

**United States Bankruptcy Court  
District of Minnesota**

**IN RE:** Case No. \_\_\_\_\_  
**Brooks, Robert R. & Brooks, Karen M.** Chapter **13**  
 Debtor(s)

**AMENDED CHAPTER 13 PLAN**

Dated:

**1. PAYMENTS BY DEBTOR -**

- a. As of the date of this plan, the debtor has paid the trustee \$ **1,800.00**.
- b. After the date of this plan, the debtor will pay the trustee \$ varies<sup>1</sup> per month for 58 months, beginning within 30 days after the filing of this plan for a total of \$ **54,000.00**.
- c. The debtor will also pay the trustee: **n/a**
- d. The debtor will pay the trustee a total of \$ **54,000.00** [line 1(a) + line 1(b) + line 1(c)].

<sup>1</sup> 1 payment of \$2,700.00 followed by 57 payments of \$900.00

**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% for a total of \$ **5,400.00** [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 Beginning Payment</i>	<i>in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
IRS - Minnesota	8,558.00	570.53	31	15	8,558.00
MN Dept. Of Revenue	2,766.00	184.40	31	15	2,766.00
TOTAL .....					<b>11,324.00</b>

**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.

**Credit Purchase Acceptance Corp.**

**5. HOME MORTGAGES IN DEFAULT [' 1322(b)(5)] -** The trustee will cure defaults (plus interest at the rate of 8 per cent 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.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Beginning Payment</i>	<i>in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
Bank One - Law Department	5,073.51	180.30	1	31	5,589.44
US Bank Recovery Department	15,167.42	539.03	1	31	16,709.89
US Bank Recovery Department	1,350.00	47.98	1	31	1,487.28
TOTAL .....					<b>23,786.61</b>

**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.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Beginning Payment</i>	<i>in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
None					
TOTAL .....					<b>0.00</b>

**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).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Beginning Payment</i>	<i>in mo. #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
St. Louis County Auditor	2,324.00	2,324.00	82.59	1	31	2,560.37
TOTAL						2,560.37

- 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:
  - a. The debtor estimates that the total claims in this class are \$ 0.00.
  - b. The trustee will pay this class \$ 0.00.
  
- 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 \$ 10,929.02 [line 1(d) minus paragraphs 2, 3, 5, 6, 7 and 8].
  - a. The debtor estimates that the total unsecured claims held by creditors listed in & 7 are \$ 926.49.
  - b. The debtor estimates that the debtor's total unsecured claims (excluding those in & 7 and & 8) are 27,195.20.
  - c. Total estimated unsecured claims are \$ 28,121.69 [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 were tardily filed.
  
- 11. **OTHER PROVISIONS - DEBTORS TO PAY ALL DISPOSABLE INCOME TO TRUSTEE IN FIRST 36 MONTHS OF PLAN.**  
 PAYMENT OF \$2,700 IN MONTH ONE INCLUDES \$1,800 PREVIOUSLY PAID INTO PLAN.

**12. SUMMARY OF PAYMENTS C**

Trustee's Fee [Paragraph 2]	5,400.00
Priority Claims [Paragraph 3]	11,324.00
Home Mortgage Defaults [Paragraph 5]	23,786.61
Long-Term Debt Defaults [Paragraph 6]	0.00
Other Secured Claims [Paragraph 7]	2,560.37
Separate Class [Paragraph 8]	0.00
Unsecured Creditors [Paragraph 9]	10,929.02
<b>TOTAL [must equal Paragraph 1, Line (d)]</b>	<b>54,000.00</b>

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

**John F Hedtke 167666**  
**John Hedtke**  
**1217 East First Street**  
**Duluth, MN 55805**  
**(218) 728-1993**

Signed: \_\_\_\_\_  
 DEBTOR

Signed: \_\_\_\_\_  
 DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FIFTH DIVISION

In re: Robert R. and Karen M. Brooks,

CHAPTER 13 CASE  
BANKRUPTCY CASE NO. 04-50884

Debtor(s).

NOTICE OF HEARING ON CONFIRMATION OF MODIFIED PLAN

**PLEASE TAKE NOTICE**, that a **Hearing on Confirmation of Modified Chapter 13 Plan** is scheduled for October 25, 2004, at 10:00 a.m. at the US Courthouse, Bankruptcy Court, Courtroom 2, 515 West First Street, Duluth, Minnesota 55802.

Dated this 11th day of October, 2004.

By: /e/ John F. Hedtke  
John F. Hedtke, #167666  
Attorney for Debtor(s)  
1217 East First Street  
Duluth, Minnesota 55805  
(218) 728-1993

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UNSWORN DECLARATION OF SERVICE

I, John F. Hedtke, declare that I served a copy of a **Notice of Hearing on Confirmation of Modified Chapter 13 Plan** and a copy of the **Modified Chapter 13 Plan** upon the **United States Trustee, 1015 US Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, 55415, Chapter 13 Trustee, Michael J. Farrell, P.O. Box 519, Barnesville, MN 56514**, and upon **creditors and entitles requesting Notice or affected by the Modification** by mailing the same by First Class United States Mail on the 11<sup>th</sup> day of October, 2004.

By: /e/ John F. Hedtke  
John F. Hedtke, #167666  
Hedtke Law Office  
1217 East First Street  
Duluth, MN 55805  
218/728-1993

Robert R. Brooks  
129 W Myrtle St  
Duluth, MN 55811-5017

Karen M. Brooks  
129 W Myrtle St  
Duluth, MN 55811-5017

Bank One - Law Department  
201 N Walnut St  
Wilmington, DE 19801-2920

Bank One Loan Services  
PO Box 901008  
Fort Worth, TX 76101-2008

Capital One Recovery  
PO Box 85167  
Richmond, VA 23285-5167

Credit Purchase Acceptance Corp.  
PO Box 129  
Moorhead, MN 56561-0129

First Bankcard Bkcy Dept  
PO Box 3437  
Omaha, NE 68103-0437

First National Bank Of Omaha  
PO Box 2951  
Omaha, NE 68103-2951

Fleet Bankcard Services  
PO Box 17192  
Wilmington, DE 19850-7192

Gomore Financial  
605 Highway 55 E  
Buffalo, MN 55313-1795

Hermantown Federal Credit Union  
5116 Miller Trunk Hwy  
Hermantown, MN 55811-1241

Holiday Companies Returned Ck Dept  
PO Box 1216  
Minneapolis, MN 55440-1216

Household Bank  
PO Box 81622  
Salinas, CA 93912-1622

Household Credit Services  
PO Box 4155  
Carol Stream, IL 60197-4155

IRS - Minnesota  
Stop 5700 - 316 North Robert Street  
Saint Paul, MN 55101

Karen Brooks  
1402 E Superior St  
Duluth, MN 55805-2430

MN Dept. Of Revenue  
PO Box 64447 - 551 Bankruptcy Section  
Saint Paul, MN 55164-0447

Mount Royal Medical Center  
Attn Sih Centralized Billing  
915 E 1st St  
Duluth, MN 55805-2107

Northern Collections, Inc.  
4 - Eleventh Street  
Cloquet, MN 55720

Platnum Recovery Solutions, Inc.  
PO Box 3708  
Omaha, NE 68103-0708

Range Credit Bureau - Hibbing  
PO Box 706  
Hibbing, MN 55746-0706

Sears  
PO Box 3671  
Des Moines, IA 50323-0671

Sherman Acquisition  
PO Box 740281  
Houston, TX 77274-0281

St. Louis County Auditor  
100 N 5th Ave W  
Duluth, MN 55802-1202

St. Lukes Hospital  
915 E 1st St  
Duluth, MN 55805-2107

US Bank Recovery Department  
PO Box 5229  
Cincinnati, OH 45201-5229

Wilford & Geske  
Jim Geske  
7659 Currell Blvd., Ste. 300  
Woodbury, MN 55125-1018

United States Bankruptcy Court  
District of Minnesota

IN RE:

Case No. \_\_\_\_\_

Brooks, Robert R. & Brooks, Karen M.

Chapter 13

Debtor(s)

SIGNATURE DECLARATION

- PETITION, SCHEDULES & STATEMENTS
- CHAPTER 13 PLAN
- SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
- AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
- 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 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: OCT 2, 2004

X Robert R Brooks  
Signature of Debtor or Authorized Representative

Robert R. Brooks  
Printed Name of Debtor or Authorized Representative

X Karen Brooks  
Signature of Joint Debtor

Karen M. Brooks  
Printed Name of Joint Debtor