

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

CHAPTER 13 PLAN

In re:

Dated:

DEBTOR

Case No.

*In a joint case,
debtor means debtors in this plan.*

1. PAYMENTS BY DEBTOR —

- a. As of the date of this plan, the debtor has paid the trustee \$_____.
- b. After the date of this plan, the debtor will pay the trustee \$_____ per _____ for _____ months, beginning within 30 days after the filing of this plan for a total of \$_____.
- c. The debtor will also pay the trustee _____.

d. The debtor will pay the trustee a total of \$_____ [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 \$_____ [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 Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Attorney Fees	\$ _____	\$ _____	_____	_____	\$ _____
b. Internal Revenue Serv.	\$ _____	\$ _____	_____	_____	\$ _____
c. Minn. Dept of Revenue	\$ _____	\$ _____	_____	_____	\$ _____
d. _____	\$ _____	\$ _____	_____	_____	\$ _____
e. TOTAL					\$ _____

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 [§ 1322(b)(5)] — The trustee will cure defaults 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 Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL					

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 Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	
b. _____	\$ _____	\$ _____	_____	_____	
c. _____	\$ _____	\$ _____	_____	_____	
d. TOTAL					

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 Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL						\$ _____

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 \$ _____.
- b. The trustee will pay this class \$ _____.

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 \$ _____ [line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d) and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$ _____.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ _____.
- c. Total estimated unsecured claims are \$ _____ [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** —

12. **SUMMARY OF PAYMENTS** —

Trustee's Fee [Line 2]	\$ _____
Priority Claims [Line 3(e)]	\$ _____
Home Mortgage Defaults [Line 5(d)]	\$ _____
Long-Term Debt Defaults [Line 6(d)]	\$ _____
Other Secured Claims [Line 7(d)]	\$ _____
Separate Class [Line 8(b)]	\$ _____
Unsecured Creditors [Line 9(c)]	\$ _____
TOTAL [must equal Line 1(d)]	\$ _____

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

DEBTOR

Signed _____

Signed _____
DEBTOR (if joint case)

Addendum to Chapter 13 Plan

A. Debtor is a class member in the litigation identified as: In re Farmers Insurance Exchange Claims Representatives' Overtime Pay Litigation, MDL Case No. 1439, United States District Court for the District of Oregon. Judgment has been entered in favor of the plaintiff's and the debtor expects to receive the proceeds from his recovery no later than month 18 of this plan. The debtor will promptly notify the trustee of any such recovery and contribute the proceeds to make payments under this plan. The debtor will modify this plan as necessary after receipt of said recovery. The debtor estimates that said recovery will be in excess of \$50,000.00.

B. Homecomings Financial holds a claim secured by the debtor's homestead. The debtor will cure the pre-petition default on this claim by making the monthly payments required by paragraph 5 of this plan. In addition to these payments and no later than month 18 of this plan, the debtor shall contribute funds pursuant to subsection A of this addendum that are sufficient to fully cure the pre-petition default on this claim. In the event the debtor does not cure said default on or before month 18, Homecomings Financial shall be entitled to ex-parte relief as set forth below. Homecomings Financial shall be entitled to ex-parte relief from the automatic stay as follows:

1. The debtor shall have ten (10) days after receipt of written notice to the debtor and his attorney to cure a default in post-petition mortgage payments. If the debtor does not cure the default within ten (10) days, Homecomings Financial shall be entitled to relief from the automatic stay, without a hearing or further notice to the debtor, by filing with the court an affidavit of compliance with this provision.
2. If the pre-petition default on the claim of Homecomings Financial, the amount of which shall be determined by its allowed claim, is not cured on or before month 18 of this plan, Homecomings Financial shall be entitled to relief from the automatic stay, without a hearing or further notice to the debtor, by filing with the court an affidavit of compliance with this provision.

C. The Internal Revenue Service holds a priority claim secured by the debtor's homestead. The debtor shall pay this claim in full by making the payments required by paragraph 3 of this plan and any additional funds available pursuant to subsection A of this addendum. In addition to these payments and no later than month 60 of this plan, the debtor shall satisfy this claim in full through the sale or refinancing of his homestead. The Internal Revenue Service shall retain its lien until such time as the debtor pays said claim in full. Interest shall accrue on this claim at the rate determined by applicable law.

D. The debtor shall surrender his interest in the time-share in Maui, Hawaii and any remaining claim of the creditor formerly secured through this asset shall be treated as unsecured. In the event there are any proceeds due to the debtor as the result of surrendering this asset, said proceeds shall be contributed to make payments under this plan.