

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:
Horton, Cormelle M.

Case no. BKY 04-30658

Chapter 13 case

Debtor(s),

NOTICE OF HEARING AND MOTION TO
CONFIRM MODIFIED CHAPTER 13 PLAN

To: The Chapter 13 Trustee, The U.S. Trustee, and the other entities specified in Local Rule 1007-2(a):

1. The debtor(s) move(s) the court for the relief requested below and gives notice of hearing.
2. The court will hold a hearing on this motion at 10:30 a.m. on September 9, 2004 in Room 228A, Federal Building, 316 North Robert St, St. Paul, Minnesota before the Honorable Dennis D. O'Brien, Bankruptcy Judge.
3. Any response to this motion must be filed and delivered not later than five days before the time set for the hearing, or filed and served by mail not later than eight days before the time set for the hearing.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. secs 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding.
5. This motion arises under 11 U.S.C. sec. 1329 and Bankruptcy Rule 3020. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9006-1 and 9013. Movant requests the confirmation of the modified plan.
6. Debtor is modifying to reduce plan payments to a more feasible amount as she is now unemployed and her income is reduced to child support and MFIB.

WHEREFORE, The undersigned move the court for an order confirming their Modified Chapter 13 Plan and for such other relief as may be just and equitable.

/e/ Curtis K. Walker
Curtis K. Walker, #113906
Thayer A.K. Butler, #200815
Mary C. Hoben, #335411
Attorney for Debtor(s)
4356 Nicollet Avenue South
Minneapolis, MN 55409
(612) 824-4357

Verification. I (We) the moving party (ies) in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my (our) knowledge, information and belief.

Executed on: 8/5/04

Signed: /s/ 

Signed: /s/ _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: Horton, Cormelle M.

Case no. BKY 04-30658

Chapter 13 Case

Debtor(s)

MEMORANDUM OF FACTS AND LAW IN SUPPORT
OF MOTION TO CONFIRM MODIFIED CHAPTER 13 PLAN

FACTS

Debtor is modifying to reduce plan payments to a more feasible amount as she is now unemployed and her income is reduced to child support and MFIB.

DISCUSSION

11 U.S.C. sec 1329 allows a debtor to modify a Chapter 13 plan after confirmation providing it meets the requirements set forth elsewhere in the Bankruptcy Code. The modified plan meets these requirements. Local Rule 3015-2(b) requires a plan to be modified by motion.

The debtor has filed the motion on each entity listed on the matrix as required by the motion and has proposed a plan which meets the other requirements of the Code. The debtor is entitled to confirmation of the modified plan.

CONCLUSION

The modified plan should be confirmed.

Respectfully submitted

/e/ Curtis K. Walker

Curtis K. Walker, #113906

Thayer A.K. Butler, #200815

Mary C. Hoben, #335411

Attorney at Law

4356 Nicollet Ave So

Minneapolis, MN 55409

(612)824-4357

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: Horton, Cormelle M.

Case no. BKY 04-30658

Chapter 13 case

Debtor(s),

ORDER CONFIRMING CHAPTER 13 PLAN

It appears that the debtor(s) filed a plan, that the plan conforms to Local Rule 3015-1(a) and Local Form 3015-1, that copies thereof were mailed to creditors, that a meeting of creditors was held, that a hearing on confirmation of the plan was held, and that no objection to the confirmation of the plan as filed or as modified by an amended plan has been made, or if made, has been withdrawn or overruled by the Court.

IT IS THEREFORE ORDERED, that the plan as filed or as modified by an amended plan is confirmed.

DATED:

Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. **04-30658**

Hourton, Cormelle Myesha

Debtor(s)

UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Rebecca Johnson, declare under penalty of perjury, that on August 05, 2004, I mailed copies of the foregoing Notice of Hearing and Motion to Confirm Modified Chapter 13 Plan, Postconfirmation Modified Chapter 13 Plan, Memorandum of Facts and law in support of Motion to Confirm Chapter 13 Plan, and proposed Order by first class mail, postage prepaid, to each entity named below and to each entity named on the attached list, at the address stated for each entity:

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

Jasmine Z. Keller, Chapter 13 Trustee
310 Plymouth Building
12 South 6th Street
Minneapolis, MN 55402

Executed on: August 05, 2004

/E/ Rebecca Johnson

AUDIT SYSTEMS INCORPORATED
3696 ULMERTON RD SUITE 200
CLEARWATER FL 33762

HEALTHEAST CLINICS
NW 8949
PO BOX 1450
MINNEAPOLIS MN 55485-8949

JC CHRISTENSEN & ASSOCIATES INC
2221 NIAGRA FALLS BLVD
SUITE 29
NIAGARA FALLS NY 14304-5717

KEITH F OSTROSKY DDS
C/O JAMES I ROBERTS
5280 15TH AV SE
ST CLOUD MN 56304

LAW OFFICE OF RICHARD D SEIERSTAD
225 N BENTON DRIVE SUITE 205
PO BOX 566
SAUK RAPIDS MN 56379-0566

MALCOLM S GERALD & ASSOC
332 S MICHIGAN AV STE 600
CHICAGO IL 60604

MESSERLI & KRAMER
3405 ANNAPOLIS LANE NORTH
SUITE 300
PLYMOUTH MN 55447-5344

NCC GROUP INC
10125 CROSSTOWN CIRCLE
SUITE 100
EDEN PRAIRIE MN 55344

NCO FINANCIAL SYSTEMS INC
PO BOX 41417 DEPT 99
PHILADELPHIA PA 19101

NORTH MEMORIAL HEALTH CARE
3300 OAKDALE AV N
ROBBINSDALE MN 55422-2900

NORTHLAND NURSE ANESTHESIA PA
155 S WABASHA ST STE 104
ST PAUL MN 55107

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RECEIVABLE COLLECTION OPERATIONS
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PO BOX 8077
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ST PAUL MN 55114

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RICHFIELD MN 55423