

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

MODIFIED CHAPTER 13 PLAN

In Re: Donald H. Rush SSN: xxx-xx-9602
 Catherine M. Rush SSN: xxx-xx-1519

Dated: September 8, 2004
Bkry Case No. 04-34363

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 \$555.00.
- b. After the date of this plan, the debtor will pay the trustee \$682.00 per month for 41 months, beginning September 2004 for a total of \$27,962.00.
- c. The debtor(s) shall also the Trustee None.
- d. The debtor will pay the trustee a total of \$28,517.00 [(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 \$2,493.00 [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. Attorney Fees	\$ 1,094.00	\$ 620.00/474.00	1/2	1/1	\$ 1,094.00
b. Internal Revenue Service	\$ 2,297.00	\$Pro rata			\$ 2,297.00
c. Minnesota Dept of Revenue	\$ 398.00	\$Pro rata			\$ 398.00
d.	\$	\$			\$
e.	\$	\$			\$
f. TOTAL					\$ 3,789.00

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. None
- b.

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 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. Remaining balances due under the modified plan.

<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.	\$	\$			\$
b.	\$	\$			\$
c.	\$	\$			\$
d. TOTAL:					\$ None

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. Remaining balances due under the modified plan.

<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.	\$	\$			\$
b.	\$	\$			\$
c.	\$	\$			\$
d. TOTAL					\$ None

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). Remaining balances due under the modified plan.

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Marquette Bank - Galant	\$ 9,292.00	\$ 6,700.00	\$ 51.00/217.00	2/3	1/35	\$ 7,525.00
b. Marquette Bank - Taurus	\$ 12,526.00	\$ 12,526.00	\$ 95.00/403.00	2/3	1/35	\$ 14,069.00
c.	\$	\$	\$			\$
d.	\$	\$	\$			\$
e.	\$	\$	\$			\$
f. TOTAL						\$ 21,594.00

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 \$ None
- b. The trustee will pay this class \$ None

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 pro rata share of approximately \$641.00 [line 1(d) minus lines 2, 3(f), 5(d), 6(d), 7(f), and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$2,592.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$10,222.00.
- c. Total estimated unsecured claims are \$12,814.00 [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 forms were tardily filed.

11. **OTHER PROVISIONS** - The trustee may distribute funds not allocated above at his discretion. The tax authorities including the federal government, state revenue and property taxes shall be paid per claim whether filed as priority or secured. The plan shall allow debtors current child support obligation to be paid through payroll deduction, and the back child support obligation shall be paid in full inside the plan. All child support debt classified as non-priority shall be paid in full by the Trustee, as a separate class. Upon the completion of payment of the secured portion of any claim, the property securing said claim shall vest in the debtor(s) free and clear of any lien, claim or interest of the secured creditor, and the secured creditor shall execute whatever documents necessary to release the lien on title to security.

12. **SUMMARY OF PAYMENTS** -

Trustee's Fee [Line 2]	\$ 2,493.00
Priority Claims [Line 3(f)]	\$ 3,789.00
Home Mortgage Defaults [Line 5(d)]	\$ None
Long-Term Debt Defaults [Line 6(d)]	\$ None
Other Secured Claims [Line 7(f)]	\$ 21,594.00
Separate Class [Line 8(b)]	\$ None
Unsecured Creditors [Line 9]	\$ 641.00
TOTAL [must equal Line 1(d)]	\$ 28,517.00

Invert Name, Address, Telephone and License Number of Debtor's Attorneys:
 Robert J. Heglund #210997
 P.O. Box 130938
 Roseville, Minnesota 55113

Signed /s/ Donald H. Rush
 DEBTOR

(651) 628-9929

Signed /s/ Catherine M. Rush
 DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Bkry Case No: 04-34363
Donald H. Rush, Chapter 13 Case
and
Catherine M. Rush, **NOTICE OF MODIFICATION AND HEARING**
Debtor(s). **ON CONFIRMATION OF CHAPTER 13 PLAN**

TO: ALL PARTIES IN INTEREST

PLEASE TAKE NOTICE that the debtor(s) modified the Chapter 13 Plan and the Hearing on Confirmation of Plan scheduled to be heard on September 9, 2004 at 10:30 a.m. in United States Bankruptcy Court, Courtroom 228C, 316 North Robert Street, Saint Paul, Minnesota, shall be continued to October 14, 2004 at 10:30 a.m. in United States Bankruptcy Court, Courtroom 228C, 316 North Robert Street, Saint Paul, Minnesota.

Dated: September 13, 2004

HOGLUND, CHWIALKOWSKI, GREEMAN & BERGMANIS, P.L.L.C.

Signed: /e/ Robert J. Hoglund
Robert J. Hoglund #210997
Keith Chwialkowski #210134
Marie F. Martin #287040
Jeffrey J. Bursell #293362
Attorney for Debtor(s)
1611 West County Road B #106
P.O. Box 130938
Roseville, Minnesota 55113
Telephone Number: (651) 628-9929

CAPITAL ONE
1957 WESTMORELAND RD
RICHMOND VA 23276

CREDIT PAYMENT SERVICES
%CREDIT PAYMENT SERVICES
2533 N CARLSON ST
CARSON CITY NV 89706

DELL PREFERRED
PO BOX 6403
CAROL STREAM IL 60197

FAIRVIEW LAKES REGIONAL MED CTR
PO BOX 1325
MINNEAPOLIS MN 55440

FAIRVIEW REGIONAL HEALTH CARE
11725 STINSON AVE
CHISAGO CITY MN 55013

GINNYS
1112 - 7TH AVE
MONROE WI 53566-1364

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

JC CHRISTENSEN & ASSOC
PO BOX 519
SAUK RAPIDS MN 56379-0519

MARQUETTE BANK
PO BOX 77007
MINNEAPOLIS MN 55480

MIDNIGHT VELVET
1112-7TH AVE
MONROE WI 53566

MITCHELL N. KAY
7 PENN PLAZA
NEW YORK NY 10001

MN DEPT OF REVENUE
551 BKCY SECTION CEU DEPT
PO BOX 64447
ST PAUL MN 55164

NEUROLOGICAL ASSOC OF ST PAUL
1650 BEAM AVE
SAINT PAUL MN 55109-1192

OSI COLLECTION
PO BOX 550720
JACKSONVILLE FL 32255

PAYDAY OK
2810 SUDDERTH DRIVE STE 211
RUIDOSO NM 88345

PEOPLES SMALL LOAN
600 NORTH PARK AVE
PARK RAPIDS MN 56470

RICHARD SEIERSTAD
PO BOX 566
SAUK RAPIDS MN 56379-0566

ROSE & ERICKSON
ATTORNEYS AT LAW
921 MAIN STREET
PO BOX 5560
HOPKINS MN 55343

SEVENTH AVENUE
1112 - 7TH AVE
MONROE WI 53566-1364

SUBURBAN RADIOLOGIC CONSULTANTS
4801 W 81ST STREET #108
MINNEAPOLIS MN 55437-1191

UNITED CAPITAL
299 S MAIN ST #1700
SALT LAKE CITY UT 84111

WELLS FARGO
PO BOX B514
MINNEAPOLIS MN 55479

MARQUETTE CONSUMER FINANCE
C/O GENE T KELLY ATTY
120 S 6TH ST #1515
MINNEAPOLIS MN 55402

GENE T KELLY ATTY
120 S 6TH ST #1515
MINNEAPOLIS MN 55402

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Bankruptcy Case Number: 04-34363

Donald H. Rush,

and

SIGNATURE DECLARATION

Catherine M. Rush,

Debtor(s).

- () PETITION, SCHEDULES & STATEMENTS
() CHAPTER 13 PLAN
() SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
(X) AMENDMENT TO PETITION/SCHEDULES/STATEMENTS/DOCUMENTS
(X) MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING
() OTHER: (Please describe) _____
(X) VERIFICATION: I(We), debtor(s) named in the attached amended petition schedules, declare under penalty of perjury that the foregoing is true and correct.

I[We], the undersigned debtor(s) or authorized representative of the debtor(s),
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: 9/13/04

Donald H. Rush
Signature of Debtor or Authorized Representative

Catherine M. Rush
Signature of Joint Debtor

Donald H. Rush
Printed Name of Debtor or Authorized Representative

Catherine M. Rush
Printed Name of Joint Debtor

HOGLUND, CHWIALKOWSKI, GREEMAN & BERGMANIS, P.L.L.C.

Signed: /e/ Robert J. Hoglund
Robert J. Hoglund #210997
1611 West County Road B, Suite 106
P O Box 130938
Roseville, Minnesota 55113
Telephone Number: (651) 628-9929