1)(0)000001 Up.					
900	Hatchback 3D S	A2	\$8749	2447	825 1850
1000	Hatchback 3D SE	B2	10360	2447	900 1950
1100	Hatchback 3D SX	C2	11419	2447	1000 2100
1200	Sedan 4D S	A5	9449	2522	1100 2200
1300	Sedan 4D SE	B5	10650	2522	1175 2225
1300	Sedan 4D SX	C5	11719	2522	1175 2225
1999 NUBIRA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(22)(1)(0)000001 Up.					
1300	Hatchback 3D SX	A6	\$12250	2546	1175 2225
1425	Hatchback 5D CDX	B6	13560	2546	1300 2450
1500	Sedan 4D SX	A5	12550	2566	1350 2550
1625	Sedan 4D CDX	B5	13560	2566	1475 2675
1800	Wagon 4D SX	A8	12850	2594	1625 2875
1825	Wagon 4D CDX	B8	14160	2594	1750 3025
1999 LEANZA-4 Cyl.					
Veh. Ident.: K(LA)(Model)(92)(1)(0)000001 Up.					
1775	Sedan 4D SE	(96)	\$14540	3102	1600 2950
2000	Sedan 4D SX	(96)	16660	3157	1800 3100
2425	Sedan 4D CDX	(96)	18660	3157	2200 3600
LANOS/NUBIRA/LEANZA OPTIONS					
50	Add Aluminum Alloy Wheels (Std. Lanos SX, CDX)			50	75

ADJUST FOR MILEAGE - ADJUST FOR CONDITION
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P A S S E N G E R C A R S

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UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Thayer A.K. Butler, declare under penalty of perjury, that on October 1, 2004, I faxed and mailed copies of the foregoing Response to DaimlerChrysler's Objection to Confirmation of Chapter 13 Plan by facsimile and by first class mail, postage prepaid, to each entity named below at the address stated for each entity:

Jasmine Z. Keller, Chapter 13 Trustee
12 South 6th Street, Suite 310
Minneapolis, MN 55402
Fax 612-338-4529

U.S. Trustee's Office
1015 US Courthouse
300 S. Fourth Street
Minneapolis, MN 55415
Fax 612-664-5516

Marilyn J. Washburn, Attorney for DaimlerChrysler
Riezman Berger P.C.
7700 Bonhomme, 7th Floor
St. Louis, MO 63105
Fax 314-727-6458 and 314-727-1086

Executed on : 10-1-04

Thayer A.K. Butler