

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

**PRECONFIRMATION MODIFIED
CHAPTER 13 PLAN**

In Re:

MICHAEL G. SCHAK
CHERYL A. SCHAK

Dated: JULY 23, 2004

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

Case No. 04-32888

1. PAYMENTS BY DEBTOR —

- a. As of the date of this plan, the debtor has paid the trustee \$-0-.
- b. **The debtor will pay the trustee \$375 per month, beginning June, 2004, for 38 months, then \$850 per month for 22 months** in order to pay the amounts indicated in ¶ 3, 4, 5, 6, 7, 8, and 9.
- c. The debtor will also pay the trustee \$N/A.
- d. The debtor will pay the trustee a total of \$32,950 [line 1(a) + line 1(b)]

2. PAYMENTS BY TRUSTEE — The trustee will make payments only to creditors for which proofs of claim have been timely filed, make payments monthly as available, and collect the trustee's percentage fee of a maximum of 10% for an estimated \$1,900 or such lesser percentage as may be fixed by the Attorney General.

3. PRIORITY CLAIMS — The trustee shall pay in full all timely filed 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. ATTORNEY FEES	\$1,250	\$353	1	4	\$1,250
b. INTERNAL REVENUE SVC	\$16,955	PRORATED	8	28	\$16,955
c. MN DEPT OF REVENUE	\$904	PRORATED	8	28	\$904
d.					
e. TOTAL					\$19,109

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. HARRIS BANK
- b. CITIBANK

5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] — The trustee will cure defaults **AT NO INTEREST** on claims secured only by a security interest in real property that is the debtor's principal residence as filed. 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 and payment schedule are estimates only. If no default is stated, the trustee will pay the actual amounts of default in an amount sufficient to cure arrears within 24 months.

<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. BANK OF AMERICA	\$1,625	\$162	4	4.1	\$1,625
b.					
c.					
d. TOTAL:					\$1,625

Chapter 13 Plan

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 and payment schedule 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
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a. N/A

b.

c. **TOTAL**

7. **OTHER SECURED CLAIMS [§ 1325(a)(5)]** — The trustee will make payments to the following secured creditors having a value as of confirmation not to exceed the allowed amount of the creditor's secured claim with interest as shown. 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. Each secured claim is designated a separate class for treatment pursuant to 11 U.S.C. §1322(b) and §1329(a). **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).** Payment schedule shown is an estimate only and may be modified by payments under paragraph 5 of this plan.

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
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a. N/A

b.

c.

d.

e.

f. **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: **COSIGNED STUDENT LOANS: CITIBANK**

a. The debtor estimates that the total claims in this class are \$3,941.

b. The cosigner will pay this class direct.

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 estimated pro rata share \$10,316.

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 \$201,113.

c. Total estimated unsecured claims are \$201,113 [line 9(a) + line 9(b)].

10. **OTHER PROVISIONS** — Debtor submits all future earnings or other income to such supervision or control of the trustee as is necessary for the execution of the plan. Property of the estate shall vest in the debtor upon dismissal, conversion, or discharge. Funds withheld under ¶ 2 and not applied to trustee's fee to be disbursed at trustee's discretion.

11. SUMMARY OF PAYMENTS

Trustee's Fee [Line 2]	\$1,900
Priority Claims [Line 3(e)]	\$19,109
Home Mortgage Defaults [Line 5(d)]	\$1,625
Long-Term Debt Defaults [Line 6(c)]	-0-
Other Secured Claims [Line 7(f)]	-0-
Separate Class [Line 8(b)]	-0-
Unsecured Creditors [Line 9]	<u>\$10,316</u>
TOTAL:	\$32,950

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

Ian Traquair Ball, #4285
12 South Sixth Street, Suite 326
Minneapolis, MN 55402
Tel: (612) 338-1313

Signed

Debtor

Signed

Debtor (if joint case)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**NOTICE OF PRECONFIRMATION
CHAPTER 13 MODIFIED PLAN**

MICHAEL G. SCHAK
CHERYL A. SCHAK

BKY 04-32888

1979 Maryland Avenue East
St. Paul, MN 55119

Last 4 Digits of SSN: 5369
1036

Debtor(s).

TO: JASMINE Z. KELLER, Chapter 13 Trustee; and other parties in interest:

PLEASE TAKE NOTICE that on September 9, 2004, at 10:30 a.m., in Courtroom 228A, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, the Court will hold a hearing on the proposed modified plan of the above-named debtor(s). A copy of the modified plan, dated July 23, 2004, is attached to the notice.

/e/ Ian Traquair Ball

Ian Traquair Ball, #4285
Attorney for Debtor(s)
12 South 6th St., #326
Minneapolis, MN 55402
Tel: (612) 338-1313

Dated: August 10, 2004

CERTIFICATE OF SERVICE

I, Brenda Greenhalgh, declare under penalty of perjury that on August 10, 2004, I mailed copies of the foregoing Notice of Preconfirmation Modified Chapter 13 Plan and Preconfirmation Modified Chapter 13 Plan for Michael G. Schak and Cheryl A. Schak, Case No. 04-32888, by United States mail postage prepaid, at Minneapolis, Minnesota to each entity named below and on the attached list at the addresses stated for each entity:

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

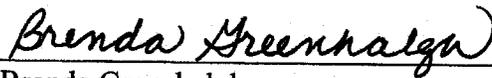
United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Mr. and Mrs. Michael G. Schak
1979 Maryland Avenue East
St. Paul, MN 55119

James A. Geske, Esq.
7650 Currell Boulevard #300
Woodbury, MN 55125

(SEE ATTACHED LIST)

Dated: August 10, 2004


Brenda Greenhalgh

ALLINA ABBOTT NW
HOSPITAL
701 XENIA AVE S
GOLDEN VLALEY MN 55416

ALLINA UNITED HOSPITAL
PO BOX 9125
MINNEAPOLIS MN 55480

ASPEN MED GROUP
1021 BANDANA BLVD E
ST PAUL MN 55108 5127

BANK OF AMERICA
PO BOX 9000
GETZVILLE NY 14068

BANK ONE
PO BOX 15299
WILMINGTON DE 19850

BENEFICIAL
4433 S LAKE AVE
WHITE BEAR LK MN 55110

BHSI ADMIN OFFICE
PO BOX 64440
ST PAUL MN 55164 0440

BLOCK COMPANY
7400 METRO BLVD
STE 430
EDINA MN 55439

BLUE CROSS BLUE SHIELD
PO BOX 64338
ST PAUL MN 55164

CAPITAL ONE
PO BOX 60000
SEATTLE WA 98190

CATHERINES
PROCESSING CENTER
DES MOINES IA 50364

CENTER FOR DIAGNOSTIC
IMAGING
PO BOX 1414 NCB 6
MINNEAPOLIS MN 55480
1414

CITIBANK CORP
CO CITIBANK NEVADA NA
PO BOX 6615
THE LAKES NV 88901

CITIBANK USA NA
PO BOX 6191
SIOUX FALLS SD 57117

CONSULTINGRADIOLOGISTS
1221 NICOLLET MALL
STE 600
MINNEAPOLIS MN 55403

DELORES SCHAK
1108 REANY AVE
ST PAUL MN 55106

DISCOVER
PO BOX 15316
WILMINGTON DE 19850

FIRST NATL BANK OMAHA
PO BOX 2951
OMAHA NE 68103

HARRIS BANK
PO BOX 6201
CAROL STREAM IL 60197

INSTITUTE ATHLETIC
MEDICINE
650 NE TAFT STE 400
MINNEAPOLIS MN 55413

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

JOHN A LUGER
2721 DIVISION ST
N ST PAUL MN 55109

MBNA AMERICA
PO BOX 15026
WILMINGTON DE 19850

MCHF MW MED SVCS
12692 COLLECTIONS CTR
DR
CHICAGO IL 60693

MENARDS
RETAIL SERVICES
PO BOX 15521
WILMINGTON DE 19850

MIDWEST MRI
CO R SEIERSTAD ESQ
PO BOX 566
SAUK RAPIDS MN 56379

MSN
ONE MICROSOFT WAY
REDMOND WA 98052 6399

NW ANESTHESIA PA
14700 29TH VE N STE 20
PLYMOUTH MN 55447

PS PLUS SIZES
PO BOX 8181
GRAY TN 37615

RETAILERS NATL BANK
PO BOX 59231
MINNEAPOLIS MN 55459

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2555 TOWNSGATE RD
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ST PAUL MN 55101

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1000 LASALLE AVE
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