

**UNITED STATES BANKRUPTCY COURT
District of Minnesota**

**MODIFIED
CHAPTER 13 PLAN**

In Re:

Chris John Fandel
476-76-3012
Tammy Louise Fandel
474-66-9905

Dated:

Case No. **03-61367**

DEBTOR
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 **\$3,144.00**.
- b. After the date of this plan, the debtor will pay the trustee **\$355.00** per **Month** for **49** months, beginning within 30 days after the filing of this plan for a total of **\$17,395.00**.
- c. The debtor will also pay the trustee: **\$0.00**

d. The debtor will pay the trustee a total of **\$20,539.00** [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 10.00% for a total of **2053.90** [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.

Creditor	Estimated Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
Attorney Fees	\$ 1,150.00	\$ 1,150.00	1	1	\$ 1,150.00
TOTAL					\$ 1,150.00

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.

Name of Creditor	Description Of Property
Liberty Savings	Debtor's Residence: Homestead real property locate
Liberty Savings	Debtor's Residence: Homestead real property locate

5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] - The trustee will cure defaults (plus interest at the rate of 8.00 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 was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None	\$ 0.00	\$ 0.00	0	0	\$ 0.00
TOTAL					\$ 0.00

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322(b)(5)]** - The trustee will cure defaults (plus interest at the rate of 8.00 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 estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None	\$ 0.00	\$ 0.00	0	0	\$ 0.00
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 6.50 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).

Creditor	* Claim Amount	Secured Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
Great River Federal Credit Union	\$ 8,045.00	\$ 8,045.00	\$ 387.99	1	22	\$ 8,535.74
TOTAL						\$ 8,535.74

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: (Cosigned debts shall be paid at the contract rate of interest.):

Classification Creditor

None

- 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 8799.36 [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 \$0.00
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$106,759.72
- c. Total estimated unsecured claims are \$106,759.72 [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 -**

Title in the 1993 Mercury Villager will vest with Debtors upon payment of the secured portion of Great River Federal Credit Union's claim. Trustee shall not pay any untimely filed unsecured claims.

12. **SUMMARY OF PAYMENTS - Title in the 1993 Mercury Villager will vest with Debtors upon payment of the secured portion of Great River Federal Credit Union's claim. Trustee shall not pay any untimely filed unsecured claims.**

Trustee's Fee [Line 2]	<u>2053.90</u>
Priority Claims [Line 3(e)]	<u>\$1,150.00</u>
Home Mortgage Defaults [Line 5(d)]	<u>\$0.00</u>
Long-Term Debt Defaults [Line 6(d)]	<u>\$0.00</u>
Other Secured Claims [Line 7(d)]	<u>\$8,535.74</u>
Separate Class [Line 8(b)]	<u>\$0.00</u>

***Trustee shall pay Great River Federal Credit Union's claim in full since Debtor's father is a co-debtor on this loan.**

Unsecured Creditors [Line 9(c)]
TOTAL [must equal Line 1(d)]

\$ 8799.36
\$20,539.00

Wesley W. Scott
Bar no: 0264787
Schmidt & Lund
13 7th Avenue South
St. Cloud, MN 56301

320-252-0330

Signed: _____
Chris John Fandel, DEBTOR

Signed: _____
Tammy Louise Fandel, JOINT DEBTOR

SERVICE LIST

AMERICAN EXPRESS
PO BOX 46960
ST LOUIS MO 63144

LIBERTY SAVINGS
111 7TH AVE S
ST CLOUD MN 56303

AMERICAN GENERAL CITIFINANCIAL
PO BOX 8019
SOUTH HACKENSACK NJ 07606-8019

MARRIOT VISA
PO BOX 94014
PALATINE IL 60094

BANK OF AMERICA
PO BOX 53132
PHOENIX AZ 85072

MBNA
PO BOX 15026
WILMINGTON DE 19850-5026

BENEFICIAL
PO BOX 8633
ELMHURST IL 60126

NATIONAL CITY
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LOUISVILLE KY 40285

CAPITAL ONE
C/O GURSTEL LAW FIRM
401 3RD ST N #590
MINNEAPOLIS MN 55401

RETAILERS NATIONAL BANK
1100 PILLSBURY CENTER
200 S 6TH ST
MINNEAPOLIS MN 55402

CHASE
PO BOX 52195
PHOENIX AZ 85072

U S BANK
PO BOX 790084
ST LOUIS MO 63179

GREAT RIVER CREDIT UNION
1532 W ST GERMAIN
ST CLOUD MN 56303

VES CAPITAL ONE
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MINNEAPOLIS MN 55459

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ATTORNEYS AT LAW
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HOPKINS MN 55343

ST CLOUD EAR NOSE THROAT
HEAD AND NECK CLINIC
1528 NORTHWAY DR
ST CLOUD MN 56303

JC CHRISTENSEN AND ASSOCIATES
INC
PO BOX 519
SAUK RAPIDS MN 56379

U S TRUSTEE
1015 U S COURTHOUSE
300 S FOURTH ST
MINNEAPOLIS MN 55415

MICHAEL J FARRELL
PO BOX 519
BARNESVILLE MN 56514

STEWART ZLIMEN & JUNGERS LTD
430 OAK GROVE ST #200
MINNEAPOLIS MN 55403

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: **Chris John Fandel**
Tammy Louise Fandel

SIGNATURE DECLARATION

Debtor(s).

Case No. 03-61367

- PETITION, SCHEDULES & STATEMENTS
 CHAPTER 13 PLAN
 SCHEDULES AND 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: 9/24/04


Signature of Debtor or Authorized Representative

Chris John Fandel
Printed Name of Debtor or Authorized Representative


Signature of Joint Debtor

Tammy Louise Fandel
Printed Name of Joint Debtor