

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:)
)
Robert Lee Carver, and)
Janet Mary Carver,)
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)
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Debtor(s).)

TO: Jasmine Z. Keller, Chapter 13 Trustee; Habbo G. Fokkena, U.S. Trustee; and other parties in interest.

1. Debtor(s) in the above captioned case hereby serves notice of modification, under Local Rule 3015-2(a), of the chapter 13 plan filed herein. A copy of the modified plan is attached hereto.

2. The confirmation hearing is to scheduled occur on **October 14, 2004**, at **10:30 a.m.**, or as soon thereafter as counsel may be heard, in U.S. Bankruptcy Court, 200 U.S. Courthouse, Courtroom 228A, 316 N. Robert Street, St. Paul Minnesota. This notice is served pursuant to the time requirements of Local Rule 3015-2(a), and Local Rules 2015-2(a) and 3015-3 govern time for parties to serve and file objections to the plan or modified plan.

Respectfully submitted,

September 7, 2004
Date

/e/ Craig W. Andresen
Craig W. Andresen, #186557
Attorney for Debtor(s)
2001 Killebrew Dr., Suite 330
Bloomington, MN 55425
(952) 831-1995

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

****MODIFIED****

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In Re:

CHAPTER 13 PLAN

**Robert Lee Carver
SSN: XXX-XX-9564
Janet Mary Carver
SSN: XXX-XX-6659**

Dated: 9-7-04

Case No. 04-33931

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 \$ 800.00.
- b. The debtor will pay the trustee \$ 800.00 per month for 41 more months, for a total of \$ 33,600.00.
- c. The debtor will also pay the trustee N/A.
- d. The debtor will pay the trustee a total of \$ 33,600.00 [line 1(a) + line 1(b) + line 1(c)], plus any additional sums needed to pay allowed secured or priority claims in full.

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%, [line1(d) x .10], for a total of approximately \$ 2,016.00 or such 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. The trustee may distribute supplemental payments to creditors of any excess funds allocated for the trustee's percentage fee, at the trustee's discretion.

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. Debtor's attorney fee claims shall be paid before any other payments are made.

<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	<u>\$</u>	<u>\$</u>	<u> </u>	<u> </u>	<u>\$</u>
b. Internal Revenue Service	<u>\$ 3,510.00</u>	<u>\$ 752.00</u>	<u>38</u>	<u>5</u>	<u>\$ 3,510.00</u>
c. Minnesota Dept. of Revenue	<u>\$</u>	<u>\$</u>	<u> </u>	<u> </u>	<u>\$</u>
d. Ramsey Cnty Property Tax	<u>\$ 7,351.00</u>	<u>\$ 752.00</u>	<u>28</u>	<u>10</u>	<u>\$ 7,351.00</u>
e. TOTAL					<u>\$ 10,861.00</u>

4. ARDEN HILLS NORTH HOMEOWNERS ASSOCIATION has a claim for association fees which is in default, and the debtor will maintain post-petition payments, as they come due, directly to the creditor. Debtor and creditor agree that this default will be cured according to prebankruptcy agreement reached by the parties, to-wit: the default amount is \$12,758.84, which shall be cured by payment by the debtor directly to the creditor of \$800.00 per month starting August 1, 2004, and on the first day of each month thereafter until the entire default amount is paid. The amount listed is an estimate only, and the debtor shall pay the exact amount of default.

5. HOME MORTGAGES, OR CONTRACTS FOR DEED, 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 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 (plus interest at 8% if the mortgage was entered into before 10-23-94).

<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>Household Finance Corp.</u>	<u>\$ 6,148.00</u>	<u>\$ 407.00</u>	<u>1</u>	<u>16</u>	<u>\$ 6,148.00</u>
b. TOTAL					<u>\$ 6,148.00</u>

Chapter 13 Plan

6. OTHER LONG-TERM SECURED AND/OR UNSECURED 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.

<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. None.	\$ _____	\$ _____	_____	_____	\$ _____
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. 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). SUCH CREDITOR MAY FILE A SECURED CLAIM FOR LESS THAN THE AMOUNT LISTED BELOW AND THE TRUSTEE SHALL THEN PAY THE LESSER AMOUNT. IF NO SECURED CLAIM IS FILED, THEN THE CLAIM SHALL NOT BE PAID AS SECURED.

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Months</i>	<i>TOTAL PAYMENTS</i>
a. Household Auto Finance	\$ 11,294.00	\$ 8,000.00	\$ 245.00	1	20	\$ 4,900.00
		(continued)	\$ 544.00	21	8	\$ 4,100.23
b. Park Credit	\$ 3,072.00	\$ 3,072.00	\$ 100.00	1	20	\$ 2,000.00
		(continued)	\$ 208.00	21	8	\$ 1,464.00
c. TOTAL						\$ 12,464.23

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: **None.**

- a. The debtor estimates that the total claims in this class are \$ _____.
- b. The trustee will pay this class \$ _____.

9. UNSECURED CREDITORS — The trustee will pay holders of allowed 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 **\$ 2,110.77** [Line 1(d) minus Lines 2, 3(e), 5(b), 6(b), 7(c), and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are **\$ 3,294.00**.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are **\$ 27,071.00**.
- c. Total estimated unsecured claims are **\$ 30,365.00** [Line 9(a) + Line 9(b)].

10. TARDILY FILED UNSECURED CLAIMS - 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 the holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

11. PROPERTY OF THE ESTATE SHALL VEST IN THE DEBTOR UPON CONVERSION, DISMISSAL OR DISCHARGE.

12. ADDITIONAL PROVISIONS -The trustee may distribute funds not allocated above at her discretion. Property taxes shall be paid per claim whether filed as priority or secured. All leases of real or personal property by the debtor are hereby assumed pursuant to 11 U.S.C. Sec. 365(a), unless otherwise stated. The debtor shall increase or continue payments to the trustee to the extent necessary to pay all allowed priority or secured claims in full; or to pay any required increased trustee fee as determined by the Attorney General. Debtor shall submit all future earnings or other income to such supervision or control of the trustee as is necessary for the execution of the plan.

The secured claim of Household Auto Finance shall receive 7% interest. The secured claim of Park Credit shall receive 7% interest.

SUMMARY OF PAYMENTS – UNDER THE MODIFIED PLAN

Trustee's Fee [Line 2]	\$ 2,016.00
Priority Claims [Line 3(e)]	\$ 10,861.00
Home Mortgage Defaults [Line 5(b)]	\$ 6,148.00
Long Term Debt Defaults [Line 6(b)]	\$ -0-
Other Secured Claims [Line 7(c)]	\$ 12,464.23
Separate Class [Line 8(b)]	\$ -0-
Unsecured Creditors [Line 9]	\$ 2,110.77
TOTAL [must equal Line 1(d)]	\$ 33,600.00

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

Craig W. Andresen, #186557
2001 Killebrew Dr., Suite 330
Bloomington MN 55425
(952) 831-1995

/e/ Robert Lee Carver
DEBTOR

/e/ Janet Mary Carver
DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

**Robert L. Carver, and
Janet M. Carver,**

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-33931

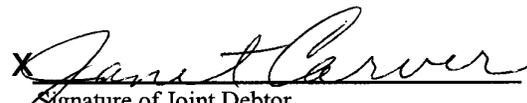
____ PETITION, SCHEDULES & STATEMENTS
____ CHAPTER 13 PLAN
____ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
____ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
X MODIFIED CHAPTER 13 PLAN (Preconfirmation)
____ OTHER (Please describe: _____)

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: 9-7-04


Signature of Debtor or Authorized Representative


Signature of Joint Debtor

ROBERT L. CARVER
Printed Name of Debtor or Authorized Representative

Janet Carver
Printed Name of Joint Debtor

In re:

**Robert Lee Carver, and
Janet Mary Carver,**

U.S. Bankruptcy Court
District of Minnesota

UNSWORN DECLARATION
FOR PROOF OF SERVICE

Debtor(s):

Bky. No. **04-33931-DDO**

I, Catherine E. Clausen, employed by Craig W. Andresen, attorney licensed to practice law in this court, with office address of 2001 Killebrew Dr., Suite 330, Bloomington, Minnesota 55425, declare that on September 10, 2004, I served the annexed Notice of Hearing and Application for Preconfirmation Modification of Chapter 13 Plan and Modified Chapter 13 Plan upon each of the entities named below by mailing to each of them a copy thereof enclosing same in an envelope with first class postage prepaid and depositing same in the post office at Bloomington, Minnesota, addressed to them as follows:

Habbo G. Fokkena, U.S. Trustee
1015 U.S. Courthouse
300 S. Fourth St.
Minneapolis, MN 55415

Jasmine Z. Keller, Trustee
310 Plymouth Bldg.
12 S. Sixth St.
Minneapolis, MN 55402

Erich M. Ramsey, Esq.
P.O. Box 201347
Arlington, TX 76006

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

Executed: September 10, 2004.

Signed: *Catherine E Clausen*