

**UNITED STATES BANKRUPTCY COURT**  
 District of Minnesota

MODIFIED  
**CHAPTER 13 PLAN**

In Re: **MATTHEW THOMAS ENNIS**  
**6427**  
**JAIME VALERIE ENNIS**  
**8943**

Dated: October 12, 2004

Case No. 04-35273

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 **\$0.00**.
- b. After the date of this plan, the debtor will pay the trustee **\$850.00** per Month for 60 months, beginning within 30 days after the filing of this plan for a total of **\$51,000.00**.
- c. The debtor will also pay the trustee: **\$0.00**

d. The debtor will pay the trustee a total of **\$51,000.00** [line 1(a) + line 1(b) + line 1(c)].  
**\$5,100.00**

**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 10.00% for a total of / [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.

Creditor	Estimated Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
<b>Attorney Fees</b>	<b>\$ 750.00</b>	<b>\$ 750.00</b>	1	1	<b>\$ 750.00</b>

**TOTAL** **\$ 750.00**

Creditor	Estimated Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
<b>INTERNAL REVENUE SERVICE</b>	<b>\$ 1,686.13</b>	<b>\$ 562.04</b>	36	3	<b>\$ 1,686.13</b>

**TOTAL** **\$ 2,436.13**

**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

Name of Creditor	Description Of Property
<b>None</b>	

**5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)]** - The trustee will cure defaults (plus interest at the rate of 8.00 percent per annum) 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	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
<b>GMAC MORTGAGE CORPORATION</b>	<b>\$ 12,388.52</b>	<b>\$ 538.63</b>	2	23	<b>\$ 12,388.52</b>

**TOTAL** **\$ 12,388.52**

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322(b)(5)]** - The trustee will cure defaults (plus interest at the rate of 0.00 percent 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.

Creditor	Amount of Default	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None	\$ 0.00	\$ 0.00	0	0	\$ 0.00
TOTAL					\$ 0.00

7.25%

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 / 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).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
HOUSEHOLD AUTOMOTIVE FINANCE	\$ 14,978.56	\$ 14,978.56	\$ 200.00	2	23	\$ 4,000.00
			692.17	25	19	\$ 13,151.23
			TOTAL			\$ 17,151.23
WELLS FARGO FINANCIAL	\$ 2,683.42	\$ 1,400.00	\$ 25.00	2	23	\$ 575.00
			56.03	25	19	\$ 1,064.57
			TOTAL			\$ 1,639.57

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 debts shall be paid at the contract rate of interest.)

Classification Creditor

None

- 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 ¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately / line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d) and 8(b).

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$1,283.42
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are: \$20,997.37
- c. Total estimated unsecured claims are / line 9(a) + line 9(b). \$22,280.79

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** - The Debtor will also pay the trustee the amount of the income tax received during the pendency of the case.

12. **SUMMARY OF PAYMENTS -**

Trustee's Fee [Line 2]	\$5,100.00
Priority Claims [Line 3(e)]	\$2,436.13
Home Mortgage Defaults [Line 5(d)]	\$12,388.52
Long-Term Debt Defaults [Line 6(d)]	\$0.00
Other Secured Claims [Line 7(d)]	\$18,790.80
Separate Class [Line 8(b)]	\$0.00

Unsecured Creditors [Line 9(c)]  
TOTAL [must equal Line 1(d)]

\$12,284.55  
**\$51,000.00**

Steven C. Opheim  
Bar no: 169080  
Dudley & Smith, P.A.  
2602 US Bank Center  
101 East Fifth Street  
St. Paul Minnesota, 55101  
651/291-1717

Signed:   
MATTHEW THOMAS ENNIS, DEBTOR

Signed:   
JAIME VALERIE ENNIS, JOINT DEBTOR

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Matthew Thomas Ennis,  
Jaime Valerie Ennis,

Case No. 04-35273

Debtors.

Chapter 13 Case

**NOTICE OF HEARING AND MOTION  
TO CONFIRM MODIFIED CHAPTER 13 PLAN**

TO: Jasmine Z. Keller, Chapter 13 Trustee, 310 Plymouth Building, 12 South Sixth Street, Minneapolis, Minnesota 55402, and other entities specified in Local Rule 9013-3(a).

1. Matthew Thomas Ennis and Jaime Valerie Ennis, by their undersigned attorney, move the court for the relief requested below and give notice of hearing.
2. The court will hold a hearing on this motion at 10:30 a.m. on October 28, 2004, in Courtroom No. 228B, at the United States Courthouse, at 316 North Robert Street, Saint Paul, Minnesota.
3. Any response to this motion must be filed and delivered not later than October 25, 2004, which is three (3) days before the time set for the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than October 19, 2004, which is seven (7) days before the time set for the hearing (excluding Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

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4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sections 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on September 9, 2004. The case is now pending in this court.

5. This motion arises under 11 U.S.C Section 1329 and Bankruptcy Rule 3015. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9013-1 to 9013-3. Debtors request relief with respect to modification of their Chapter 13 Plan.

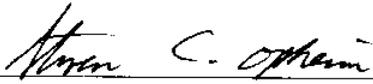
6. The debtors' present Chapter 13 Plan provides for monthly payments of \$850.00, which provides for payment of 70% of the amount of unsecured, nonpriority claims and payment in full of other claims. The proposed Modified Chapter 13 Plan, a copy of which is attached and incorporated herein by reference, retains payments of \$850.00 per month, and provides for payment of 55% of the amount of unsecured, nonpriority claims and payment in full of other claims.

7. The filing of the Modified Chapter 13 Plan is necessary to conform the treatment of the secured claims to the amounts stated on the proofs of claim. The debtors submit the Modified Chapter 13 Plan satisfies the confirmation standards of 11 U.S.C. Section 1325, and in particular, is proposed in good faith, is feasible and is in the best interest of creditors.

WHEREFORE, Matthew Thomas Ennis and Jaime Valerie Ennis move this court for an order confirming the Modified Chapter 13 Plan and for such other and further relief as may be just and equitable.

DUDLEY AND SMITH, P.A.

Dated: October 12, 2004

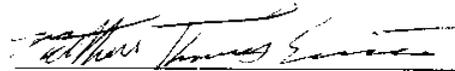
By 

Steven C. Opheim  
Attorney for Debtors, Matthew Thomas Ennis  
and Jaime Valerie Ennis  
2602 US Bank Center  
101 East Fifth Street  
Saint Paul, Minnesota 55101  
Telephone No. (651) 291-1717  
Attorney Registration No. 169080

**VERIFICATION**

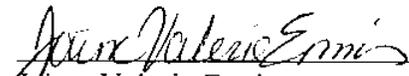
We, Matthew Thomas Ennis and Jaime Valerie Ennis, the debtors and movants named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of our knowledge, information and belief.

Dated: October 12, 2004



Matthew Thomas Ennis  
26359 Goodview Avenue  
Wyoming, MN 55092

Dated: October 12, 2004



Jaime Valerie Ennis  
26359 Goodview Avenue  
Wyoming, MN 55092

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Case No. BKY 04-35273

Matthew Thomas Ennis,  
Jaime Valeric Ennis,

Debtors.

Chapter 13 Case

UNSWORN DECLARATION FOR PROOF OF SERVICE

Jennifer Ahlers states, under penalty of perjury that she is an employee of Dudley and Smith, P.A., and in the course of said employment she served the following document:

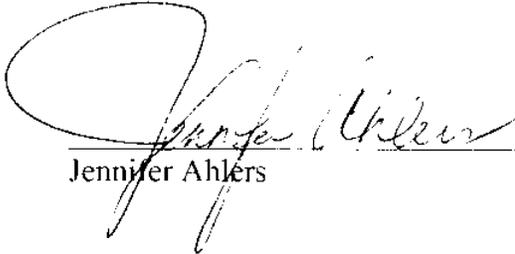
Notice of Hearing and Motion to Confirm Modified Chapter 13 Plan; and  
Modified Chapter 13 Plan

on the entities named below and on the attached service by enclosing true and correct copies of same in an envelope, properly addressed and postage prepaid, and depositing same in the United States mail on the date listed below.

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

Office of United States Trustee  
1015 United States Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Dated: October 14, 2004

  
\_\_\_\_\_  
Jennifer Ahlers

BENEFICIAL FINANCE  
PO BOX 4153K  
CAROL STREAM IL 60197-4153

CHILDRENS HOSPITAL ST PAUL  
CM9728 PO BOX 70870  
ST PAUL MN 55170

FAIRVIEW LAKES REGIONAL MED  
PO BOX 1325  
MINNEAPOLIS MN 55440

GMAC MORTGAGE CORP  
PO BOX 9001719  
LOUISVILLE KY 40290-1719

HEALTHEAST CARE SYSTEM  
NW 8947  
PO BOX 1450  
MINNEAPOLIS MN 55485

HEALTHEAST CLINICS  
NW 8949 PO BOX 1450  
MINNEAPOLIS MN 55485-8949

HEARTLAND CREDIT UNION  
5400 BABCOCK TRAIL  
INVER GROVE HEIGHTS MN 55077

HEARTLAND CREDIT UNION  
C/O CU RECOVERY INC  
26263 FOREST BOULEVARD  
WYOMING MN 55092

HOUSEHOLD AUTOMOTIVE FINANCE  
PO BOX 60169  
CITY OF INDUSTRY CA 91716-0169

INTERNAL REVENUE SERVICE  
STOP 5700  
316 NORTH ROBERT STREET  
ST PAUL MINNESOTA 55101

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MENARDS  
C/O HOUSEHOLD BANK  
PO BOX 15521  
WILMINGTON DE 19850

ST PAUL RADIOLOGY PA  
190 EAST FIFTH ST SUITE 250  
ST PAUL MN 55101-1675

VISA  
HEARTLAND CREDIT UNION  
PO BOX 790289  
ST LOUIS MO 63179-0289

WELLS FARGO FINANCIAL  
PO BOX 98798  
LAS VEGAS NV 89193-8798