

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

Pre-Confirmation Modified  
Chapter 13 Plan

In re:  
McKellar, Robert & Jacqueline

Dated 08/19/04

Case No. 04-34187

**DEBTOR(S)**  
In a joint case, debtor  
means debtors in this plan

**1. PAYMENTS BY THE DEBTOR-**

- a. As of the date of the plan, the debtor has paid the Trustee \$ \_\_\_\_\_.
- b. After the date of this plan, the debtor will pay the trustee \$ 375 per month for 60 months, beginning within 30 days after filing this plan for a total of \$ 22500 or until all allowed claims are paid in full, whichever happens first.
- c. The debtor will also pay the trustee \_\_\_\_\_.
- d. The debtor will pay the trustee a total of \$ 22500 [line 1a) + 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 \$ 2,250.00 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 & be paid following confirmation.

**3. PRIORITY CLAIMS -** The trustee shall pay in full all claims entitled to priority under sec. 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 1250	\$ 337.50/237.	1/4	4	\$ 1250
b. Internal Revenue Service	\$	\$			\$
c. Minn. Dept. of Revenue	\$	\$			\$
d.	\$	\$			\$
e.	\$	\$			\$
f. TOTAL					\$ 1250

**4. SECURED CLAIMS NOT IN DEFAULT -** The following creditors have secured claims. Payments are current & 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. Wells Fargo Home Mortgage
- b.

**5. HOME MORTGAGES IN DEFAULT -** 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.

CREDITOR	AMOUNT OF DEFAULT	MONTHLY PAYMENT	BEGINNING IN MONTH #	NUMBER OF PAYMENTS	TOTAL PAYMENTS
a.	\$	\$			\$
b.	\$	\$			\$
c.	\$	\$			\$
d. TOTAL					\$

**6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT -** The trustee will cure defaults on other claims 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.

CREDITOR	AMOUNT OF DEFAULT	MONTHLY PAYMENT	BEGINNING IN MONTH #	NUMBER OF PAYMENTS	TOTAL PAYMENTS
a.	\$	\$			\$
b.	\$	\$			\$
c.	\$	\$			\$
d. TOTAL					\$

7. **OTHER SECURED CLAIMS-** 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 claim shall be the creditor's claim or the value of the creditor's interest in the debtor's property, whichever is less. Except for the IRS creditors shall retain their liens until their secured claim is paid in full, at which time property securing said claim shall vest in the debtor free and clear of any lien, claim or interest of the secured creditor. **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. SEC. 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. SEC. 506(A).**

CREDITOR	% INT RATE	CLAIM AMOUNT	SECURED CLAIM	ESTIMATED MONTHLY PAYMENT	ESTIMATED BEGINNING IN MONTH #	ESTIMATED NUMBER OF PAYMENTS	TOTAL
a. Ford Motor Credit	6	\$ 13881	\$ 11325	\$ 213.5/237.5			
b.		\$	\$	\$ 337.5	4/14/30	48	\$ 13,094
c. GMAC	6	\$ 5786	\$ 2725	\$ 100	4	27	\$ 2,633
d.		\$	\$	\$			
e.		\$	\$	\$			
f.		\$	\$	\$			
g. TOTAL							\$ 15,727

8. **SEPARATE CLASS OF UNSECURED CREDITORS-**In addition to the class of unsecured creditors specified in paragraph, 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 the balance of all payments received by the trustee and not paid under paragraphs 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ 3,273.00 [line 1(d) minus lines 2, 3(c), 5(d) and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in paragraph 7 are \$ 5,617
- b. The debtor estimates that the total unsecured claims (excluding those in paragraphs 7 & 8 are \$ 44,775
- c. Total estimated unsecured claims are \$ 50,392 [line 9(a) plus line 9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS-**All money paid by the debtor to the trustee under paragraph 1, but not distributed by the trustee under paragraphs 2,3,5,6,7,8 or 9 shall be paid to holders of nonpriority unsecured claims for which proof of claim were tardily filed.

11. **OTHER PROVISIONS -** The trustee may distribute any funds that are not allocated above at his/her discretion. To the extent that Child Support is an unsecured claim for AFDC reimbursement, it shall be designated a separate class & paid in full. In the event property tax debts are filed as secured claims, they shall be paid as secured claims, but they shall be paid as set forth in Paragraph 3 or as set forth in Paragraph 6 above. Please note: Child Support Collections is authorized to continue automatic wage withholding for ongoing, post-petition child support. Child Support Collections may obtain, modify & enforce the debtor's current ongoing child support obligation, including medical support & child care, including wage withholding. All of the debtor's projected disposable income in the 3 year period beginning on the date that the first plan payment is due will be applied to make payments under the plan. Any non-exempt proceeds from personal injury claims shall be turned over to the trustee.

-Debtor shall surrender 1989 Ford Escort, 1988 Ford Pickup and 1983 Horse Trailer to Lake State Federal Credit Union upon confirmation of plan.

12. **SUMMARY OF PAYMENTS - ESTIMATED**

Trustee's fee [Line 2]	\$ 2,250.00
Priority Claims [Line 3(f)]	\$ 1,250.00
Home Mortgage Defaults [Line 5(d)]	
Long-Term Debt Defaults [Line 6(d)]	
Other Secured Claims [Line 7(g)]	\$ 15,727.00
Separate Class [Line 8(b)]	
Unsecured Creditors [Line 9]	\$ 3,273.00
TOTAL [Must equal Line 1(d)]	\$ 22,500.00

Law Office of Curtis K. Walker  
 Curtis K. Walker, #113906  
 Thayer A. K. Butler, #200815  
 Mary C. Hoben, #335411  
 4356 Nicollet Avenue South  
 Minneapolis, MN 55409  
 (612) 824-4357

Signed Robert M. Kellar  
 Debtor

Signed Robert M. Kellar  
 Debtor (joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

**Robert and Jacqueline McKellar**

Debtor(s)

**SIGNATURE DECLARATION**

Case no. BKY 04-34187

- PETITION, SCHEDULES & STATEMENTS  
 CHAPTER 13 PLAN  
 SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
 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: X 08-23-04

X Robert McKellar  
Signature of Debtor or Authorized Representative

X Jacqueline McKellar  
Signature of Joint Debtor

X Robert McKellar  
Printed Name of Debtor or Authorized Representative

X Jacqueline McKellar  
Printed Name of Joint Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

IN RE:  
McKellar, Robert & Jacqueline

Case no. BKY 04-34187

Chapter 13 case

Debtor(s),

NOTICE OF CONFIRMATION HEARING  
AND NOTICE OF MODIFIED 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) have filed a modified plan and it will be considered at the Confirmation Hearing in this case set forth below.
2. The court will hold a hearing on this motion at 10:30 a.m. on September 23, 2004, in Room 228B, United States Courthouse, 316 North Robert Street, St. Paul, Minnesota before the Honorable Gregory F. Kishel, Bankruptcy Judge.

Dated: \_\_\_\_\_

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

IN RE:  
McKellar, Robert & Jacqueline

Case no. BKY 04-34187

Chapter 13 case

Debtor(s),

UNSWORN CERTIFICATE OF SERVICE

I, Meara White, declare under penalty of perjury that on August 25, 2004, I mailed copies of the foregoing Modified Plan and Notice of Confirmation Hearing and Notice of Modified Plan by first class mail postage prepaid to each entity named below at the address stated below for each entity:

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

Jasmine Z. Keller, Chapter 13 Trustee  
310 Plymouth Building  
Minneapolis, MN 55402

All Creditors on attached list

Executed on: August 25, 2004

/e/ Meara White

FORD MOTOR CREDIT  
ATTENTION: BANKRUPTCY DEPARTMENT  
P O BOX 537901

LAVONIA MI 48153-7901

GMAC  
3500 WEST 80TH ST  
MINNEAPOLIS MN 55431

WELLS FARGO HOME MORTGAGE  
CORRESPONDENCE X2501-01T  
1 HOME CAMPUS  
DES MOINES IA 50328-0001

ALLINA MEDICAL CLINIC  
AMR MOR  
P O BOX 206  
MINNEAPOLIS MN 55480-0206

ASPIRE VISA  
P O BOX 723896  
ATLANTA GA 31139-1001

BANK OF AMERICA  
P O BOX 1390  
NORFOLK VA 23501-1390

BEST BUY  
RETAIL SERVICES  
P O BOX 15521  
WIMINGTON DE 19850-5521

CARDMEMBER SERVICES  
  
P O BOX 923148  
NORCROSS GA 30010-3148

CONSULTING RADIOLOGISTS  
1221 NICOLLET MALL SUITE 600  
  
MINNEAPOLIS MN 55403-2444

FHA  
DEPARTMENT OF HUD  
451 7TH STREET SW

WASHINGTON DC

FHA  
DEPARTMENT OF HUD  
220 SOUTH 2ND STREET  
MINNEAPOLIS MN 55401

FARMERS  
P O BOX 29193  
SHAWNEE MSN KS 66201-919

FIRST PREMIER BANK  
P O BOX 5524  
SIOUX FALLS SD 57117-5524

GE CAPITAL CONSUMER CARDS CO  
P O BOX 960061  
ORLANDO FL 32896-0061

HOME DEPOT MCCBG  
P O BOX 103047  
ROSWELL GA 30076

JC PENNY  
P O BOX 960001  
ORLANDO FL 32896-0001

KANABEC HOSPITAL

301 SOUTH HIGHWAY 65  
MORA MN 55051-1899

LAKE STATE FEDERAL CREDIT UNION  
220 OLD HWY 61 SOUTH

HINCKLEY MN 55037

MN CREDIT ASSOCIATION  
420 ELM ST  
FARMINGTON MN 55024

MENARDS  
HOUSEHOLD BANK  
DEPT 7680  
CAROL STREAM IL 60116-7680

MESSERLI & KRAMER PA  
FOR FORD MOTOR CREDIT  
3033 CAMPUS DRIVE SUITE 250  
PLYMOUTH MN 55441

NORTH UROLOGY  
6200 SHINGLE CREEK PKWY SUITE 300  
BROOKLYN CENTER MN 55430

ROAMANS  
P O BOX 659728  
SAN ANTONIO TX 78265-9828

VETERANS ADMINISTRATION  
LOAN GUARANTEE DIVISION  
FORT SNELLING FEDERAL BUILDING  
ST PAUL MN 55111

WALMART  
MCCBG  
P O BOX 103042  
ROSWELL GA 30076