

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

MODIFIED  
**CHAPTER 13 PLAN**

In Re: Thomas J. Tyler and  
Cynthia L. Tyler,

Dated: 08/09/04

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

Case No. 04-30146

**1. PAYMENTS BY DEBTOR —**

- a. As of the date of this plan, the debtor has paid the trustee \$ 1,925.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 275.00 per month for 29 months, beginning within 30 days after the filing of this plan for a total of \$ 7,975.00.
- c. The debtor will also pay the trustee \_\_\_\_\_
- d. The debtor will pay the trustee a total of \$ 9,900.00 [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% for a total of \$ 990.00 [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	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ <u>1,000.00</u>	\$ <u>258.00</u>	<u>1</u>	<u>4</u>	\$ <u>1,000.00</u>
b. Internal Revenue Serv.	\$ _____	\$ _____	_____	_____	\$ _____
c. Minn. Dept of Revenue	\$ <u>327.00</u>	\$ <u>258.00</u>	<u>4</u>	<u>2</u>	\$ <u>327.00</u>
d. _____	\$ _____	\$ _____	_____	_____	\$ _____
e. TOTAL					\$ <u>1,427.00</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. Household Ind. Finance Co. - 1st Mortgage on homestead.
- b. Suzuki - 2004 Suzuki ATV 4 wheeler - to paid by co-debtor.

**5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] —** The trustee will cure defaults (plus interest at the rate of 8 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.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL					\$ _____

6. OTHER 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.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
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).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
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 \$ 7,483.00 [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 \$ 0.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ 77,910.00.
- c. Total estimated unsecured claims are \$ 77,910.00 [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 — The trustee may distribute funds not allocated above at his discretion. The tax authorities including the federal government, state revenue and property taxes shall be paid per claim whether filed as priority or secured. The plan shall allow debtors current child support obligation to be paid through payroll deduction, and the back child support obligation shall be paid in full inside the plan. All child support debt classified as non-priority shall be paid in full to the Trustee, as a separate class.

12. SUMMARY OF PAYMENTS —

Trustee's Fee (Line 2)	\$ 990.00
Priority Claims (Line 3(e))	\$ 1,427.00
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))	\$ 7,483.00
TOTAL (must equal Line 1(d))	\$ 9,900.00

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

Becky A. Moshier  
 Attorney at Law  
 2233 University Ave., W. Suite 420  
 St. Paul, MN 55114  
 Telephone: (651) 645-1211  
 Attorney Reg. No. 207871

Signed Thomas J. Tyler  
 DEBTOR

Signed Cynthia L. Tyler  
 DEBTOR (if joint case)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In Re: Thomas J. Tyler and Cynthia L. Tyler,  
Debtor(s)

Bky. Case 04-30146

**NOTICE OF HEARING  
ON CONFIRMATION  
OF MODIFIED PLAN**

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PLEASE TAKE NOTICE that a hearing will be held on confirmation of the Debtors' Modified Chapter 13 Plan, dated August 9, 2004, in Courtroom 228C, U.S. Courthouse, 316 North Robert Street, St. Paul, MN 55101, on September 23, 2004 at 10:30 a.m. or as soon thereafter as counsel can be heard.

Dated: August 9, 2004

**/e/ BECKY A. MOSHIER**

Becky A. Moshier

Attorney at Law

Attorney Reg. No. 207871

2233 University Ave. W., #420

St. Paul, MN 55114

Telephone: (651) 645-1211

ATTORNEY FOR DEBTOR(S)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re: Thomas J. Tyler and  
Cynthia L. Tyler,

Bankruptcy Case No.: 04-30146

**UNSWORN DECLARATION OF SERVICE**

I, Becky A. Moshier, Attorney at Law, licensed to practice law in this Court, with office address of 2233 University Avenue West, Suite 420, St. Paul, Minnesota 55114, declare that on August 23, 2004, I served copies of the Notice of Hearing on Confirmation of Modified Plan and the Modified Chapter 13 Plan and to each of the entities named below by mailing to each of them a copy thereof by enclosing the same in an envelope with first class mail postage prepaid and depositing same in the post office in St. Paul, Minnesota, addressed to each of them as follows:

-----  
U.S. Trustee  
1015 U.S. Courthouse  
300 S. Fourth Street  
Minneapolis, MN 55415

Jasmine Z. Keller  
Chapter 13 Trustee  
12 S. 6<sup>th</sup> St., Suite 310  
Minneapolis, MN 55402

Thomas J. Tyler  
Cynthia L. Tyler  
6260 - 337<sup>th</sup> St.  
Stacy, MN 56079

Bank of America  
PO Box 5270  
Carol Stream, IL 60197-5270

Bank One  
Cardmember Service  
PO Box 94014  
Palatine, IL 60094-4014

Capital One  
PO Box 60000  
Seattle, WA 98190-6000

Fairview Lakes Regional  
Medical Center  
PO Box 1325  
Minneapolis, MN 55440

Household Finance  
PO Box 4153-K  
Carol Stream, IL 60197-4153

MBNA America  
PO Box 15019  
Wilmington, DE 19886-5019

North Branch Mill  
638 Branch Ave  
North Branch, MN 55056

Suburban Radiologic  
Consultants Ltd  
4801 W 81<sup>st</sup> St Suite 108  
Minneapolis, MN 55437-1191

US Bank  
PO Box 790408  
Saint Louis, MO 63179-0408

Wal-Mart  
PO Box 530937  
Atlanta, GA 30353-0937

Fairview Lakes Regional  
Business Office  
5200 Fairview Blvd  
Wyoming, MN 55092

General Electric  
C/O ECast Settlement Corp  
PO Box 35480  
Newark, NJ 07193

Fleet Credit Card Service  
PO Box 15368  
Wilmington, DE 19886-5368

Household Ind Finance Co  
1737 C Beam Ave  
Birch Run Station  
Maplewood, MN 55109

Neurological Assoc of St Paul  
1650 Beam Ave  
Maplewood, MN 55109-1192

Retail Services  
Menards  
Dept 7680  
Carol Stream, IL 60116-7680

Suzuki  
PO Box 103101  
Roswell, GA 30076

US Bank  
PO Box 1800  
Saint Paul, MN 55101-0800

Elan/Firststar Card Svcs  
Bky Recovery Dept  
PO Box 5229  
Cincinnati, OH 45201

Household Industrial Finance  
1301 E Tower Rd  
Schaumburg, IL 60173

MBNA America Bank  
C/O ECast Settlement Corp  
PO Box 35480  
Newark, NJ 07193

Household Industrial Finance  
961 Weigel Dr  
PO Box 8606  
Elmhurst, IL 60126

Fleet Bank NA  
C/O ECast Settlement Corp  
PO Box 35480  
Newark, NJ 07193

ECast Settlement  
C/O Bass & Assoc  
3936 E Ft Lowell Rd Ste 200  
Tucson, AZ 85712

Bank One Delaware  
C/O Weinstein Treiger Riley  
2101 4<sup>th</sup> Ave Ste 900  
Seattle, WA 98121

Capital One Bank  
PO Box 85167  
Richmond, VA 23285

MN Department of Revenue  
Bankruptcy Section  
PO Box 64447  
St Paul, MN 55164

ECast Settlement Corp  
PO Box 7247-6971  
Philadelphia, PA 19170

B-First LLC  
2101 4<sup>th</sup> Ave Ste 900  
Seattle, WA 98121

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And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: August 23, 2004

/e/ BECKY A. MOSHIER  
Becky A. Moshier  
Attorney at Law

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: Thomas J. Tyler and  
Cynthia L. Tyler,

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-30146

- PETITION, SCHEDULES & STATEMENTS  
 CHAPTER 13 PLAN  
 SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
 MODIFIED CHAPTER 13 PLAN  
 OTHER (Please describe: Notice of Hearing on Confirmation of Modified 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: August 9, 2004

Thomas J. Tyler

Signature of Debtor or Authorized Representative

Thomas J. Tyler

Printed Name of Debtor or Authorized Representative

Cynthia L. Tyler

Signature of Joint Debtor

Cynthia L. Tyler

Printed Name of Joint Debtor