

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

**IN RE: Carmela M. Coroni-Krogstad
Debtor,**

**Case No. Bky. 02-93232-GFK
Chapter 13 Case**

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

To: The Chapter 13 Trustee, The U.S. Trustee, and the other entities specified in Local Rule 9013-3:

1. The debtor moves 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 September 23, 2004, in U.S. Courthouse, Room 228B, 316 N. Robert St., St. Paul, MN 55101 before the Honorable Judge Gregory F. Kishel.**
3. Any response to this motion must be filed and delivered not later than 10:00 a.m. on September 20, 2004, which is 3 days before the time set for the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than September 14, 2004, which is seven (7) business 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.**
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 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 October 22, 2002. The original Chapter 13 Plan was confirmed on January 2, 2003. Modified Plans were confirmed on July 31, 2003 and July 29, 2004.
5. This motion arises under 11 U.S.C. § 1329 and Bankruptcy Rule 3020. This motion is filed under Bankruptcy Rule 9014 and Local Rules 5005, 9006 and 9013. Movant requests the confirmation of the PostConfirmation Modified plan dated September 1, 2004. A copy of the PostConfirmation Modified Chapter 13 Plan is annexed hereto.
6. Debtor has paid \$4,400.00 to date. The Debtor has struggled to make her payments because she can only work part-time while her husband cares for their child and her net income is only \$700.00 per month. She cannot afford the plan amount and wishes to surrender her 1999 Pontiac Sunfire to the Postal Credit Union; and lower her payments to \$50.00 a month for the next 16 months.
7. Section 1329 of the Bankruptcy Code provides that at any time after confirmation, but before completion of payments under the plan, the plan may be modified upon request of the Debtor, the Trustee, or the holder of an allowed unsecured claim to, among other things, increase or reduce the amount of payments on claims of a particular class, to extend or reduce the time for such payments; or to alter the amount of the distribution to a creditor. 11 U.S.C. §1329. Section 1329 further provides that Section 1325 of the Bankruptcy Code applies to any modification. 11 U.S. C. § 1329.
8. Section 1325 of the Bankruptcy Code provides that a Court shall confirm a plan if the plan: complies with the provisions of the Bankruptcy Code; has been proposed in good faith; provides that the value of property to be distributed under the plan an account of allowed unsecured claims be not less than the amount that would be paid on such claims in a Chapter 7 case; and provides, allowed amount of its secured claim; and if the Debtor will be able to make all payments under the plan and has paid any fees required to be paid under Chapter 13 of Title 28 of the U.S. Code. 11 U.S.C. § 1325.
9. The proposed modification satisfies the requirements of 11 U.S.C. §§ 1325 & 1329.

10. The Debtor submits that this motion raises no novel or complex issues of law and that the relevant legal authorities are set forth herein, therefore the requirement for a separate memorandum, if any, is satisfied hereby.

11. Based on the circumstances of this case, the Debtor requests this Court to confirm the modified plan.

WHEREFORE, the undersigned moves the court for an order confirming the Modified Chapter 13 Plan and for such other relief as may be just and equitable.

Dated: September 2, 2004

/e/ James T. Skonnord
James T. Skonnord, Esq.
Ramsey Professional Building
311 Ramsey Street
St. Paul MN 55102
(651) 224-8992
License # 010193X

Verification. I, the above named attorney 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 my knowledge, information and belief.

Executed on: September 2, 2004

/e/ James T. Skonnord
James T. Skonnord
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

UNSWORN CERTIFICATE OF SERVICE

I, Cindy Collins, declare under penalty of perjury that on 9/2, 2004, I served copies of the Foregoing Notice of Hearing and Motion to Confirm Post-Confirmation Modified Chapter 13 Plan, Post-Confirmation Chapter 13 Plan and an Unsworn Certificate Of Service by first class mail, postage prepaid, to each entity listed below and addressed as follows:

Jasmine Z. Keller
Chapter 13 Trustee
12 S. 6th Street, #310
Minneapolis, MN 55402

United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

All Creditors on the Attached Mailing Matrix

Dated: 9/2/4

Signed: Cindy Collins
Cindy Collins
Paralegal

Allina Hospitals & Clinics
United Hospital
PO Box 9125
Minneapolis, MN 55480-9125

Card Service Center
PO Box 23356
Pittsburgh, PA 15222-6356

Children's Hospital - St. Paul
CM 9728 PO Box 70870
Saint Paul, MN 55170-9728

Citifinancial Retail Services
PO Box 8019
South Hackensack, NJ 07606-8019

Citifinancial/Citibank
PO Box 17099
Baltimore, MD 21297-0194

Ecast Settlement Corporation
Electric Private Label/Home Depot
PO Box 35480
Newark, NJ 07193-5480

Healthspan Services
6160 Summit Dr N Ste 420
Minneapolis, MN 55430-2149

Home Depot
PO Box 105981 Dept. 51
Atlanta, GA 30353-5981

Marshall Field's
Retailers National Bank
3901 West 53rd St
Sioux Falls, SD 57106-4216

Mervyn's
Retailers National Bank
P O Box 59280
Minneapolis, MN 55459-0280

National American University
C/O National Recovery, Inc.
PO Box 24696
Denver, CO 80224-0696

POSTAL CREDIT UNION
2401 North McKnight Road
North St Paul, MN 55109

Providian Financial
Visa
P O Box 660786
Dallas, TX 75266-0786

Retailers National Bank
Target
P O Box 59231
Minneapolis, MN 55459-0231

Retailers Natl Bank
C/O Creditors Rights & Bky Group
695 Rancocas Rd # 101
Westampton, NJ 08060-5626

St. Paul Postal Employees CU
180 Kellogg Blvd E Ste 600
Saint Paul, MN 55101-1438

State Of Minnesota
Dept Of Manpower Services
390 Robert St N
Saint Paul, MN 55101-1812

Target
Retailers National Bnak
P O Box 59231
Minneapolis, MN 55459-0231

Visa Gold
St. Paul Postal Credit Union
PO Box 790289
Saint Louis, MO 63179-0289

Wells Fargo Financial
PO Box 98798
Las Vegas, NV 89193-8798

Wells Fargo Financial MN
4137 121st St
Urbandale, IA 50323-2310

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: **CARMELA M. CORONI-KROBSTAD**

SIGNATURE DECLARATION

Debtor(s).

Case No. 02-93232

- PETITION, SCHEDULES & STATEMENTS
- CHAPTER 13 PLAN
- SCHEDULES AND 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 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: 9/1/04

X Carmela Coroni-Krobstad X
Signature of Debtor or Authorized Representative

Signature of Joint Debtor

Carmela Coroni-Krobstad
Printed Name of Debtor or Authorized Representative

Printed Name of Joint Debtor