

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re:

**SECOND MODIFIED CHAPTER 13 PLAN**

Kathy Lee Romero and  
Michael Joseph Romero,

Dated: August 24, 2004

DEBTOR

Case No. BKY 03-38603

*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 \$ 4,560.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 50.00 per month for 52 months, beginning within 30 days after the filing of this plan for a total of \$ 2,600.00.
- c. The debtor will also pay the trustee an addition \$150.00 per month for months 5 continuing through month 52.
- d. The debtor will pay the trustee a total of \$ 14,360.00 [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 \$ 1,436.00 [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 Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Minn. Dept of Revenue	\$ <u>300.00</u>	\$ <u>145.80</u>	<u>5</u>	<u>1</u>	\$ <u>148.80</u>
		\$ <u>180.00</u>	<u>6</u>	<u>.86</u>	\$ <u>154.20</u>
b. Edward F. Rooney	\$ <u>1,250.00</u>	\$ <u>25.80</u>	<u>6</u>	<u>1</u>	\$ <u>25.80</u>
		\$ <u>180.00</u>	<u>7</u>	<u>6.8</u>	\$ <u>1,224.20</u>
d. TOTAL					\$ <u>1,550.00</u>

**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. None

**5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] —** The trustee will cure defaults (plus interest at the rate of 0 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 Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. <u>Bank of America</u>	\$ <u>5,336.94</u>	\$ <u>4,391.89</u>	already paid		\$ <u>4,391.89</u>
		\$ <u>45.00</u>	<u>1</u>	<u>4</u>	\$ <u>190.00</u>
		\$ <u>180.00</u>	<u>5</u>	<u>4.19</u>	\$ <u>755.05</u>
b. TOTAL					\$ <u>5,336.94</u>

**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. <u>none</u>	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. TOTAL					\$ <u>0.00</u>

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).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. none	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
c. 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: \_\_\_\_\_ none \_\_\_\_\_

- 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 \$ 6,037.06 [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 \$ 64,602.95 \_\_\_\_\_.
- c. Total estimated unsecured claims are \$ 64,602.95 [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 —

- a. The trustee may distribute funds not allocated above at her discretion.

12. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$ 1,436.00
Priority Claims [Line 3(e)]	\$ 1,550.00
Home Mortgage Defaults [Line 5(d)]	\$ 5,336.94
Long-Term Debt Defaults [Line 6(d)]	\$ 0.00
Other Secured Claims [Line 7(d)]	\$ 0.00
Separate Class [Line 8(b)]	\$ 0.00
Unsecured Creditors [Line 9(c)]	\$ 6,037.06
<b>TOTAL [must equal Line 1(d)]</b>	<b>\$ 14,360.00</b>

Edward F. Rooney (ID #9321X)  
 Attorney for Debtor  
 5001 Chowen Avenue South  
 Minneapolis MN 55410  
 Telephone: 612/285-7621

Signed: /e/ Kathy Lee Romero \_\_\_\_\_  
 Kathy Lee Romero, Debtor

Signed: /e/ Michael Joseph Romero \_\_\_\_\_  
 Michael Joseph Romero, Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re:

Case No. BKY: 03-38603 GFK

Michael and Kathy Romero,

Chapter 13 Case

Debtors,

UNSWORN CERTIFICATE OF SERVICE

I, Cindy K. Wester, declare under penalty of perjury that on August 25, 2004 I mailed copies of the foregoing Notice of Hearing and Motion, an Affidavit of Debtor Kathy Lee Romero, and a Debtor's Memorandum of Law by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Allina Hospitals and Clinics  
701 Xenia Avenue South  
Golden Valley MN 55416-1029

Allina Hospitals and Clinics  
c/o Reliance Recoveries  
6160 Summit Dr N Ste 420  
Minneapolis MN 55430

AT&T Broadband  
c/o Interstate Credit Center  
11300 Minnetonka Mills Rd  
Minnetonka MN 55305

AT&T Broadband  
c/o Credit Protection Assoc.  
1355 Noel Rd Ste 2100  
Dallas TX 75240

AT&T Broadband  
10 Ruver Park Plaza  
St. Paul MN 55107-1219

Bally's Total Fitness  
71 Minnesota Avenue  
Little Canada MN 55117

Bank of America  
475 Cross Point Parkway  
PO Box 9000  
Getzville NY 14068-9000

Bank of America  
c/o Wilford & Geske  
6043 Hudson Rd Ste 290  
PO Box 25915  
Woodbury MN 55125

Boisclair Corporation  
3005 Ottawa Avenue S  
St Louis Park MN 55416

Boisclair Corporation  
c/o National Recoveries  
6225 University Avenue NE  
Fridley MN 55432

Capital One Services, Inc.  
1957 Westmoreland Road  
Richmond, VA 23276-5617

Capital One Services, Inc.  
c/o FMA Alliance Ltd  
11811 North Freeway Ste 900  
Houston TX 77060

Children's Health Care  
PO Box 86 JSO  
121833 SDS  
Minneapolis MN 55486-0086

Children's Health Care  
c/o Reliance Recoveries  
6160 Summit Dr N Ste 420  
Minneapolis MN 55430

Comcast  
c/o Credit Protection Assn  
13355 Noel Rd  
Dallas TX 75240

Comcast  
PO Box 173885  
Denver, CO 80217-3885

Guzik Law Office, PA  
2332 Lexington Avenue N  
Roseville MN 55113  
Golden Valley MN 55416-1029

Health Partners  
PO Box 1450 NW 7293  
Minneapolis MN 55485-7293

Herbergers  
c/o NBGL  
PO Box 10327  
JacksonMS39209

Herbergers  
3800 Silver Lake Road  
St. Anthony MN 55421

INTERNAL REVENUE SERVICE  
STOP 5700  
316 N ROBERT ST  
ST PAUL MN 55101

Lakeview Hospital  
c/o Reliance Recoveries  
6160 Summit Dr N Ste 420  
Minneapolis MN 55430

Lakeview Hospital  
927 W. Churchill St  
Stillwater, MN 55082

Media One Roseville  
c/o Interstate Credit Center  
11300 Minnetonka Mills Road  
Minnetonka MN 55305

Minnesota Child Support Payment Ctr  
PO Box 64326  
St Paul MN 55164

Lakeview Hospital  
c/o Protocol Financial Services  
1937 Woodlane Dr Ste 204  
Woodbury MN 55125-3926

Qwest  
c/o Risk Management  
4600 E Montgomery Blvd  
Albuquerque NM87109

Regions Hospital  
NW 3969  
PO Box 1450  
Minneapolis MN 55485-3969

Regions Hospital  
c/o The CBE Group, Inc  
Payment Processing Center  
Box 3251  
Milwaukee WI 53201-3251

Southeast Region Child Support Unit  
PO Box 2806  
Fargo ND 58108 2806

St. Paul Radiology PA  
190 E Fifth Street Ste 250  
St. Paul MN 55101

Stillwater Medical Group PA  
921 South Greeley Street  
Stillwater MN 55082

T Mobile  
P.O. Box 790047  
St. Louis, MO 63179-0047

Tom Thumb No 219  
c/o AAA Collectors Inc  
2950 N Academy Blvd  
Colorado Springs CO 80917

Wells Fargo Bank Minnesota  
5801 Neal Avenue N Ste 1  
Oak Park Heights MN 55082

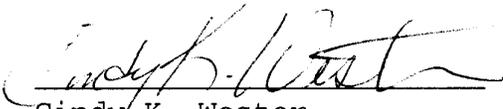
Xcel Energy  
PO Box 9477  
Minneapolis MN 55484-9477

U.S. Trustee  
Habbo G. Fokkena  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Attn: Margaret Culp  
Chapter 13 Trustee's Office  
12 South Sixth Street, Suite 310  
Minneapolis, MN 55402

James A. Geske  
Wilford & Geske  
7650 Currell Blvd., Suite 300  
Woodbury, MN 55125

Executed on: August 25, 2004

  
Cindy K. Wester  
2405 W. 42<sup>nd</sup> St. #6  
Minneapolis, MN 55410

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Kathy Lee Romero and Michael Joseph Romero,

SIGNATURE DECLARATION

Debtors.

Case No. 03-38603  
Chapter 13 Case

- PETITION, SCHEDULES & STATEMENTS  
 CHAPTER 13 PLAN  
 SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
 MODIFIED CHAPTER 13 PLAN  
 OTHER(Please describe) Affidavit in Support of Motion for Plan Modification

We, Kathy Lee Romero and Michael Joseph Romero, the undersigned debtors or authorized individual, hereby declare under penalty of perjury that the information we have given our attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct. We consent to our attorney electronically filing our petition, a scanned image of this declaration, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, with the United State Bankruptcy Court. We understand that a scanned image of this declaration is to be converted to PDF, and either inserted as the last page in the electronic submission or electronically submitted within five days after the above-named documents have been electronically submitted.

[If petition is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, 13 or Title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

[If petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Date: August 24, 2004

x Kathy Lee Romero  
Kathy Lee Romero

x Michael Joseph Romero  
Michael Joseph Romero