

UNITED STATES BANKRUPTCY COURT
 District of Minnesota

In Re:
Allen F. Boit
 4065
Jewel A. Marks Boit
 7391

CHAPTER 13 PLAN - AMENDED

Dated:

Case No. 04-60443

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 **\$0.00**.
- b. After the date of this plan, the debtor will pay the trustee **\$135.00** per **Month** for **36** months, beginning within 30 days after the filing of this plan for a total of **\$4,860.00**.
- c. The debtor will also pay the trustee: **\$0.00**

d. The debtor will pay the trustee a total of **\$4,860.00** [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 **486.00** [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.

Creditor	Estimated Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
Attorney Fees	\$ 0.00	\$ 0	0	0	\$ 0

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
First National Bank	1995 Chevy Ext Cab 4x4 (\$3,500) 2001 Kawasaki 4 W
First National Bank	W1/2 SE1/4 SE1/4 -35-145-42 Mahnomen County, Minne
Conseco Finance Loan Co	W1/2 SE1/4 SE1/4 -35-145-42 Mahnomen County, Minne
SBA	W1/2 SE1/4 SE1/4 -35-145-42 Mahnomen County, Minne

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 8.00 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
None	\$ 0.00	\$ 0.00	\$ 0.00	0	0	\$ 0.00
TOTAL						\$ 0.00

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: (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 4,374.00 [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 \$130,279.72
- c. Total estimated unsecured claims are \$130,279.72 [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** -

All disposable money shall be applied to the plan. SEE BELOW **

12. **SUMMARY OF PAYMENTS** -

Trustee's Fee [Line 2]	<u>486.00</u>
Priority Claims [Line 3(e)]	<u>\$0.00</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>\$0.00</u>
Separate Class [Line 8(b)]	<u>\$0.00</u>

** That any and all state and federal income tax refunds received by the debtors during the duration of the plan shall be turned over to the Trustee for disbursement to the unsecured creditors.

Chapter 13 Plan: **Allen F. Boit**

Jewel A. Marks Boit

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

\$130,279.72
\$4,860.00

Kevin T. Duffy
Bar no: 134-600
Duffy Law Office
P.O. Box 715
1008 West Second Street
Thief River Falls, MN 56701
218-681-8524

Signed: **s/ Allen F. Boit**

Allen F. Boit, DEBTOR

Signed: **s/ Jewel A. Marks Boit**

Jewel A. Marks Boit, JOINT DEBTOR

Verification

We, Allen F. Boit and Jewel A. Marks-Boit, declare under penalty of perjury that the foregoing Amended Chapter 13 Plan is true and correct according to the best of our knowledge, information and belief.

Date: 9-22-04

X Allen F. Boit

Signature of Debtor or Authorized Representative

Allen F. Boit

Printed Name of Debtor or Authorized Representative

X Jewel A Marks-Boit

Signature of Joint Debtor

Jewel A Marks-Boit

Printed Name of Joint Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:

Boit, Allen
Marks-Boit, Jewel, Debtors.

Bankruptcy Case No. 04-60443-DDO
Chapter 13 Case

UNSWORN CERTIFICATE OF SERVICE

I, Tonya R. Klemetson, declare under penalty of perjury that on September 22, 2004, I mailed copies of the foregoing **Amended Chapter 13 Plan** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

United States Trustee
1015 U. S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

Mr. Michael J. Farrell
Chapter 12 Trustee
P.O. Box 519
Barnesville, MN 56514

David L. Johnson
McNarie, Larson & Carlson, Ltd.
51 Broadway Ste 600
PO Box 2189
Fargo, ND 58108

Allen & Jewel Boit
1482 State Hwy 200
Mahnomen, MN 56557

Executed on: September 22, 2004.

Signed:



Tonya R. Klemetson
DUFFY LAW OFFICE
P.O. Box 715
Thief River Falls, MN 56701
218-681-8524

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Boit, Allen F.
Boit, Jewel A.

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-60443

- PETITION, SCHEDULES & STATEMENTS
 CHAPTER 13 PLAN
 SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 MODIFIED CHAPTER 13 PLAN
 OTHER (Please describe: Amended Chapter 13 Plan)

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: 09/22/04

X Allen F. Boit
Signature of Debtor or Authorized Representative

Allen F. Boit
Printed Name of Debtor or Authorized Representative

X Jewel A. Marks Boit
Signature of Joint Debtor

Jewel A. Marks Boit
Printed Name of Joint Debtor