



MINNESOTA FAMILY SUPPORT & RECOVERY COUNCIL

2018 ANNUAL CONFERENCE


Bankruptcy Essentials

By:

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History




This issue was presented to the CLV Enforcement Group in December of 2016. The overall goal of the referral was to review the DHS Sir manual and update and edit the content.

The small group has been working on updating the manual, creating sample forms, and eliminating any unnecessary PRISM forms.

The goal is to create manual content that can be used by both attorneys and program staff as a "How to Guide".

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Authority



Bankruptcy Authority can be found as follows:

- Federal Statutes (Title 11 of the United States Code)
- Federal Rules of Bankruptcy Procedure
- Local Rules (District of Minnesota)
- Federal Case Law

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Definition / Types



- **Bankruptcy** – A legal process under federal law that allows a person to be relieved of most debts once the person has placed all money and property under the supervision of the bankruptcy court.
- **Chapter 7** – Liquidation of debt without a repayment plan
- **Chapter 13** – Restructuring or repayment of debt over time by plan approved by bankruptcy court. Sometimes called the “Wage Earner Plan”.

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Automatic Stay



- Effective immediately upon the filing of a bankruptcy.
- Postpones collection of debt and prohibits certain legal activities by creditors.
- Ends when the bankruptcy court dismisses or discharges the bankruptcy, or grants a motion to lift the stay.
- Violations of the automatic stay are void or voidable, even when done without notice or knowledge that the automatic stay was in effect or without intent to violate the stay.
- A creditor who willfully violates the automatic stay may be held liable for actual damage resulting from the violation, including costs, attorney’s fees, and in some instances, punitive damages.

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Automatic Stay Cont.’



- The automatic stay **does not** prevent:
 - Collection of current support,
 - Establishment of support orders or paternity actions,
 - Modification of support.
 - Certain administrative enforcement remedies
- The automatic stay **does** affect some enforcement remedies used to collect arrears. (More on this later)
- See 11 U.S. Code §362 (a) and (b)(2)(A)-(G)

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Bankruptcy is an Important Enforcement Tool!



- Chapter 13 cases:
 - May provide accelerated payment of arrears.
 - Requires Debtor to remain current with ongoing support payments during the bankruptcy.
 - Petition and Schedules provide information about Debtor's finances and assets that can be used in later enforcement proceedings.
- Chapter 7 cases:
 - Discharge of other debts allows Debtor to focus on paying arrears.

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How Do We Get Case Information?



U.S. Bankruptcy Court case information in any state can be accessed in one of two ways:

1. Viewing records maintained electronically and available through the Court's internet-based Public Access to Court Electronic Records (**PACER**) system or
2. Calling the Voice Case Information System (**VCIS**) using a touchtone phone.

Chapter 13 Trustee's Office might have website too.

- Gregory Burrell (MN) <http://www.ch13mn.com/>
- Kyle Carlson (MN) <http://carlsonch13mn.com/>
- National Website <https://www.justice.gov/ust/chapter-7-12-13-private-trustee-locator>

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Pacer: What is it?



Online court records system used in federal court to view records and file documents in bankruptcy cases.

- <https://pacer.psc.uscourts.gov/pscwf/regWizard.jsf>

User Accounts: Any person can register for an account at no cost. We recommend:

- Each County Attorney's office have at least one account.
- Child Support Officers should check with their supervisor before creating an account to determine whether prior authorization is required.

Fees/Costs:

- \$0.10 per page to search, view and/or print documents even if the search yields no matches. The maximum charge for any single document is \$3 (30 pages).

- Billing statements are mailed quarterly. Fees are waived when usage is less than \$15 per quarter. There is no exemption for government users.

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VCIS

- Free, 24 hours a day, by dialing **1-866-222-8029**. When prompted, **press 6 for MN** or state the name of the state where the bankruptcy is filed.
- Search by name of Debtor, case number or social security number.
- The following information is available: type of bankruptcy (Chapter 7, 11 or 13); case status, the name of the assigned trustee, the name and phone number for the Debtor's attorney, the name of the assigned judge, the last date for governmental units to file a proof of claim and discharge date, if applicable.

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Timeline of a Bankruptcy



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Notice to Agency

If Debtor discloses support arrears in the bankruptcy petition, the IV-D agency and/or the Obligor will receive notice of the bankruptcy filing. One or two notices might be received.

1. Notice from the Clerk of Court (11U.S.C. §342(a)) contains important information for Ch.7 and Ch. 13 cases:

- Date of Filing
 - Courthouse location where case filed
 - File number and name of assigned judge.
 - Date, time and place for the Meeting of Creditors
- This notice is required to be mailed to all creditors 21 days prior to the meeting of creditors.

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Notice to Agency Cont.'

2. Notice from Trustee required for Ch. 13 cases (11 U.S.C. §1302(d)).

Special duty to notify both individual Obligor and IV-D agency.

- Agency's notice is sent to the MN CS Payment Center (CSPC).
- Contains same info. as Clerk of Court Notice.
- CSPC forwards to maintaining county by mail one to two weeks from receipt.

Currently, all notices come to CSPC via 2 different addresses. The CLV bankruptcy subcommittee is proposing that CSPC have a single dedicated email notification address to receive in order to speed up the notification process.

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BAND Screen on PRISM

Once the county IV-D agency receives the Notice, the information contained on the Notice should be entered immediately into the PRISM Bankruptcy BAND Screen, and a copy of the Notice and all attachments sent to the County Attorney's Office.

This is the CSO responsibility to enter the information.

- CSO to act on new IW if needed.
- CSO to review Enforcement remedies.
- CSO to prepare the Proof of Claim form, if necessary.

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Band Screen

Bankruptcy Detail
 *Action (A,B,C,D,M,N,P)
 MCI: _____ Bkrp State: _____ Chapter: _____ Date Filed: _____
 MCI: _____ Name: _____
 SSN: - - DOB: / / Gender: _____ Number of Cases: _____
 Bkrp Case #: _____ Phone: _____ City: _____
 Proof of Claim Due: _____ Claim Amt: _____ Notc of Appear: -
 Plan Recd: - Confirm Date: _____ Ver: _____ Arrears Amt: _____ Lift Stay: -
 End Date: _____ type: _____ By: _____ Src: _____
 Bankruptcy Attorney Bankruptcy Trustee
 Atty ID: _____ Phone: - - Phone: _____
 Name: _____
 Firm: _____
 Addr: _____

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Proof of Claim

The Proof of Claim tells the bankruptcy court the amount of arrears owed at the time the Debtor filed the bankruptcy.

It is critical that a proof of claim be timely filed in all cases.

- The Trustee will only pay claims that are on file with the court.
- It preserves a creditor's right to participate in the court proceeding and object, if necessary.

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Proof of Claim cont.'

• CHAPTER 7 CASES

- Most are "No Asset" cases which means that there is no need to file a claim because no payments towards arrears will be made during the bankruptcy.
- The "No Asset" designation will appear on the Form 309A "Notice of Chapter 7 Bankruptcy Case" in paragraph 10.
- If assets are later identified, a separate notice is sent and clerk of court will invite claims to be filed and state the deadline for filing a proof of claim.

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Proof of Claim cont'd

CHAPTER 13

- Review the Notice and determine the deadlines to file a proof of claim.
- Most creditors must file no later than 70 days after Plan is confirmed by the Court.
- The Public Authority is a governmental entity and has a longer time to file a proof of claim, 180 days after confirmation.
- The Proof of Claim can be completed on paper or electronically.
- 1. Download a proof of claim form (Form 410) from the federal bankruptcy court website for the District of Minnesota at:
<http://www.mnb.uscourts.gov/national-forms> or
- 2. Complete an electronic Proof of Claim form that can be filed online
<http://www.mnb.uscourts.gov/epoc/>. No PACER account is necessary.

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Proof of Claim for Out-of-State Bankruptcy Cases



- Obtain generic form and instructions for completion on-line at:
- <http://www.uscourts.gov/forms/bankruptcy-forms/proof-claim-0>.
- Remember to complete form with correct District Court.
- Either e-file completed form or contact the Clerk of Court in that state to determine the mailing address.

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Completing Proof of Claim Form



The document should be completed in its entirety. Below is a chart to assist you in answering sections of the form that might be confusing.

QUESTION	ANSWER
1. Who is the current creditor?	Minnesota Child Support on behalf of (name of CP)
1. Has this claim been acquired from someone else?	No.
1. Where should notices to the creditor be sent? Where should payments to the creditor be sent?	Name and mailing address for CSO MN Child Support Payment Center P.O. Box 64323 St. Paul, MN 55164 2
Uniform claim identifier for electronic payments in chapter 13	NCP's MCI #

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Completing Proof of Claim Form Cont.'




1. Does this claim amend one already filed?	Follow prompts on the form
1. Do you know if anyone else has filed a proof of claim for this claim?	CSO should contact CP by phone and inform him/her that the NCP has filed a Ch. 13 bankruptcy. Inquire whether the CP was aware of the bankruptcy, had already received notice and whether or not the CP had already filed a Proof of Claim. If not, inform the CP that agency will file the form on his/her behalf and it is not necessary for the CP to do so. If the CP has already filed a Proof of Claim, either ask the CP to send you a copy or obtain a copy from the bankruptcy court file (Access PACER). If the CP has filed a Proof of Claim, inform your County Attorney that duplicative claims have been filed and follow directions given.

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Completing Proof of Claim Form Cont.'



1. Do you have any number you use to identify the Debtor?	Use the NCP's MCI number.
1. How much is the claim?	State the total amount of all arrears, including interest, as of the date the bankruptcy petition was filed. If the claim amount is smaller at the time you are filing the proof of claim use that number. If the claim amount is larger than at the time the petition is filed then you use the amount of the arrears at the time the petition was filed. If there is a pending paternity or establishment case, and the Debtor may be liable for child support for a period of time before the date the bankruptcy petition was filed, state that the claim amount is contingent or unliquidated.
Does this amount include interest or other charges?	Yes. Attach an Affidavit of Arrears.

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Completing Proof of Claim Form Cont.'



1. What is the basis of the claim?	Select one of the following: Domestic support arrears owed solely to the custodial parent. OR Domestic support arrears owed solely to the public authority/government entity. OR Domestic support arrears partially owed to the custodial parent and partially owed to the public authority/government entity.
1. Is all or part of the claim secured?	No.
1. Is this claim based on a lease?	No.
1. Is this claim subject to a right of setoff?	No.
1. Is all or part of this claim entitled to priority under 11 U.S.C. §507(a)?	Yes. Check box "Domestic Support Obligations"

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Who signs the Proof of Claim?



ANSWER: Either the child support officer or county attorney may sign the proof of claim.

CSO: If the CSO signs the document, select the box "I am the creditor's attorney or authorized agent."

County Attorney: If the attorney signs the document, the attorney must be admitted to practice in the U.S. District Court where the bankruptcy is filed.

****Note**:** Upon filing, the claim is deemed to be an allowed claim unless a timely objection to the claim is filed. This will initiate a "contested" case which will be heard and decided by the Court.

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CSO Monitoring the Status of the Bankruptcy



- During the course of the bankruptcy, if the CSO becomes aware of an address change for the Obligor, the CSO sends a Change of Address letter to the bankruptcy clerk of court.
- The CSO will need to check the status of the bankruptcy filing on a quarterly basis or as more frequently as needed. For example, the CSO will check to make sure payments are being received by the trustee and distributing properly. If they are not being received, the CSO should contact the County Attorney to determine further action.
- In addition, if a CSO notices the arrears are paid in full prior to the end of the Plan, the trustee must be notified that the Plan payments have been satisfied.

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Meeting of Creditors



- Also called a "341 Meeting"
- Occurs in both Ch. 7 and Ch. 13 bankruptcies.
- Scheduled 20-40 days after filing of bankruptcy petition.
- U.S. Trustee presides over meeting.
- Debtor testifies about assets, liabilities, info. in schedules, petition and plan.
- Starts the timeline for objections to the Ch. 13 Plan.

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Meeting of Creditors Cont.'



- Should IV-D agency attend?
- Maybe. Discuss with County Attorney.
- Considerations include the following:
 - 1) Does the petition, schedules, or plan contain information that is different from the IV-D agency's?
 - 2) Is the proposed Ch. 13 plan feasible in light of Debtor's income and expenses?
 - 3) Is Debtor self-employed?
 - 4) Is there a reason to question the information in the plan?

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Ch. 13 Plan

- Must be filed within 15 days of petition. Most filed together.
- Lists all of the Debtor's creditors and amounts due.
- Prioritizes creditors by types of claims – Priority, Secured, Unsecured – and specifies how and when each paid.
- **Domestic support obligations are granted a first priority (11 U.S.C. §507(a)(1)(A-B)).**
- **Read carefully** to determine how support arrears will be paid. Sometimes, arrears will be paid outside of the Plan if income withholding is already active. Can arrears be paid in full over the lifetime of the plan?
- **Discuss with County Attorney.**

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Confirmation of Ch. 13 Plan

- Hearing and Court Order required.
- Can be modified after initial plan is confirmed.
- Creditors and U.S. Trustee have opportunity to object.
- Objections can be formal or informal. Co. Attorney should:
 - Call Debtor's attorney to discuss concerns or negotiate changes.
 - Call U.S. Trustee to discuss concerns and determine whether Trustee will be filing a Motion to Object.
 - File Motion to Object to confirmation and attend hearing.
 - Work together with other County Attorneys if multiple IV-D cases exist.

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Enforcement

The graph below indicates what enforcement actions an IV-D agency can and cannot take during this timeframe.

Enforcement Remedy	
Project Intercept (PI)	PI certification allowed
Revenue Recapture (RR)	RR certification allowed
Billing Statements	Monthly statements continue
Income Withholding (IW)	IW continues at current obligation only for Chapter 13. IW continues at 120% only for Chapter 7.
Credit Bureau Reporting (CBR)	Credit Bureau Reporting allowed
Driver's License Suspension (DLS)	Suspensions allowed
Occupational License Suspension (OLS)	Suspensions allowed
Recreational License Suspension (RLS)	Suspensions allowed
Student Grant Hold (SGH)	Student Grant Hold released
Federal Criminal Prosecution	Not allowed
Passport Denial (PAS)	Passport denial allowed
FIDM (FIM)	Not allowed
Contempt	Not allowed

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FIDM Levy – Extra Information



If levy initiated after bankruptcy is filed:

- Notify County Attorney and discuss whether to continue (probably not).

If levy initiated before bankruptcy is filed:

- Notify County Attorney and discuss whether to continue (maybe/depends).

REMEMBER: Once in bankruptcy, Debtor's assets are protected by the automatic stay. Court Order allowing levy to proceed is required. Funds should be released or held depending on County Attorney decision.

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Dismissal



- More common in Chapter 13 than Chapter 7.
- Wait period of 180 days required before new bankruptcy.
- Requires Court Order. Motion to Dismiss is usually brought by a creditor or Trustee either before or after Plan is approved.
- Reasons include:
 1. Failure to make monthly payments to Trustee.
 2. Failure to complete required credit counseling course.
 3. Not filed in good faith.
 4. Failure to remain current with ongoing support obligations.

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Discharge



- Court order is needed to discharge the debtor.
- Automatic Stay is terminated upon entry of discharge order.
- All dischargeable debts are now gone and creditors cannot attempt further collection.
- Non-dischargeable debts remain and collection efforts can resume (Including court enforcement if appropriate).
- **NOTE: Child support is a non-dischargeable debt.**
- **REMINDER:** CSO should verify that Debtor is current in ongoing support payments approximately 60 days prior to end of the Ch. 13 Plan and consult with county attorney if Debtor is not current.
- CSO should end out the BAND screen on PRISM.

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Unique Issues

- Duplicate Proofs of Claim
- Satisfaction, Withdrawal or Amendment of Proof of Claim
- Proceedings in other states.
- Income tax refunds
- PRISM Distribution of payments from Ch. 13 Trustee

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Duplicate Proofs of Claim

- Avoid this problem:
 - CSOs should review Plan, Petition and attachments to see whether Debtor listed both IV-D agency and CP as creditors for same amount of arrear.
 - Contact CP to discuss and determine whether CP has already filed a proof of claim.
- If duplicate claims have been filed, consult County Attorney to determine which claim will be withdrawn.
- County Attorney should contact Trustee to discuss if necessary.

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Satisfaction, Withdrawal or Amendment of Claim

- If the claim was filed in error and there are no funds due the creditor or it is a duplicate claim, the claim should be **withdrawn**. You cannot withdrawal a claim that the Trustee has made payments on unless you agree to return the payments received. Also, cannot withdrawn a claim that is contested until Court rules on the objection. (**Fed. R. of Bankr. P. 3006**)
- ePOC allows creditors to easily amend or withdrawal a proof of claim online by following instructions available on website.
- **Amend** the claim if there is a change in the amount due or there is documentation that needs to be added or changed.
- If claim paid in full prematurely, send letter of **Satisfaction** to Trustee's Office.

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Out-Of-State Bankruptcy Cases



- Contact CSO in other state to discuss which agency will file the Proof of Claim.
- Make sure that other state IV-D agency receives updates and request same as case progresses.
- Follow same procedures for review of Plan and contact with Debtor's attorney and/or Trustee to discuss concerns.
- County Attorney must be admitted to practice before the U.S. District Court for the district where bankruptcy filed or request admission *pro hac vice* before filing documents.

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Tax Refunds



- IV-D Interception of state and federal income tax refunds are exempt from automatic stay. **11 U.S. §362 (b)(2)(F)**
- **HOWEVER** practical problems remain.
- Most MN Plans include a specific provision that allows the Debtor to keep \$1,200 (single filer) and \$2,000 (joint filer) as well as any Earned Income Credit and Working Family Credit.
- **Read terms of proposed Plan carefully.**

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Distribution of Payments




- Payments made to CSPC by U.S. Trustee will distribute according to federal distribution rules.
- This can be problematic if Plan proposes different treatment of arrears owed on multiple cases.
- Review Plan and contact other county attorneys, if necessary, to discuss content and approval of Plan.
 - **Ex.)** Plan proposes paying County A arrears inside Plan and County B arrears outside of Plan.
- CSPC must be notified if Plan confirmed so special distribution of payments will occur.
- Failure to abide by Order confirming Plan may result in finding of contempt against the county for violating the terms of the Plan.

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Questions ???

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CONTACT INFORMATION:

Susan Hanstad
 Assistant Hennepin County Attorney
Susan.Hanstad@Hennepin.us
 Phone: (612) 342-2286

Scott Orrey
 Ramsey County Child Support Officer
Scott.Orrey@co.ramsey.mn.us
 Phone: (651) 266-3352

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END



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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Debtor(s).

Case No. - BKY 1
Chapter 13 Case

NOTICE TO CHILD SUPPORT ENFORCEMENT AGENCY UNDER 11 U.S.C. § 1302(d)

TO: Office of Child Support Enforcement
Department of Human Services
P.O. Box 64946
St. Paul, MN 55164-0946

PLEASE TAKE NOTICE that a Chapter 13 bankruptcy case has been filed by the individual(s) named above, and a "domestic support obligation" (as defined by 11 U.S.C. § 101(14A)) is among the claims in this case.

I. NOTICE TO CHILD SUPPORT ENFORCEMENT AGENCY: The name, address, and telephone number (if known) of the holder(s) of the domestic support obligation claim(s) in this case is/are as follows:

Obligee
4xx - AVENUE
ANYPLACE, MN

Dated: February 12, 2013

/s/ Lindsey Hansen
For Jasmine Z. Keller, Trustee
12 South 6th Street, Suite 310
Minneapolis, MN 55402
(612) 338-7591

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Debtor(s).

Case No. - BKY Chapter
13 Case

NOTICE TO DOMESTIC SUPPORT OBLIGEE UNDER 11 U.S.C. § 1302(d)

TO: Obligee
4xxx - TH AVENUE
ANYPLACE, MN

PLEASE TAKE NOTICE that a Chapter 13 bankruptcy case has been filed by the individual(s) named above, and a "domestic support obligation" (as defined by 11 U.S.C. § 101(14A)) is among the claims in this case.

I. NOTICE TO DOMESTIC SUPPORT OBLIGATION CLAIM HOLDER: As the holder of a domestic support obligation claim, you have the right to use the services of the State child support enforcement agency in the state where you reside, identified below, for assistance in collecting child support during and after the Chapter 13 case:

Office of Child Support Enforcement
Department of Human Services
P.O. Box 64946
St. Paul, MN 55164-0946
651-296-2542

Dated: February 12, 2013

/s/ Lindsey Hansen
For Jasmine Z. Keller, Trustee
12 South 6th Street, Suite 310
Minneapolis, MN 55402
(612) 338-7591

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Debtor(s).

Case No. - BKY Chapter
13 Case

NOTICE TO CHILD SUPPORT ENFORCEMENT AGENCY RE DISCHARGE OF DEBTOR(S)

TO: Office of Child Support Enforcement
Department of Human Services
P.O. Box 64946
St. Paul, MN 55164-0946

PLEASE TAKE NOTICE:

1. The debtor(s) named above received a discharge under § 1328 of the Bankruptcy Code on .
2. The last recent known address of the debtor who owed the domestic support obligation is:
xxx AVENUE NE
APT xxx
Anyplace, MN
3. The last recent known name and address of the employer of the debtor named in ¶ 2 is:
GENERAL HOSPITAL
640 Jolly STREET
ANYTOWN, MN
4. The name of each creditor holding a claim against the debtor named in ¶ 2 that was **not** discharged under 11 U.S.C. § 523(a)(2) or (4) is as follows: ECMC
5. The name of each creditor whose claim was reaffirmed under 11 U.S.C. § 524(c) by the debtor named in ¶ 2 is as follows:

Dated: March 13, 2017

/s/ Linda Goneau
For Gregory A. Burrell, Trustee
100 South Fifth Street, Suite 480
Minneapolis, MN 55402
(612) 338-7591

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Debtor(s).

Case No. - BK Y Chapter
13 Case

NOTICE TO DOMESTIC SUPPORT OBLIGEE RE DISCHARGE OF DEBTOR(S)

TO: Obligee
4xxx - TH AVENUE,
Anyplace, MN

PLEASE TAKE NOTICE:

1. The debtor(s) named above received a discharge under § 1328 of the Bankruptcy Code on .
2. The last recent known address of the debtor who owed the domestic support obligation is:
4xx - xxTH AVENUE
AnyPlace, MN
3. The last recent known name and address of the employer of the debtor named in ¶ 2 is:
4. The name of each creditor holding a claim against the debtor named in ¶ 2 that was **not** discharged under 11 U.S.C. § 523(a)(2) or (4) is as follows: ECMC
5. The name of each creditor whose claim was reaffirmed under 11 U.S.C. § 524(c) by the debtor named in ¶ 2 is as follows:

Dated: March 13, 2017

/s/ Linda Goneau
For Gregory A. Burrell, Trustee
100 South Fifth Street, Suite 480
Minneapolis, MN 55402
(612) 338-7591

Information to identify the case:

Debtor 1	_____	Social Security number or ITIN	xxx-xx-
	First Name Middle Name Last Name	EIN	- - -
Debtor 2	_____	Social Security number or ITIN	- - - -
(Spouse, if filing)	First Name Middle Name Last Name	EIN	- - -
United States Bankruptcy Court	District of	Date case filed for chapter 7	10/31/17
Minnesota Case number:	17-xxxxx - WJF		

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

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For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

About Debtor 1		About Debtor 2:
1. Debtor's full name	1:	
2. All other names used in the last 8 years		
3. Address		
4. Debtor's attorney Name and address		Contact phone _____
5. Bankruptcy trustee Name and address		Contact phone 612 _____ Email _____

For more information, see page 2 >

Debtor

Case number 17-xxxx

6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	200 Warren E Burger Federal Building and US Courthouse 316 N Robert St St Paul, MN 55101	Hours open: Monday – Friday: 8:00am – 5:00pm Contact phone: 651-848-1000 Web address: www.mnb.uscourts.gov Date: 11/1/17
7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.	November 30, 2017 at 01:30 PM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: U S Courthouse Rm 402, 316 N Robert St, St Paul, MN 55101
8. Presumption of abuse If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.	The presumption of abuse does not arise.	
9. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: <ul style="list-style-type: none">• if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or• if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6).	Filing deadline: 1/29/18 You must file a motion: <ul style="list-style-type: none">• if you assert that the discharge should be denied under § 727(a)(8) or (9).
	Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.	Filing deadline: 30 days after the conclusion of the meeting of creditors
	Certificate of Completion of Financial Management Course due: Credit Counseling and Debtor Education Information can be found at http://www.usdoj.gov/ust/eo/bapcpa/ccde/index.htm	Filing deadline: 1/29/18
10. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.	
11. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
12. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.	

Information to identify the

case: Debtor 1

First Name Middle Name Last Name

Debtor 2

(Spouse, if filing)

First Name Middle Name Last Name

United States Bankruptcy Court Eastern District of Wisconsin

Case number: 18-

Social Security number or ITIN xxx-xx- E IN

Social Security number or ITIN

EIN

Date case filed for chapter 13 7/27/18

Official Form 309I**Notice of Chapter 13 Bankruptcy Case**

12/17

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

About Debtor 1		About Debtor 2:
1. Debtor's full name	:	
2. All other names used in the last 8 years		
3. Address		
4. Debtor's attorney Name and address		Contact phone Email:
5. Bankruptcy trustee Name and address	Chapter 13 Trustee PO Box	Contact phone
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	Room 126, U.S. Courthouse 517 East Wisconsin Avenue Milwaukee, WI 53202-4581	Office Hours: <u>Monday through Friday, 8:30 A.M. until 4:30 P.M., except legal holidays.</u> Contact phone (414) 297-3291 Date: 7/30/18

For more information, see page 2

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

September 6, 2018 at 10:30 AM

Location:

Room 618,, 200 N. Jefferson St., Green Bay, WI 54301

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

***** Valid photo identification required *****

8. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

Deadline to file a complaint to challenge dischargeability of certain debts:

Filing deadline: 11/5/18

You must file:

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f) or
- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: 10/5/18

Deadline for governmental units to file a proof of claim:

See Fed. R. Bankr. P. 3002(c)(1)

Deadlines for filing proof of claim:

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

Deadline to object to exemptions:

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

Filing deadline: 30 days after the conclusion of the meeting of creditors

9. Filing and objecting to a plan

The debtor has filed a plan and a copy is attached. If a party files a written objection to confirmation of the proposed plan no later than 28 days after the completion of the Meeting of Creditors, the Court will schedule a hearing. If no party files a written objection to the plan, the Court may confirm the plan without a hearing. The only person who will be notified of the hearing date will be the trustee, counsel for the debtor (or the debtor if the debtor is not represented by counsel), the Office of the United States Trustee, the objecting party, and all other persons who specifically request in writing to receive notice electronically.

10. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. Filing a chapter 13 bankruptcy case

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

12. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

13. Discharge of debts

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion.

**UNITED STATES BANKRUPTCY COURT
DISTRICT COURT OF MINNESOTA
FOURTH DIVISION**

In Re:

,

Debtor.

BKY 18-XXX RJK
Chapter 13 Case

NOTICE OF WITHDRAWAL OF CLAIM

Pursuant to Fed. R. of Bankr. P. 3006, the County of Hennepin on behalf of individual creditor and custodial parent XXX hereby withdraws its Proof of Claim dated April 18, 2018 and registered as Claim No. 4 in the Claims Register for the above referenced case.

MICHAEL O. FREEMAN
Hennepin County Attorney

Dated: May 31, 2018

By: /e/ Susan M. Hanstad
SUSAN M. HANSTAD (Lic # 019346X)
Senior Assistant County Attorney
110 South Fourth Street
Minneapolis, Minnesota 55401
ATTORNEY FOR HENNEPIN COUNTY
Telephone: (612) 348-6392
Fax: (612) 348-3128
HCAO.CSD@hennepin.us

Document Page 2 of 9
United States Bankruptcy Court
District of Minnesota, St. Paul Division

IN RE:

Case No. _____

Debtor(s) _____

Chapter 13**AMENDED CHAPTER 13 PLAN**Dated: December 20, 2016.**1. DEBTOR'S PAYMENTS TO TRUSTEE –**

- 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 \$ varies¹ per month for 60 months, beginning within 30 days after the relief for a total of \$ 45,600.00. The minimum plan length is ☒ 36 or ☐ 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee: n/a
- d. The debtor will pay the trustee a total of \$ 45,600.00 [line 1(a) + line 1(b) + line 1(c)].
- ¹ 24 payments of \$550.00 followed by 36 payments of \$900.00

2. PAYMENTS BY TRUSTEE – The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 4,560.00 , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] – The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>TOTAL PAYMENTS</i>
None			
TOTAL			0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
None	

5. CLAIMS NOT IN DEFAULT – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Claim</i>
None	

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(c)] – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. 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>
None					
TOTAL					0.00

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] – The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate .

<i>Creditor</i>	<i>Amount of Default</i>	<i>Int. rate (if any)</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
None						
TOTAL						0.00

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor’s discharge. 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 IS A DETERMINATION OF THE CREDITOR’S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment	Number of Payments	Payments on Account of Claim	Adequate Protection from ¶ 3	TOTAL PAYMENTS
None									
TOTAL									0.00

9. PRIORITY CLAIMS – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Anderson & Associates, LLC	2,500.00	495.00	1	6	2,500.00
Hennepin County services Division	11,109.11				11,109.11
Internal Revenue Service	22,313.00	pro rata			22,313.00
Minnesota Department Of Revenue	4,810.00	pro rata			4,810.00
Dakota County					
Carver County					
TOTAL					40,732.11

10. SEPARATE CLASSES OF UNSECURED CREDITORS – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Int. Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
TOTAL						0.00

11. 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, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 307.89 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 54,474.10.

b. The debtor estimates that the debtor’s total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 23,056.14.

c. Total estimated unsecured claims are \$ 77,530.24 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS – The trustee may distribute additional sums not expressly provided for herein at the trustee’s discretion.

a. Tax Refunds: The debtors shall provide the trustee with copies of the debtors’ federal and state income tax returns annually for the duration of the chapter 13 case. The debtor’s may keep the first \$2,000.00 of the refund in a joint case plus any earned income credit (EIC) plus any Minnesota Working Family credit. Any amount in excess of \$2,000.00 shall be paid to the trustee as an additional plan payment.

b. In the event of the surrender, foreclosure, repossession or return of any collateral to any secured creditor listed in paragraphs 4, 5, 6, 7 or 8, for any reason, the creditor may amend its Proof of Claim to a general unsecured claim and the Trustee shall pay the claim as a general unsecured claim. Any alleged balance of any claim to such creditor shall be discharged upon the debtor receiving a discharge in this case. The 2012 Chevrolet Express Cargo Van was surrendered prior to filing this bankruptcy back to Jim Dorn sales. Debtor is surrendering a 2004 Buick Rendezvous back to Security Auto Loans.

c. Both the obligors (holders of the claims for Dakota and Carver) have agreed to different treatment of their claim. Each have signed affidavits stating that the arrears do not have to be paid in full in Debtor's chapter 13 case. Hennepin County requires that the Debtor remains current on his post-petition on-going monthly support obligations by paying the full amount of support in a timely fashion as it comes due. In the event of a default, Hennepin County must mail a letter by first class mail to the Debtor and the Debtor's attorney that gives notice of said default and a thirty (30) day period to cure and if such cure was not made, Hennepin County would be entitled to seek an ex parte order for dismissal.

14. SUMMARY OF PAYMENTS –

Trustee's Fee [Line 2]	\$ <u>4,560.00</u>
Home Mortgage Defaults [Line 6(d)]	\$ <u>0.00</u>
Claims in Default [Line 8(d)]	\$ <u>0.00</u>
Other Secured Claims [Line 8(d)]	\$ <u>0.00</u>
Priority Claims [Line 9(f)]	\$ <u>40,732.11</u>
Separate Classes [Line 10(c)]	\$ <u>0.00</u>
Unsecured Creditors [Line 11]	\$ <u>307.89</u>
TOTAL [must equal Line 1(d)]	\$ <u>45,600.00</u>

Signed: /s/

DEBTOR I

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim**1. Who is the current creditor?**

Name of the current creditor (the person or entity to be paid for this claim) _____

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?☐ No☐ Yes. From whom? _____**3. Where should notices and payments to the creditor be sent?**Federal Rule of
Bankruptcy Procedure
(FRBP) 2002(g)**Where should notices to the creditor be sent?**

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Where should payments to the creditor be sent? (if different)

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):
_____**4. Does this claim amend one already filed?**☐ No☐ Yes. Claim number on court claims registry (if known) _____Filed on _____
MM / DD / YYYY**5. Do you know if anyone else has filed a proof of claim for this claim?**☐ No☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?** ☐ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ _

7. **How much is the claim?** \$ _____. **Does this amount include interest or other charges?**
☐ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
- _____

9. **Is all or part of the claim secured?** ☐ No
☐ Yes. The claim is secured by a lien on property.
- Nature of property:**
- ☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
- ☐ Motor vehicle
- ☐ Other. Describe: _____
- Basis for perfection:** _____
- Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
- Value of property:** \$ _____
- Amount of the claim that is secured:** \$ _____
- Amount of the claim that is unsecured:** \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
- Amount necessary to cure any default as of the date of the petition:** \$ _____
- Annual Interest Rate** (when case was filed) _____ %
- ☐ Fixed
- ☐ Variable

10. **Is this claim based on a lease?** ☐ No
☐ Yes. **Amount necessary to cure any default as of the date of the petition.** \$ _____

11. **Is this claim subject to a right of setoff?** ☐ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:

Case No.: 16-XXXXXME

J.B. S,
Debtor

R Chapter 13 Case

NOTICE OF HEARING AND MOTION OBJECTING
TO CONFIRMATION OF CHAPTER 13 PLAN

TO: All parties in interest pursuant to Local Rule 9013-3.

1. Gregory A. Burrell, Chapter 13 Trustee (the "trustee"), moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 10:30 a.m. on November 3, 2016, in Courtroom No. 7 West, United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota.

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 debtor filed the petition commencing this chapter 13 case on July 13, 2016. The case is now pending in this court.

5. This motion arises under Bankruptcy Rule 1017. This motion is filed under Bankruptcy Rule 9014 and Local Rules 3015-3, 9006-1, 9013-1 through 9013-5, and such other Local Rules as may pertain. Movant requests on order denying confirmation of the debtor's chapter 13 plan.

6. The debtor is current through the end of October 2016 with his plan payments to the trustee. To date the debtor has paid the trustee \$1,080. The trustee has on hand and available \$942.37.

7. The debtor's modified plan dated October 20, 2016 provides for sixty monthly payments of \$360 for a total of \$21,600. The plan provides for distribution as follows:

Trustee's Percentage	\$2,160
Fee - 10%	
Wells Fargo	\$4,069.06

IRS – Priority	\$7,869.27
MDR – Priority	\$3,348.59
Debtor Attorney Fees – Priority	\$3,000
Hennepin County Collection Services – Priority	\$500
General Unsecured Creditors ¹	\$653.08
Total	\$21,600

8. The amount of Hennepin County Collection Services’ claim is \$2,987.16. *See* Claims Register, Claim No. 3 (the “Claim”). This is a priority claim pursuant to 11 U.S.C. § 507(a)(1)(A). The trustee objects to the plan has not provided for full payment of that claim as required under 11 U.S.C. § 1322(a)(2). The trustee also has not been able to verify that the holder of the claim agrees to a different treatment of the claim.²

9. Upon information received from the Hennepin County Attorney’s office, the claim was not assigned to that agency. The trustee also objects to the plan as ¶ 13 provides that:

Pursuant to 11 U.S.C. Sections 1322 (a)(4) and 507(a)(1)(B), the debtors' plan provides for less than full payment of prepetition domestic support obligations owed by Debtor James Stoker to domestic support obligee Catherine MacNaughton. Confirmation of this plan constitutes an acknowledgment by Hennepin County and domestic support obligee Catherine MacNaughton that such obligations have been involuntarily assigned to Hennepin County by the domestic support obligee, in repayment of received human services, social welfare, or other governmental benefits. Debtor James Stoker acknowledges that any domestic support obligations not paid in full are excepted from discharge.

Modified Plan, at ¶ 13. The plan attempts to make a factual determination that the claim was assigned to Hennepin County, thereby allowing for treatment under 11 U.S.C. § 1322(a)(4). The plan does not comply with 11 U.S.C. § 1322(b)(11) which provides that “the plan . . . may include any other appropriate provision not inconsistent with this title.” 11 U.S.C. § 1322(b)(11).

13. The trustee relies on the debtor’s sworn schedules on file with the bankruptcy court and the record herein.

¹ The general unsecured claims on file total \$4,299.14.

² The trustee will not object generally to the treatment of the Claim claims once he receives the agreement from Hennepin County.

14. If necessary, the debtor and/or an employee of the trustee may be called to testify in support of this motion.

WHEREFORE, the trustee moves the court for an order dismissing this case and such other relief as may be just and equitable.

Gregory A. Burrell, Chapter 13 Trustee

Dated: November 2, 2016

Signed: /e/ Jeffrey M. Bruzek

Margaret H. Culp, ID # 180609

Jeffrey M. Bruzek, ID #319260

Counsel for Chapter 13 Trustee

100 South Fifth Street, Suite 480

Minneapolis, MN 55402

(612) 338-7591

VERIFICATION

I, Jeffrey M. Bruzek, employed by the Chapter 13 Trustee, the movant named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 2, 2016

Signed: /e/ Jeffrey M. Bruzek

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:

Case No.: 16-XXXXXME

J. B. S >,
Debtor

R Chapter 13 Case

MEMORANDUM IN SUPPORT OF MOTION FOR DENIAL OF PLAN CONFIRMATION

FACTS

The facts are summarized in the accompanying verified motion and are incorporated herein.

LEGAL DISCUSSION

I. The Claim is entitled to full payment under 11 U.S.C. § 1322(a)(2).

11 U.S.C. § 1322(a)(2) provides that “The plan - shall provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507 of this title, unless the holder of a particular claim agrees to a different treatment of such claim.” 11 U.S.C. § 1322(a)(2). An express affirmation of consent is required to meet the requirements of 11 U.S.C. § 1322(a)(2).” *In re Northrup*, 141 B.R. 171, 173 (N.D. Iowa. 1991); *In re Burnett*, 646 F.3d 575, 580 (8th Cir. 2011); *In re Smith*, 212 B.R. 830, 831 (Bankr. E.D. Va. 1997). As the Claim was not assigned to Hennepin County the plan cannot be confirmed without full payment to the priority claimant. The plan does not provide either full payment or an agreement that shows that the claimant has agreed to such treatment. The plan is unconfirmable.

II. The plan’s treatment of the claim are prohibited under 11 U.S.C. § 1322(b)(11).

11 U.S.C. § 1322(b)(11) provides that “the plan . . . may include any other appropriate provision not inconsistent with this title.” 11 U.S.C. § 1322(b)(11). The language in Paragraph 13 is prohibited by law as it attempts to alter the classification of whether the claim was assigned to Hennepin County. *See In re Hofer*, 437 B.R. 680 (Bankr.D.Minn, 2010)(Chapter 13 plans that attempt to alter obligations under a divorce decree are prohibited); *Marshall v Marshall*, 547 U.S. 293, 295 (2006)(stating that only divorce, alimony, and child custody decrees remain outside federal jurisdictional bounds); *Ankenbrandt v Richards*, 504 U.S. 689, 701-702 (1992)(stating that federal courts have no authority to hear cases that seek the modification of a divorce or alimony decree).

The trustee objects to the plan as proposed as it the plan seeks to alter the classification with regard to the assignment of the Claim thereby allowing the debtor to pay the claim less than

100% without an express agreement. The provisions of 11 U.S.C. § 1322(a)(4), referencing 11 U.S.C. § 507(a)(1)(B), which allows different treatment for an assigned domestic support obligation claim are not available to the debtor because the claim has not been assigned to a governmental unit.

CONCLUSION

For the reasons stated herein, this trustee requests that the court deny confirmation of the debtor's plan.

Gregory A. Burrell, Chapter 13 Trustee

Dated: November 2, 2016

Signed: /e/ Jeffrey M. Bruzek
Margaret H. Culp, ID # 180609
Jeffrey M. Bruzek, ID # 319260
Counsel for Chapter 13 Trustee
100 South Fifth Street, Suite 480
Minneapolis, MN 55402
(612) 338-7591

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:

Case No.: 16-XXXXX ME

J.B. S>,
Debtor

R Chapter 13 Case

UNSWORN DECLARATION FOR PROOF OF SERVICE

I, D. K. employed by Gregory A. Burrell, Chapter 13 Trustee, declare that on November 2, 2016, I served Notice of Hearing and Motion Objecting to Plan Confirmation, Memorandum of Facts and Law and proposed Order on all Filing Users by electronic mail and on the individual(s) listed below, in the manner described:

By first class U.S. mail, postage prepaid:

J. S.

0000 - 123TH PLACE NORTH

Plymouth, MN 55441

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: November 2, 2016

/e/ D. K.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:

J. B. S.,
Debtor

Case No.: 16-XXXXX ME

R Chapter 13 Case

ORDER

At Minneapolis, Minnesota.

The above-entitled matter came before the undersigned United States Bankruptcy Judge on the motion of Gregory A. Burrell, Chapter 13 Trustee for denial of plan confirmation.

Upon the verified motion and all of the files, records and proceedings herein,

IT IS ORDERED:

1. Confirmation of the debtor's plan is denied.

Dated: _____

Michael E. Ridgway
United States Bankruptcy Judge