

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: *Robert L. Myers*
and Betty A. Myers,

BKY # 04-33794
Chapter 13

Debtor(s).

**NOTICE OF CONFIRMATION HEARING
AND PRE-CONFIRMATION MODIFIED CHAPTER 13 PLAN**

TO: Entities entitled to notice pursuant to Local Rule 3015-2.

1. The Debtor(s) have filed a pre-confirmation modified plan dated October 18, 2004 and it will be considered at the confirmation hearing in this case as set forth below.

2. The Court will hold a hearing on this plan before the Honorable Gregory F. Kishel, in Courtroom 228B, 200 United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, on **October 28, 2004 at 10:30 a.m.**, or as soon thereafter as counsel may be heard.

3. Any response to this pre-confirmation modified plan must be filed and delivered not later than **October 27, 2004 at 10:30 a.m.**, which is at least 24 hours before the time set for hearing, or filed and served by mail not later than **October 25, 2004**, which is at least three business days before the hearing date. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

Dated: October 18, 2004

GEORGEN-RUNNING LAW FIRM
A Professional Corporation

By: /e/ Terri A. Georgen-Running
Terri A. Georgen-Running (No. 238338)
P.O. Box 16355
St. Paul, MN 55116

(651) 699-6980
(651) 292-1234 *Facsimile*

ATTORNEYS FOR DEBTOR(S)

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

MODIFIED CHAPTER 13 PLAN

*In re: Robert L. Myers
and Betty A. Myers*

Dated: October 18, 2004
Case No. 04-33794

DEBTOR

*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 **\$2,100**.
- b. After the date of this plan, the debtor will pay the trustee **\$700** per month for **31 months**, beginning within 30 days* after the filing of this plan for a total of **\$21,700**.
- c. The debtor will also pay the trustee **\$1514** for **14 months** beginning in month 35 of the plan (June 13, 2007), for a total of **\$21,196**.**
- d. The debtor will pay the trustee a total of **\$44,996** [line 1(a) + line 1(b) + line 1(c)].

***November 2004 plan payment.**

****Debtor's support payments for son's college end child support will end May 2007, resulting in an additional \$814 disposable income to devote to the plan.**

- 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 **\$4,500 [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. <u>Attorney Fees</u>	<u>\$ 2,500</u>	<u>\$ 630</u>	<u>1</u>	<u>4</u>	<u>\$ 2,500</u>
b. <u>IRS</u>	<u>\$10,200</u>	<u>\$1,514</u>	<u>35</u>	<u>7</u>	<u>\$10,200</u>
c. <u>Amy Myers</u>	<u>\$16,200</u>	<u>\$ 630</u>	<u>5</u>	<u>29</u>	<u>\$17,500</u>
d. <u>MDOR</u>	<u>\$ 1,400</u>	<u>\$1,514</u>	<u>43</u>	<u>1</u>	<u>\$ 1,400</u>
e. <u>NY State Tax Auth.</u>	<u>\$ 1,000</u>	<u>\$1,514</u>	<u>44</u>	<u>1</u>	<u>\$ 1,000</u>
TOTAL					<u>\$32,600</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 that come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

- a. _____
- b. _____
- c. _____

- 5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] —** The trustee will cure defaults 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 that 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>\$ _____</u>	<u>\$ _____</u>	_____	_____	<u>\$ _____</u>
b. TOTAL					<u>\$ _____</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.

TOTAL	<i>Creditor</i>	<i>Amount of</i>	<i>Monthly</i>	<i>Beginning in</i>	<i>Number of</i>
	<i>Default</i>	<i>Payment</i>	<i>Month #</i>	<i>Payments</i>	<i>PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. 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).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____

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 and allowed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 5, 6, 7, 8 and 11(a) their pro rata share of approximately **\$7,896** [line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d), 8(b) and 11(a)].

- 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 **\$124,593**.
- c. Total estimated unsecured claims are **\$124,593** [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.

12. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$ 4,500
Priority Claims [Line 3(e)]	\$ 32,600
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)]	\$ 7,896
TOTAL [must equal Line 1(d)]	\$ 44,996

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

Terri A. Georgen (#238338)
P.O. Box 16355
St. Paul, MN 55116
651-699-6980

Signed /e/ Robert L. Myers
DEBTOR
Signed /e/ Betty A. Myers
DEBTOR

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: *Robert L. Myers*
and *Betty A. Myers*,

BKY # 04-33794
Chapter 13

Debtor(s).

UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Terri A. Georgen-Running, declare that on the date indicated below, I served the following:

(1) Notice of Confirmation Hearing and Pre-Confirmation Modified Chapter 13 Plan; (2) Pre-Confirmation Modified Chapter 13 Plan; and (3) Unsworn Declaration for Proof of Service

upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at St. Paul, Minnesota, addressed to each of them as follows:

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

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

Ford Motor Credit
c/o Stewart, Zliten & Jungers
430 Oak Grove St. #200
Minneapolis, MN 55403

ALL ON ATTACHED SERVICE LIST

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

Date: October 18, 2004

/e/ Terri A. Georgen-Running

Albany Back & Neck Pain Relief Center
855 Central Avenue
Ste. LL-112
Albany, NY 12206

Allied Interstate
P.O. Box 2455
Chandler, AZ 85244

Allied Interstate
P.O. Box 361534
Columbus, OH 43236

Allina BHS
P.O. Box 9114
Minneapolis, MN 55480

Amy Myers
50 Fairfield Avenue
Port Washington, NY 11050

Arrow Financial Services
5996 W. Touhy Avenue
Niles, IL 60714

AT & T Wireless
P.O. Box 68055
Anaheim Hills, CA 92817

Best Pawn
996 W 7th St.
St. Paul, MN 55102

Cablevision
1111 Stewart Ave.
Bethpage, NY 11714

Capital One
P.O. Box 26074
Richmond, VA 23260

Caremark
Dept. 6175
Los Angeles, CA 90088

CB/HV
155 North Plank Road
P.O. Box 831
Newburgh, NY 12551

Checkcare Systems
P.O. Box 39449
Louisville, KY 40233

Cristina Gellineau-Gongolez MD
260 - 01 76th Avenue
New Hyde Park, NY 11040

Daniel Trust Company
135 Interstate Boulevard
Greenville, South Carolina
29615

David Perlstein
44 Terrace Circle Apt. 3B
Great Neck, NY 1102119-C3-03-007990

Directv
P.O. Box 78626
Phoenix, AZ 85062

Dunscamm
899 Eaton Avenue
P.O. Box 21810
Lehigh Valley, PA 18002

Elanie Greenberg, DDS
8 Glenwood Lane
Roslyn Heights, NY 11577

Elizabeth McNey Yates
50 C New England Avenue
Summit, New Jersey 07901

Elizabeth Melton
2450 Otter Lake Drive
White Bear Lake, MN 55110

Ford Motor Credit
12110 Emmet
Omaha, NE 68164

Fourth Judicial District Court
Violations Bureau
PSL SE Corner
300 S. 6th St.
Minneapolis, MN 55487

Fundamental Business Service
Inc.
14 Front St.
Hempstead NY 11550

Gary Rosen
249 - 02 Jericho Turnpike
Floral Park, NY 11001

Gary Weinstock MD
Gaary Wertheim MD
310 East Shore Road
Great Neck, NY 11023

Global Payments
6215 W. Howard St.
P.O. Box 661068
Chicago, IL 60666

Household Bank/Best Buy
P.O. Box 5222
Carol Stream, IL 60197

Ingrid Llovers MD
#15 Dept. of Emergency Services
P.O. Box 5200
Manhasset, NY 11030

Internal Revenue Service
Stop 5700
316 N. Robert St.
St. Paul, MN 55101

Irvin Simon Photographers
146 Meacham Avenue
Elmont, NY 11003

JK Harris & Company LLC
4995 LaCrosse Road, Ste. 1800
North Charleston, South Carolina 29406

Jonathan Fielding & Company
1767 N. Lexington Ave.
Roseville, MN 55113

Keegan & Horowitz
666 Old Country Road
Ste. 302
Garden City, NY 11530

L.I. Oral & Max. Surgery
134 Mineola Blvd.
Mineola, NY 11501

Law Enforcement Systems,
Inc.
P.O. Box 1246
Hicksville, NY 11802

Leonard Kristal MD
2001 Marcus Avenue
Ste. S40
Lake Success, NY 10042

LIPA/Keyspac Energy Delivery
P.O. Box 888
Hicksville, NY 11802

Long Island Railroad
P.O. Box 350383
Jamaica, NY 11435

Mel S. Harris and Associates
116 John St.
Ste. 1510
New York, NY 10038

Messerli & Kramer PA
3405 Annapolis Lane N.
Ste. 300
Plymouth, MN 55447

Midland Credit Management
P.O. Box 939019
San Diego, CA 92193

Minnesota Department of Reveune
Bankruptcy Section
P.O. Box 64447
St. Paul, MN 55164

Montessori School of Port Washington
40 Pleasant Avenue
Port Washington, NY 11050

Mr. & Mrs. James C. Francis
105 Avenue C
Port Washington, NY 11050

Mr. & Mrs. Joel Greenblatt
245 Middleneck Road
Sands Point, NY 11050

Mr. & Mrs. Scott Levy
37 Marlin Lane
Port Washington, NY 11050

Nassau County Police
Department
1490 Franklin Avenue
Mineola, NY 11501

Nassau Emergency Medicine PC
P.O. Box 1470 St. Francis Hospital
Port Washington, NY 11050

New York Commissioner of Tax and
Finance
Tax Compliance Division - OOS Unit
O S Unit Building 8 Room 458
Albany, NY 12227

North Shore University
Hospital
300 Community Drive
Manhasset, NY 11030

Northeast Orthopedics
3 Atrium Dr.,
Ste. 100
Albany, NY 12205

Peters and Dean Collection Services
P.O. Box 148
Garden City, NY 11530

Providian
P.O. Box 9539
Manchester, NH 03108

Retailers National Bank
P.O. Box 59231
Minneapolis, MN 55459

Rhonda Yoss - Kaplan
1148 Port Washington Blvd.
Port Washington, NY 10050, NY 11050

RMA
1330 Broadway Ste. 310
Oakland, CA 946121381.09

Rosso & Steirstad, PA
P.O. Box 130668
St. Paul, MN 55113

Roy Berman
921 Port Washington Blvd., Ste. B
Port Washington, NY 11050

Solomon and Solomon
P.O. Box 15019
Albany, NY 12212

Southside Community Health Services
4243 - 4th Avenue S.
Minneapolis, MN 55409

Thompson Village Court
100 East Shore Road
Great Neck, NY 11023

Transworld Systems
5880 Commerce Blvd.
Rohnert Park, CA 94928

Triad Advantage Credit Services
1160 Centre Point Dr., Ste. 1
Mendota Heights, MN 55120

Varsity Photos
A/r
11975 Portland Ave S #130
Burnsville, MN 55337

Verizon
P.O. Box 790422
St. Louis, MO 63179

Viking Collection Service, Inc.
P.O. Box 59207
Minneapolis, MN 55459

Village Justice Court
P.O. Box 440
Great Neck, NY 11022

Village of Manorhaven
2 Manorhaven Blvd.
Port Washington NY 11050

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Robert L. Myers
and Betty A. Myers

SIGNATURE DECLARATION

Debtor(s).

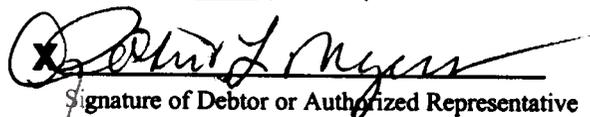
Case No. 04-33794

- PETITION, SCHEDULES & STATEMENTS
 CHAPTER 13 PLAN
 SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 MODIFIED CHAPTER 13 PLAN
 OTHER (Please describe: _____)

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: October 18, 2004



Signature of Debtor or Authorized Representative

Robert L. Myers

Printed Name of Debtor or Authorized Representative



Signature of Joint Debtor

Betty A. Myers

Printed Name of Joint Debtor