

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

POSTCONFIRMATION MODIFIED  
CHAPTER 13 PLAN

In Re:

THOMAS K. SAYTHER  
LAUREL A. SAYTHER

Dated: AUGUST 4, 2004

DEBTOR  
*In a joint case,  
debtor means debtors in this plan.*

Case No. 02-90236

**1. PAYMENTS BY DEBTOR —**

- a. As of the date of this plan, the debtor has paid the trustee \$47,950.
- b. **The debtor will pay the trustee \$4,350 per month, beginning August, 2004, for 31 months** in order to pay the amounts indicated in ¶ 3, 4, 5, 6, 7, 8, and 9.
- c. The debtor will also pay the trustee \$N/A.
- d. The debtor will pay the trustee a total of \$182,800 [line 1(a) + line 1(b)]

**2. PAYMENTS BY TRUSTEE —** The trustee will make payments only to creditors for which proofs of claim have been timely filed, make payments monthly as available, and collect the trustee's percentage fee of a maximum of 10% for an estimated total of \$7,730 or such lesser percentage as may be fixed by the Attorney General.

**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.

<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	\$450	\$450	30	1	\$450
b. Internal Revenue Service	\$61,742	PRORATED	37	19	\$61,742
c. MN Dept of Revenue	\$14,430	PRORATED	37	19	\$14,430
d.					
e. TOTAL					\$76,622

**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. FIRST COMMERCIAL CREDIT
- b. WELLS FARGO BANK
- c. BANK ONE
- d. GUARANTY RESIDENTIAL
- e. OCWEN

**5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] —** The trustee will cure defaults **AT NO INTEREST** on claims secured only by a security interest in real property that is the debtor's principal residence as filed. 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 and payment schedule are estimates only. If no default is stated, the trustee will pay the actual amounts of default in an amount sufficient to cure arrears within 24 months

<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. N/A					
b.					
c.					
d. TOTAL:					

Chapter 13 Plan

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 and payment schedule 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. Dakota Co. Treasurer	\$5,500	\$4,089	37	2	\$5,500
b.					
c. TOTAL					\$5,500

7. **OTHER SECURED CLAIMS [§ 1325(a)(5)]** — The trustee will make payments to the following secured creditors having a value as of confirmation not to exceed the allowed amount of the creditor's secured claim with interest as shown. 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. Each secured claim is designated a separate class for treatment pursuant to 11 U.S.C. §1322(b) and §1329(a). 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). Payment schedule shown is an estimate only and may be modified by payments under paragraph 5 of this plan.

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. DAIMLER CHRYSLER	\$14,619	\$14,619	\$2,044	30	7.1	\$14,619
b. St. Paul Postal Employees FCU	\$14,478	\$14,478	\$2,045	30	7.1	\$14,478
c.						
d.						
e.						
f. TOTAL						\$29,097

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 DEBT: US BANK**

- a. The debtor estimates that the total claims in this class are \$5,744 and \$6,475.
- b. The trustee will pay this class \$12,219 prior to all other unsecured, non-priority claims.

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 estimated pro rata share \$5,282.

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$UNDETERMINED.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$83,637.
- c. Total estimated unsecured claims are \$83,637 [line 9(a) + line 9(b)].

10. **OTHER PROVISIONS — Debtor submits all future earnings or other income to such supervision or control of the trustee as is necessary for the execution of the plan. Property of the estate shall vest in the debtor upon dismissal, conversion, or discharge. Funds withheld under ¶ 2 and not applied to trustee's fee to be disbursed at trustee's discretion.**

11. SUMMARY OF PAYMENTS	<u>TO BE DISTRIBUTED</u>	<u>DISTRIBUTED TO DATE</u>
Trustee's Fee [Line 2]	\$7,730	\$2,363
Priority Claims [Line 3(e)]	\$76,622	\$1,400
Home Mortgage Defaults [Line 5(d)]	-0-	\$16,504
Long-Term Debt Defaults [Line 6(c)]	\$5,500	-0-
Other Secured Claims [Line 7(f)]	\$29,097	\$26,083
Separate Class [Line 8(b)]	\$12,219	-0-
Unsecured Creditors [Line 9]	<u>\$5,282</u>	<u>-0-</u>
<b>TOTAL:</b>	<b>\$136,450</b>	<b>+ \$46,350 = \$182,800</b>

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

Ian Traquair Ball, #4285  
 12 South Sixth Street, Suite 326  
 Minneapolis, MN 55402  
 Tel: (612) 338-1313

Signed   
 Debtor

Signed   
 Debtor (if joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CERTIFICATE  
OF SERVICE

THOMAS K. SAYTHER  
LAUREL A. SAYTHER,

BKY 02-90236

Debtor(s).  
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I, Brenda Greenhalgh, declare under penalty of perjury that on August 11, 2004, I mailed copies of the foregoing Notice and Motion of Postconfirmation Chapter 13 Modified Plan and Postconfirmation Modified Chapter 13 Plan to each entity named below and on the attached list at the stated addresses.

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

Theresa A. Hodnett, Esq.  
Stephenson & Sanford, P.L.C.  
501 Marquette Avenue, Suite 1440  
Minneapolis, MN 55402  
Thomas J. Reiter, Esq.  
6 West 5th Street, 7th Floor  
St. Paul, MN 55102

United States Trustee  
1015 US Courthouse  
300 South 4th Street  
Minneapolis MN 55415

David L. Zoss  
Special Asst. to US Attorney  
Galtier Plaza, Suite 650  
175 Fifth Street E., Box 90  
St. Paul, MN 55101

Mr. and Mrs. Thomas K. Sayther  
13121 Longview Drive  
Burnsville, MN 55337

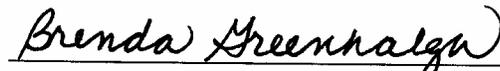
Nancy A. Nordmeyer, Esq.  
Shapiro & Nordmeyer  
7300 Metro Boulevard, Ste. 390  
Edina, MN 55439-2306

Holly M. Hillerman, Esq.  
Andrews Davis Legg Bixler  
Milsten & Price  
500 West Main  
Oklahoma City, OK 73102

James A. Geske, Esq.  
7650 Currell Boulevard #300  
Woodbury, MN 55125

(SEE ATTACHED LIST)

Dated: August 11, 2004

  
Brenda Greenhalgh

CORPORATE CREDIT DEPT  
777 SAN MARTIN DR  
NOVATO CA 94945

BANK ONE  
370 S CLEVELAND AVE  
STE 2047  
WESTERVILLE OH 43081

WELLS FARGO BANK  
700 VISTA DR  
MAC #N8235-049  
W DES MOINES IA 50266

WELLS FARGO BANK  
PO BOX 4116  
MAC P6053-022  
PORTLAND OR 97208

GUARANTY RESIDENTIAL LENDING  
STEPHEN MORIARTY  
500 W MAIN ST STE 500  
OKLAHOMA CITY OK 73102

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

AMEX TRAVEL RELATED SVCS  
CO IN CORP CARD  
C/O BECKET & LEE  
PO BOX 3001  
MALVERN PA 19355

FIRST USA BANK  
PO BOX 517  
FREDERICK MD 21705

RESURGENT CAPITAL SVCS  
PO BOX 10857  
GREENVILLE SC 29603

DAIMLER CHRYSLER SERVICES  
C/O RIEZMAN BERGER PC  
7700 BONHOMME 7TH FL  
ST LOUIS MO 63105

THE BANK OF NEW  
YORK/OCWEN FEDERAL BANK  
THE FORUM TOWER C 10TH FL  
1655 PALM BEACH LAKES BLVD  
W PALM BEACH FL 33401

ST PAUL POSTAL EMPLOYEES CU  
180 E KELLOGG BLVD STE 600  
ST PAUL MN 55101

US BANK CORP  
BKY RECOVERY DEPT  
PO BOX 5229  
CINCINNATI OH 45201

MN DEPT OF REVENUE  
BANKRUPTCY SECTION  
PO BOX 64447  
ST PAUL MN 55164

FORD MOTOR CREDIT CO  
MESSERLI & KRAMER  
3405 ANNAPOLIS LN N  
PLYMOUTH MN 55447

B-FIRST  
C/O WEINSTEIN TREIOGER RILEY  
2101 4TH AVE STE 900  
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