

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

CHAPTER 13 PLAN

**Julie Ann Montgomery
SSN: XXX-XX-2053**

Dated: 9-30-04

Case No. 04-34387

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-.
- b. The debtor will pay the trustee \$ 340.00 per month for 23 months, beginning within 30 days after the filing of this plan for a total of \$ 7,820.00.
- c. The debtor will also pay the trustee N/A.
- d. The debtor will pay the trustee a total of \$ 7,820.00 [line 1(a) + line 1(b) + line 1(c)], plus any additional sums needed to pay all allowed claims in full; up to 36 months.

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 approximately \$ 820.00 [line 1(d) x .10] 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>\$ 1,050.00</u>	<u>\$316.20/\$101.40</u>	<u>1/4</u>	<u>3/1</u>	<u>\$ 1,050.00</u>
b. Internal Revenue Service	<u>\$</u>	<u>\$</u>	<u></u>	<u></u>	<u>\$</u>
c. Minnesota Dept. of Revenue	<u>\$</u>	<u>\$</u>	<u></u>	<u></u>	<u>\$</u>
d. TOTAL					<u>\$ 1,050.00</u>

4. LONG-TERM SECURED AND/OR UNSECURED 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

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>EMC Mortgage Corp.</u>	<u>\$ 5,950.00</u>	<u>\$ 214.80</u>	<u>4</u>	<u>1</u>	<u>\$ 214.80</u>
(continued)		<u>\$ 316.20</u>	<u>5</u>	<u>19</u>	<u>\$ 5,735.20</u>
b. TOTAL					<u>\$ 5,950.00</u>

Debtor shall pay the regular monthly post-petition mortgage payment to EMC Mortgage Corp. as and when due, commencing October 2004, and continuing each month thereafter. In the event that Debtor fails to make any of the above payments as and when due, the attorney for EMC Mortgage Corp. shall serve Notice, by first class mail, alleging the Debtor's failure to pay said payment. Unless the Debtor cures the default within ten (10) days after service of said Notice, EMC Mortgage Corp. shall be entitled to ex parte relief from the automatic stay.

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. <u>None.</u>	\$ _____	\$ _____	_____	_____	\$ _____
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. <u>None</u>	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
d. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
e. TOTAL						\$ _____

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 \$ -0- [Line 1(d) minus Lines 2, 3(d), 5(b), 6(b), 7(e), and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$ -0-.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ -0-.
- c. Total estimated unsecured claims are \$ -0- [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 claims in full; up to a maximum of 36 months; 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.

SUMMARY OF PAYMENTS

Trustee's Fee [Line 2]	.....	<u>\$ 820.00</u>
Priority Claims [Line 3(d)]	.....	<u>\$ 1,050.00</u>
Home Mortgage Defaults [Line 5(b)]	.....	<u>\$ 5,950.00</u>
Long Term Debt Defaults [Line 6(b)]	.....	<u>\$ -0-</u>
Other Secured Claims [Line 7(e)]	.....	<u>\$ -0-</u>
Separate Class [Line 8(b)]	.....	<u>\$ -0-</u>
Unsecured Creditors [Line 9]	.....	<u>\$ -0-</u>
TOTAL [must equal Line 1(d)]	<u>\$ 7,820.00</u>

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

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/e/ Julie Ann Montgomery
 DEBTOR

 DEBTOR (if joint case)