

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

*In re:*

Marc Harold Ferris and  
Tracie Kay Ferris,  
*Debtor(s)*

**MODIFIED CHAPTER 13 PLAN**

(Pre-Confirmation)

Dated: 7/14/04

Case No.: 04-32869

**1. PAYMENTS BY DEBTORS -**

- a. As of the date of this plan, the debtor has paid the trustee \$ 782.35.
- b. After the date of this plan, the debtor will pay the trustee \$ 1,669.00 per month for 59 months, beginning within 30 days after the filing of this plan for a total of \$ 98,471.00.
- c. The debtors will also pay the trustee 0.
- d. The debtor will pay the trustee a total of \$ 99,253.35 [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 \$ 9,925.33 [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. Attorneys Fees	<u>\$ 0</u>	<u>\$ 0</u>	<u>      </u>	<u>      </u>	<u>\$ 0</u>
b. Internal Revenue Service and	<u>\$</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>\$</u>
c. Minn. Dept. of Revenue	<u>\$18,283.82</u>	<u>Prorata</u>	<u>35</u>	<u>13</u>	<u>\$18,283.82</u>
d. _____	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
e. TOTAL					<u>\$18,283.82</u>

**4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT -** The following creditors have secured claims. Payments are current and 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. \_\_\_\_\_
- b. \_\_\_\_\_

**5. HOME MORTGAGES IN DEFAULT [§1322(b)(5)] -** The trustee will cure defaults on claims secured by only a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come 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. RBMG (1 <sup>st</sup> Mtg)	<u>\$ 11,363.12</u>	<u>See Schedule A*</u>	<u>1</u>	<u>9</u>	<u>\$ 11,363.12</u>
b. _____	<u>\$</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>\$</u>
c. _____	<u>\$</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>\$</u>
d. TOTAL					<u>\$ 11,363.12</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 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 [§1322(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 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. Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ _____	\$21,087.11	See Schedule A*	9	15	\$ 21,087.11
b. Chrysler Financial	\$ _____	\$18,224.60	See Schedule A*	23	13	\$ 18,224.60
c. _____	\$ _____	\$ _____	_____	_____	_____	\$ _____
d. TOTAL						\$ 39,311.71

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 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 \$ 20,369.37 [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 total unsecured claims (excluding those in ¶7 and ¶8 are \$ 20,369.37.

c. Total estimated unsecured claims are \$ 20,369.37 [line 9(a)+line9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under ¶11, 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** -

12. **SUMMARY OF PAYMENTS** -

Trustee's Fee [Line 2] .....	\$ 9,925.33
Priority Claims [Line 3(e)] .....	\$ 18,283.82
Home Mortgage Defaults [Line 5(d)] .....	\$ 11,363.12
Long-term Debt Defaults [Line 6(d)] .....	\$ _____
Other Secured Claims [Line 7(d)] .....	\$ 39,311.71
Separate Class [Line 8(b)] .....	\$ _____
Unsecured Creditors [Line (c)] .....	\$ 20,369.37
<b>TOTAL [must equal line 1(d)].....</b>	<b>\$ 99,253.35</b>

Attorney, Elizabeth A. Cloutier #192661  
 Cloutier Law Offices, P.A.  
 608 - 2<sup>nd</sup> Ave. S., Ste. 250  
 Minneapolis, MN 55402  
 (612) 332-5100

Signed: \_\_\_\_\_  
 Debtor: \_\_\_\_\_  
 Signed: \_\_\_\_\_

Chapter 13 Plan  
**SCHEDULE A**  
Schedule of Payments

Case No.: 04-32869

		<u>Trustee Fee (10%)</u>	
1.	RBMG (1 <sup>st</sup> Mortgage)	\$ 735.41	\$ 78.23
2.	RBMG (1 <sup>st</sup> Mortgage)	\$ 1,502.10	\$ 166.90
3.	RBMG (1 <sup>st</sup> Mortgage)	\$ 1,502.10	\$ 166.90
4.	RBMG (1 <sup>st</sup> Mortgage)	\$ 1,502.10	\$ 166.90
5.	RBMG (1 <sup>st</sup> Mortgage)	\$ 1,502.10	\$ 166.90
6.	RBMG (1 <sup>st</sup> Mortgage)	\$ 1,502.10	\$ 166.90
7.	RBMG (1 <sup>st</sup> Mortgage)	\$ 1,502.10	\$ 166.90
8.	RBMG (1 <sup>st</sup> Mortgage)	\$ 1,502.10	\$ 166.90
9.	RBMG (1 <sup>st</sup> Mortgage)	\$ 113.01	\$ ---
		(\$11,363.12)	
9.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,389.09	\$ 166.90
10.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
13.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
14.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
15.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
16.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
17.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
18.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
19.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
20.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
21.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
22.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 1,502.10	\$ 166.90
23.	Provincial Bank (2 <sup>nd</sup> Mortgage)	\$ 170.72	\$ ---
		(\$21,087.11)	
23.	Chrysler Financial	\$ 1,331.38	\$ 166.90
24.	Chrysler Financial	\$ 1,502.10	\$ 166.90
25.	Chrysler Financial	\$ 1,502.10	\$ 166.90
26.	Chrysler Financial	\$ 1,502.10	\$ 166.90
27.	Chrysler Financial	\$ 1,502.10	\$ 166.90
28.	Chrysler Financial	\$ 1,502.10	\$ 166.90
29.	Chrysler Financial	\$ 1,502.10	\$ 166.90
30.	Chrysler Financial	\$ 1,502.10	\$ 166.90
31.	Chrysler Financial	\$ 1,502.10	\$ 166.90
32.	Chrysler Financial	\$ 1,502.10	\$ 166.90
33.	Chrysler Financial	\$ 1,502.10	\$ 166.90
34.	Chrysler Financial	\$ 1,502.10	\$ 166.90
35.	Chrysler Financial	\$ 370.12	\$ ---
		(\$18,224.60)	
35.	IRS/MN Revenue	\$ 1,131.98	\$ 166.90
36.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
37.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
38.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
39.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
40.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90

Chapter 13 Plan  
Schedule of Payments

Case No.: 04-32869

		<u>Trustee Fee (10%)</u>	
41.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
42.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
43.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
44.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
45.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
46.	IRS/MN Revenue	\$ 1,502.10	\$ 166.90
47.	IRS/MN Revenue	\$ 628.74	\$ ---
		(\$18,283.82)	
47.	Unsecured Creditors	\$ 1,131.98	\$ 166.90
48.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
49.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
50.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
51.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
52.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
53.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
54.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
55.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
56.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
57.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
58.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
59.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
60.	Unsecured Creditors + Trustee Fee	\$ 1,212.19	\$ 166.90
		(\$20,369.37)	

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: Marc Harold Ferris and Tracie Kay Ferris  
Debtor(s).

Case No.: 04-32869  
Chapter 13

**NOTICE OF MODIFICATION OF  
CHAPTER 13 PLAN (PRE-CONFIRMATION)**

TO: THE TRUSTEE; UNITED STATES TRUSTEE; AND INTERESTED CREDITORS.

PLEASE TAKE NOTICE, pursuant to Local Rule 3015-2, that the Debtors have modified the Chapter 13 Plan. A copy of the modified Chapter 13 Plan is attached hereto as Exhibit A.

PLEASE ALSO TAKE NOTICE, that a Plan Confirmation Hearing will be held at:

Place: U.S. Bankruptcy Court  
U.S. Courthouse Room 228A  
316 North Robert Street  
St. Paul, MN 55101

Date: 8-5-04  
Time: 10:30 a.m.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Pursuant to Local Rule 3015-2, objections to the Chapter 13 Modification Plan filed pre-confirmation must be delivered not later than 24 hours prior to the time and date set forth above for the confirmation hearing or mailed not later than three days prior to the date set for the confirmation hearing.

You must also mail a copy to:

Elizabeth A. Cloutier, Esq.  
Cloutier Law Offices, PA  
250 Northstar East Building  
608 Second Avenue South  
Minneapolis, MN 55402  
(Debtors Attorney)

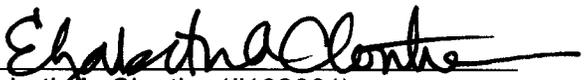
Jasmine Z. Keller  
Chapter 13 Trustee  
12 South 6<sup>th</sup> Street, Suite 310  
Minneapolis, MN 55402

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

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief in the motion or objection and may enter an order granting that relief.

CLOUTIER LAW OFFICES, PA

Dated: 7/22/04

By:   
Elizabeth A. Cloutier (#192661)  
Attorney for Debtor(s)  
250 Northstar East Building  
608 Second Avenue South  
Minneapolis, MN 55402  
(612) 332-5100

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re: Marc Harold Ferris,  
Tracie Kay Ferris  
Debtor(s).

Case No.: 04-32869  
Chapter 13

**UNSWORN DECLARATION FOR PROOF OF SERVICE**

The undersigned, attorney for Debtors and licensed to practice law in this court, with offices at 608 Second Avenue South, Suite 250, Minneapolis, MN 55402, deposes and states below, I served a **Notice of Modification of Chapter 13 Plan (Pre-Confirmation) and Modified Chapter 13 Plan (Exhibit A)**, upon each of the entities named below by United States Mail at their last known address:

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

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

Thomas B. Heffelfinger  
United States Attorney  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

David L. Zoss  
Special Assistant United States Attorney  
380 Jackson Street, Suite 650  
St. Paul, MN 55101

Minnesota Department of Revenue  
Collection Enforcement Unit  
P.O. Box 64447  
551 Bankruptcy Section  
St. Paul, MN 55164

William P. Wassweiler  
Attorney for Creditor-Provincial Bank  
2000 Metropolitan Centre  
333 South 7<sup>th</sup> Street  
Minneapolis, MN 55402

Ms. Marilyn J. Washburn  
Attorney for Creditor - Daimler Chrysler  
Riezman Berger, PC  
7700 Bonhomme Avenue  
St. Louis, Mo 63105

AFNI - SPRINT  
P.O. BOX 3427  
BLOOMINGTON, FL 61702-3427

ALF AMBULANCE  
20195 HOLYOKE AVENUE  
LAKEVILLE, MN 55044

AMERICOLLECT, INC.  
P.O. BOX 1566  
MANITOWOC, WI 54221-1566

CALVARY PORTFOLIO SERVICES, LLC  
P.O. BOX 1030  
HAWTHORNE, NY 10532

CITY OF LAKEVILLE  
20195 HOLYOKE AVENUE  
LAKEVILLE, MN 55044

CREDIT BUREAU DATA, INC.  
P.O. BOX 228  
LACROSSE, WI 54602-2288

EAGAN VALLEY PEDIATRICS  
14135 CEDAR AVENUE SOUTH  
APPLE VALLEY, MN 55124

EPPA  
7301 OHMS LANE, #650  
EDINA, MN 55439-4000

FAIRVIEW  
2450 RIVERSIDE AVENUE  
MINNEAPOLIS, MN 55454

GC SERVICES LIMITED PARTNERSHIP  
6330 GULFTON  
HOUSTON, TX 77081

JNR  
P.O. BOX 27070  
MINNEAPOLIS, MN 55427

MARK PITZELE, P.A.  
1550 UTICA AVENUE SOUTH, #500  
ST. LOUIS PARK, MN 55416

MESSERLI & KRAMER  
3033 CAMPUS DRIVE, #250  
PLYMOUTH, MN 55441

METROPOLITAN PEDIATRICS  
6545 FRANCE AVENUE SOUTH, #400  
EDINA, MN 55435

MIDWEST SURGERY CENTER  
2080 WOODWINDS DRIVE, #110  
WOODBURY, MN 55125

MINNEGASCO  
P.O. BOX 1297  
MINNEAPOLIS, MN 55427

JAMES A. GESKE, ESQ. (for RBMG)  
WILFORD & GESKE  
7650 CURRELL BLVD., SUITE 300  
WOODBURY, MN 55125

RICHARD D. SEIERSTAD  
P.O. BOX 566  
SAUK RAPIDS, MN 56379

ROSSO & SEIERSTAD, P.A.  
1640 COMO AVENUE  
ST. PAUL, MN 55108

SALLIE MAE  
P.O. BOX 9500  
WILKES BARRE, PA 18773

WELLS FARGO BANK  
6<sup>TH</sup> & MARQUETTE  
MINNEAPOLIS, MN 55402

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

Executed: 7/26/04

Signed:   
Elizabeth A. Cloutier

# CLOUTIER LAW OFFICES, P.A.

250 NORTHSTAR EAST BUILDING  
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Writer's Voice Mail (612) 375-8153

July 22, 2004

Bankruptcy Court Administrator  
U.S. Bankruptcy Court  
200 Warren E. Burger Federal Building  
316 North Robert Street  
St. Paul, MN 55101

RE: Bankruptcy of Marc Harold Ferris and Tracie Kay Ferris  
Court File No.: 04-32869

Dear Court Administrator.

Enclosed herewith for filing please find the Notice of Modification of Chapter 13 Plan (Pre-Confirmation) and Affidavit with regard to the above-referenced matter. Also enclosed is a disk that has the Modified Chapter 13 Plan form on it in WordPerfect 10 format.

Should you have any questions or require additional information, please feel free to contact our office.

Very truly yours,



Elizabeth A. Cloutier

EAC/tkf  
Enclosure