

2:10-bk-34288-GBN MEMIE C. BURTON, JR.

Case type: bk **Chapter:** 11 **Asset:** Yes **Vol:** v **Judge:** George B. Nielsen Jr.

Date filed: 10/25/2010 **Date of last filing:** 08/15/2014

Case Summary

Office: Phoenix

County: MARICOPA-AZ

Fee: Paid

Origin: 0

Previous term:

Joint: n

Current chapter: 11

Previous chapter: 13

Nature of debt: consumer

Party 1: BURTON, MEMIE C. JR. (Debtor)

SSN / ITIN: xxx-xx-8417

Atty: DEAN WILLIAM O'CONNOR **Represents party 1:** Debtor **Phone:** 602-956-9555

Fax: 602-801-9070

Email: DWOConnor@aol.com

Location of case files:

MEMIE C. BURTON JR.
Case No.

CITI
PO BOX 6241
SIOUX FALLS

CITI BANK
PO BOX 6241
SIOUX FALLS, SD 57117

CITI CARD
PO BOX 6241
SIOUX FALLS, SD 57117

CITY OF GLENDALE
5850 WEST GLENDALE AVE
GLENDALE, AZ 85301

DUSKIN AND DUSKIN
2126 W. INDIANSCHOOL RD.
PHOENIX, AZ 85015

FIFTH THIRD BANK
FIFTH THIRD CENTER
CINCINNATI, OH 45623

INDY MAC
6900 BEATRICE DRIVE
KALAMAZOO, MI 49003

IRS
4041 N. CENTRAL AVENUE
PHOENIX, AZ 85012

LONNIE WILLIAMS
ONE RENAISSANCE SQUARE
TWO CENTRAL AVENUE
PHONEIX, AZ 85004-2391

MEMIE C. BURTON JR.
Case No.

TIM THOPSON
2901 N. CENTRAL, SUITE 200
PHOENIX, AZ 85012-2705

USAA BANK
10750 INTERSTATE HWY. 10
SAN ANTONIO, TX 78288

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

DECLARATION

Debtor (s) ' Name (s)

Case No. _____

MEMIE C. BURTON JR.

I, **MEMIE C. BURTON JR.**, do hereby certify, under penalty of perjury, that the Master Mailing List, consisting of 2 sheets(s), is complete, correct and consistent with the debtor(s) schedules.

Date of execution: 10/25/2010

/s/ MEMIE C. BURTON JR.

/s/Dean W. O'Connor, Esq.

MEMIE C. BURTON JR.

Dean O'Connor

SCANNING

REVISED 11/19/96

**United States Bankruptcy Court
District of Arizona**

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): BURTON JR., MEMIE, C.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): KENNEDY REST, L.L.C.	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all): 8417, 86-0800391	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all):
Street Address of Debtor (No. & Street, City, and State): 10214 N. 44TH ST. PHOENIX, AZ	Street Address of Joint Debtor (No. & Street, City, and State):
ZIP CODE 85028	ZIP CODE
County of Residence or of the Principal Place of Business: MARICOPA	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
ZIP CODE	ZIP CODE
Location of Principal Assets of Business Debtor (if different from street address above):	
ZIP CODE	

<p align="center">Type of Debtor (Form of Organization) (Check one box.)</p> <p><input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i></p> <p><input type="checkbox"/> Corporation (includes LLC and LLP)</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____</p>	<p align="center">Nature of Business (Check one box)</p> <p><input type="checkbox"/> Health Care Business</p> <p><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)</p> <p><input type="checkbox"/> Railroad</p> <p><input type="checkbox"/> Stockbroker</p> <p><input type="checkbox"/> Commodity Broker</p> <p><input type="checkbox"/> Clearing Bank</p> <p><input type="checkbox"/> Other</p> <hr/> <p align="center">Tax-Exempt Entity (Check box, if applicable)</p> <p><input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code.)</p>	<p align="center">Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)</p> <p><input type="checkbox"/> Chapter 7</p> <p><input type="checkbox"/> Chapter 9</p> <p><input type="checkbox"/> Chapter 11</p> <p><input type="checkbox"/> Chapter 12</p> <p><input checked="" type="checkbox"/> Chapter 13</p> <p><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding</p> <p><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding</p> <hr/> <p align="center">Nature of Debts (Check one box)</p> <p><input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."</p> <p><input type="checkbox"/> Debts are primarily business debts.</p>
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<p align="center">Filing Fee (Check one box)</p> <p><input checked="" type="checkbox"/> Full Filing Fee attached</p> <p><input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b) See Official Form 3A.</p> <p><input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.</p>	<p align="center">Chapter 11 Debtors</p> <p>Check one box:</p> <p><input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).</p> <p><input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).</p> <p>Check if:</p> <p><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). -----</p> <p>Check all applicable boxes</p> <p><input type="checkbox"/> A plan is being filed with this petition</p> <p><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).</p>
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<p>Statistical/Administrative Information</p> <p><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.</p> <p><input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.</p>	THIS SPACE IS FOR COURT USE ONLY																				
<p>Estimated Number of Creditors</p> <table style="width:100%; text-align: center;"> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>1-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1,000-5,000</td> <td>5,001-10,000</td> <td>10,001-25,000</td> <td>25,001-50,000</td> <td>50,001-100,000</td> <td>Over 100,000</td> </tr> </table>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	Over 100,000	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
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<p>Estimated Assets</p> <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>\$100,000,001 to \$500 million</td> <td>\$500,000,001 to \$1 billion</td> <td>More than \$1 billion</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion												
<p>Estimated Liabilities</p> <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>\$100,000,001 to \$500 million</td> <td>\$500,000,001 to \$1 billion</td> <td>More than \$1 billion</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion												

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): MEMIE C. BURTON JR.	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed: NONE	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: NONE	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts)	
<input type="checkbox"/> Exhibit A is attached and made a part of this petition.		I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> /s/Dean W. O'Connor, Esq. Signature of Attorney for Debtor(s) Dean O'Connor </div> <div style="text-align: center;"> 10/25/2010 Date 011941 </div> </div>	
Exhibit C			
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No			
Exhibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)			
<input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following). <div style="margin-left: 40px;"> _____ (Name of landlord that obtained judgment) </div> <div style="margin-left: 40px;"> _____ (Address of landlord) </div>			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition
(This page must be completed and filed in every case)

Name of Debtor(s):
MEMIE C. BURTON JR.

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
 [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
 [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

/s/ MEMIE C. BURTON JR.
 Signature of Debtor **MEMIE C. BURTON JR.**

Not Applicable
 Signature of Joint Debtor _____

 Telephone Number (If not represented by attorney)

10/25/2010
 Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only **one** box.)

I request relief in accordance with chapter 15 of Title 11, United States Code. Certified Copies of the documents required by § 1515 of title 11 are attached.

Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Not Applicable
 (Signature of Foreign Representative) _____

 (Printed Name of Foreign Representative)

 Date

Signature of Attorney

/s/Dean W. O'Connor, Esq.
 Signature of Attorney for Debtor(s)

Dean O'Connor Bar No. 011941
 Printed Name of Attorney for Debtor(s) / Bar No.

Sallquist, Drummond & O'Connor, PC
 Firm Name

1430 E. Missouri Avenue Suite B-125
 Address

Phoenix, AZ 85014
 Address

602-224-9222 **602-244-9366**
 Telephone Number

10/25/2010
 Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Non-Attorney Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Not Applicable
 Printed Name and title, if any, of Bankruptcy Petition Preparer _____

 Certification number. (If the bankruptcy petition preparer is not an individual, state the Certification number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

 Address

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Not Applicable
 Signature of Authorized Individual _____

 Printed Name of Authorized Individual

 Title of Authorized Individual

 Date

Not Applicable

 Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

In re: **MEMIE C. BURTON JR.**
 Debtor

Case No. _____
 (If known)

SCHEDULE A - REAL PROPERTY

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
10214 N. 44TH ST. PHOENIX, AZ 85028		H	\$ 840,000.00	\$ 828,000.00
Total >			\$ 840,000.00	

(Report also on Summary of Schedules.)

In re MEMIE C. BURTON JR.

Case No. _____

Debtor

(If known)

SCHEDULE B - PERSONAL PROPERTY

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	<input checked="" type="checkbox"/>			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.	<input type="checkbox"/>	CHECKING ACCOUNT 2986 FIFTH THIRD BANK		150.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	<input checked="" type="checkbox"/>			
4. Household goods and furnishings, including audio, video, and computer equipment.	<input type="checkbox"/>	FURNITURE		4,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	<input checked="" type="checkbox"/>			
6. Wearing apparel.	<input type="checkbox"/>	MENS CLOTHING		200.00
7. Furs and jewelry.	<input checked="" type="checkbox"/>			
8. Firearms and sports, photographic, and other hobby equipment.	<input checked="" type="checkbox"/>			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	<input checked="" type="checkbox"/>			
10. Annuities. Itemize and name each issuer.	<input checked="" type="checkbox"/>			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	<input checked="" type="checkbox"/>			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	<input type="checkbox"/>	TSP THRIFT SAVING PLAN		240K
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	<input type="checkbox"/>	FORD, GM, CISCO		16,000.00
14. Interests in partnerships or joint ventures. Itemize.	<input type="checkbox"/>	KENNEDY REST L.L.C		0.00
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	<input type="checkbox"/>	ORLEANS ESAT LD.H.A.		0.00
16. Accounts receivable.	<input checked="" type="checkbox"/>			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	<input checked="" type="checkbox"/>			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	<input checked="" type="checkbox"/>			

In re MEMIE C. BURTON JR.

Case No. _____

Debtor

(If known)

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1991 MERCEDES 550 SEL	H	3,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		2007 TOYOTA CAMRY		21,000.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			
<u>1</u> continuation sheets attached			Total >	\$ 44,350.00

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

In re MEMIE C. BURTON JR.

Debtor

Case No. _____

(If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)

Check if debtor claims a homestead exemption that exceeds \$146,450.*

11 U.S.C. § 522(b)(2)

11 U.S.C. § 522(b)(3)

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
10214 N. 44TH ST. PHOENIX, AZ 85028	ARS § 33-1101	22,000.00	840,000.00
CHECKING ACCOUNT 2986 FIFTH THIRD BANK	ARS § 33-1126(A)(9)	150.00	150.00
FURNITURE	ARS § 33-1123	4,000.00	4,000.00
MENS CLOTHING	ARS § 33-1125(1)	200.00	200.00
TSP THRIFT SAVING PLAN	ARS § 33-1126(B)	240K	240K

* Amount subject to adjustment on 4/1/13 and every three years thereafter with respect to cases commenced on or after the date of adjustment.

In re MEMIE C. BURTON JR.
Debtor

Case No. _____
(If known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions, Above.)	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			10214 N. 44TH ST. PHOENIX, AZ 85028 VALUE \$840,000.00				828,000.00	0.00
INDY MAC 6900 BEATRICE DRIVE KALAMAZOO, MI 49003								
ACCOUNT NO.			2007 TOYOTA CAMRY VALUE \$21,000.00				10,000.00	0.00
USAA BANK 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288								

0 continuation sheets attached

Subtotal >
(Total of this page)

Total >
(Use only on last page)

\$ 838,000.00	\$ 0.00
\$ 838,000.00	\$ 0.00

(Report also on Summary of Schedules) (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

In re MEMIE C. BURTON JR.

Debtor

Case No. _____

(If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets.)

Domestic Support Obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$11,725* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$5,775* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

Deposits by individuals

Claims of individuals up to \$2,600* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).

Claims for Death or Personal Injury While Debtor Was Intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amounts are subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 continuation sheets attached

In re MEMIE C. BURTON JR.
Debtor

Case No. _____
(If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
(Continuation Sheet)

Type of Priority: Taxes and Certain Other Debts Owed to Governmental Units

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
ACCOUNT NO. IRS 4041 N. CENTRAL AVENUE PHOENIX, AZ 85012			941 WITHHOLDING				93,000.00	93,000.00	\$0.00

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors Holding Priority Claims

Subtotals >
(Totals of this page)

\$	93,000.00	\$	93,000.00	\$	0.00
----	------------------	----	------------------	----	-------------

Total >
(Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.)

\$	93,000.00				
----	------------------	--	--	--	--

Total >
(Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.)

		\$	93,000.00	\$	0.00
--	--	----	------------------	----	-------------

In re MEMIE C. BURTON JR.
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						13,000.00
CITI PO BOX 6241 SIOUX FALLS						
ACCOUNT NO.						5,600.00
CITI BANK PO BOX 6241 SIOUX FALLS, SD 57117		PERSONAL CREDIT CARD				
ACCOUNT NO.						41,000.00
CITI CARD PO BOX 6241 SIOUX FALLS, SD 57117		CREDIT CARD				
ACCOUNT NO.						2,500.00
CITY OF GLENDALE 5850 WEST GLENDALE AVE GLENDALE, AZ 85301						
ACCOUNT NO.						8,600.00
DUSKIN AND DUSKIN 2126 W. INDIANSCHOOL RD. PHOENIX, AZ 85015						

1 Continuation sheets attached

Subtotal >	\$ 70,700.00
Total >	\$

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

In re MEMIE C. BURTON JR.
 Debtor

Case No. _____
 (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.							115,000.00
FIFTH THIRD BANK FIFTH THIRD CENTER CINCINNATI, OH 45623							
ACCOUNT NO.							21,000.00
LONNIE WILLIAMS ONE RENAISSANCE SQUARE TWO CENTRAL AVENUE PHOENIX, AZ 85004-2391							
ACCOUNT NO.							39,000.00
TIM THOPSON 2901 N. CENTRAL, SUITE 200 PHOENIX, AZ 85012-2705							

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors
 Holding Unsecured
 Nonpriority Claims

Subtotal >	\$	175,000.00
Total >	\$	245,700.00

(Use only on last page of the completed Schedule F.)
 (Report also on Summary of Schedules and, if applicable on the Statistical
 Summary of Certain Liabilities and Related Data.)

In re: MEMIE C. BURTON JR.
Debtor

Case No. _____
(If known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.
USAA	LEASE OF 2005 LINCOLN NAVIGATOR

In re: MEMIE C. BURTON JR.
Debtor

Case No. _____
(If known)

SCHEDULE H - CODEBTORS

Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
------------------------------	------------------------------

In re **MEMIE C. BURTON JR.**

Case No. _____

Debtor

(If known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: MARRIED	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): DAUGHTER	AGE(S): 23
Employment:	DEBTOR	SPOUSE
Occupation	PHYSICIAN	POLITICIAN
Name of Employer	ARIZONA STATE COPORATION	
How long employed	16 YEARS	17 MONTHS
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)

	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly.)	\$ <u>15,379.00</u>	\$ <u>4,476.00</u>
2. Estimate monthly overtime	\$ <u>0.00</u>	\$ <u>0.00</u>
3. SUBTOTAL	\$ <u>15,379.00</u>	\$ <u>4,476.00</u>
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ <u>6,346.15</u>	\$ <u>0.00</u>
b. Insurance	\$ <u>1,329.88</u>	\$ <u>0.00</u>
c. Union dues	\$ <u>325.00</u>	\$ <u>0.00</u>
d. Other (Specify) DENTAL	\$ <u>292.50</u>	\$ <u>0.00</u>
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ <u>8,293.53</u>	\$ <u>0.00</u>
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ <u>7,085.47</u>	\$ <u>4,476.00</u>
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ <u>0.00</u>	\$ <u>0.00</u>
8. Income from real property	\$ <u>0.00</u>	\$ <u>0.00</u>
9. Interest and dividends	\$ <u>0.00</u>	\$ <u>0.00</u>
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	\$ <u>0.00</u>	\$ <u>0.00</u>
11. Social security or other government assistance (Specify) _____	\$ <u>2,200.00</u>	\$ <u>0.00</u>
12. Pension or retirement income	\$ <u>0.00</u>	\$ <u>0.00</u>
13. Other monthly income (Specify) _____	\$ <u>0.00</u>	\$ <u>0.00</u>
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ <u>2,200.00</u>	\$ <u>0.00</u>
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ <u>9,285.47</u>	\$ <u>4,476.00</u>
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ <u>13,761.47</u>	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document.:

NONE

In re MEMIE C. BURTON JR.

Case No. _____
(If known)

Debtor

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made biweekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	<u>5,067.50</u>
a. Are real estate taxes included? Yes _____ No <u>✓</u>		
b. Is property insurance included? Yes _____ No <u>✓</u>		
2. Utilities: a. Electricity and heating fuel	\$	<u>840.00</u>
b. Water and sewer	\$	<u>360.00</u>
c. Telephone	\$	<u>257.00</u>
d. Other <u>POOL</u>	\$	<u>75.00</u>
3. Home maintenance (repairs and upkeep)	\$	<u>305.00</u>
4. Food	\$	<u>850.00</u>
5. Clothing	\$	<u>100.00</u>
6. Laundry and dry cleaning	\$	<u>60.00</u>
7. Medical and dental expenses	\$	<u>900.00</u>
8. Transportation (not including car payments)	\$	<u>400.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	<u>110.00</u>
10. Charitable contributions	\$	<u>1,060.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	<u>117.00</u>
b. Life	\$	<u>417.06</u>
c. Health	\$	<u>862.00</u>
d. Auto	\$	<u>250.00</u>
e. Other <u>AIG</u>	\$	<u>150.00</u>
<u>MARICOPA CITY TREAS</u>	\$	<u>91.50</u>
12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) <u>HOUSE REAL ESTATE TAXES</u>	\$	<u>100.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	<u>0.00</u>
b. Other <u>CHILD CARE</u>	\$	<u>200.00</u>
<u>DAUGHTER COLLEGE</u>	\$	<u>2,000.00</u>
<u>MEDICAL MEETING</u>	\$	<u>700.00</u>
14. Alimony, maintenance, and support paid to others	\$	<u>200.00</u>
15. Payments for support of additional dependents not living at your home	\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	<u>0.00</u>
17. Other <u>HOUSE KEEPING PERSONAL MAID</u>	\$	<u>600.00</u>

18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

\$	<u>16,072.06</u>
----	------------------

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

20. STATEMENT OF MONTHLY NET INCOME

a. Average monthly income from Line 15 of Schedule I	\$	<u>13,761.47</u>
b. Average monthly expenses from Line 18 above	\$	<u>16,072.06</u>
c. Monthly net income (a. minus b.)	\$	<u>-2,310.59</u>

**UNITED STATES BANKRUPTCY COURT
District of Arizona**

In re: **MEMIE C. BURTON JR.**

Case No. _____

Chapter **13**

BUSINESS INCOME AND EXPENSES

FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS (NOTE: ONLY INCLUDE information directly related to the business operation.)

PART A - GROSS BUSINESS INCOME FOR PREVIOUS 12 MONTHS:

1. Gross Income For 12 Months Prior to Filing: \$ 0.00

PART B - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:

2. Gross Monthly Income: \$ 0.00

PART C - ESTIMATED FUTURE MONTHLY EXPENSES:

- 3. Net Employee Payroll (Other Than Debtor) \$ 0.00
- 4. Payroll Taxes 0.00
- 5. Unemployment Taxes 0.00
- 6. Worker's Compensation 0.00
- 7. Other Taxes 0.00
- 8. Inventory Purchases (Including raw materials) 0.00
- 9. Purchase of Feed/Fertilizer/Seed/Spray 0.00
- 10. Rent (Other than debtor's principal residence) 0.00
- 11. Utilities 0.00
- 12. Office Expenses and Supplies 0.00
- 13. Repairs and Maintenance 0.00
- 14. Vehicle Expenses 0.00
- 15. Travel and Entertainment 0.00
- 16. Equipment Rental and Leases 0.00
- 17. Legal/Accounting/Other Professional Fees 0.00
- 18. Insurance 0.00
- 19. Employee Benefits (e.g., pension, medical, etc.) 0.00
- 20. Payments to Be Made Directly By Debtor to Secured Creditors For

Pre-Petition Business Debts (Specify):

None

21. Other (Specify):

None

22. Total Monthly Expenses (Add items 3 - 21) \$ 0.00

PART D - ESTIMATED AVERAGE NET MONTHLY INCOME:

23. AVERAGE NET MONTHLY INCOME (Subtract Item 22 from Item 2) \$ 0.00

**United States Bankruptcy Court
District of Arizona**

In re MEMIE C. BURTON JR.,
Debtor

Case No. _____
Chapter 13

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	\$ 840,000.00		
B - Personal Property	YES	2	\$ 44,350.00		
C - Property Claimed as Exempt	YES	1			
D - Creditors Holding Secured Claims	YES	1		\$ 838,000.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	YES	2		\$ 93,000.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	2		\$ 245,700.00	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	YES	1			\$ 13,761.47
J - Current Expenditures of Individual Debtor(s)	YES	2			\$ 16,072.06
TOTAL		14	\$ 884,350.00	\$ 1,176,700.00	

**United States Bankruptcy Court
District of Arizona**

In re MEMIE C. BURTON JR.
Debtor

Case No. _____
Chapter 13

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ 0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ 93,000.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$ 0.00
Student Loan Obligations (from Schedule F)	\$ 0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E.	\$ 0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ 0.00
TOTAL	\$ 93,000.00

State the following:

Average Income (from Schedule I, Line 16)	\$ 9,285.47
Average Expenses (from Schedule J, Line 18)	\$ 16,072.06
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	\$ 7,098.00

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$ 0.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	\$ 93,000.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$ 0.00
4. Total from Schedule F		\$ 245,700.00
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$ 245,700.00

In re MEMIE C. BURTON JR.
Debtor

Case No. _____
(If known)

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of _____ 16 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date: 10/25/2010

Signature: /s/ MEMIE C. BURTON JR.
MEMIE C. BURTON JR.
Debtor

[If joint case, both spouses must sign]

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

(NOT APPLICABLE)

United States Bankruptcy Court
District of Arizona

In re MEMIE C. BURTON JR.

Case Number
Chapter 13

STATEMENT OF MILITARY SERVICE

The Servicemembers' Civil Relief Act of 2003, Pub. L. No. 108-189, provides for the temporary suspension of certain judicial proceedings or transactions that may adversely affect military servicemembers, their dependents, and others. Each party to a bankruptcy case who might be eligible for relief under the act should complete this form and file it with the Bankruptcy Court.

IDENTIFICATION OF SERVICEMEMBER

- Self (Debtor, Codebtor, Creditor, Other)
Non-Filing Spouse of Debtor (name)
Other (Name of servicemember)
(Relationship of filer to servicemember)
(Type of liability)

TYPE OF MILITARY SERVICE

U.S. Armed Forces (Army, Navy, Air Force, Marine Corps, or Coast Guard) or commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration (specify type of service)

- Active Service since (date)
Inductee - ordered to report on (date)
Retired / Discharged (date)

U.S. Military Reserves and National Guard

- Active Service since (date)
Impending Active Service - orders postmarked (date)
Ordered to report on (date)
Retired / Discharged (date)

U.S. Citizen Serving with U.S. ally in war or military action (specify ally and war or action)

- Active Service since (date)
Retired / Discharged (date)

DEPLOYMENT

- Servicemember deployed overseas on (date)
Anticipated completion of overseas tour-of-duty (date)

SIGNATURE

/s/ MEMIE C. BURTON JR.

10/25/2010

MEMIE C. BURTON JR.

Date

(print name)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re MEMIE C. BURTON JR.
Debtor

Case No. _____

**CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)**

Part I. Certification Regarding Domestic Support Obligations (check no more than one)

Pursuant to 11 U.S.C. Section 1328(a), I certify that:

I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.

I am or have been required to pay a domestic support obligation. I have paid all such amounts that my chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today.

Part II. If you checked the second box, you must provide the information below.

My current address: _____

My current employer and my employer's address:

Part III. Certification Regarding Section 522(q) (check no more than one)

Pursuant to 11 U.S.C. Section 1328(h), I certify that:

I have not claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$146,450* in value in the aggregate.

I have claimed an exemption in property pursuant to § 522(b)(3) and state or local law (1) that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$146,450* in value in the aggregate.

**Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

Part IV. Debtor's Signature

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

Executed on 10/25/2010
Date

/s/ MEMIE C. BURTON JR.
MEMIE C. BURTON JR.
Debtor

UNITED STATES BANKRUPTCY COURT

District of Arizona

In re: MEMIE C. BURTON JR.
KENNEDY REST, L.L.C.
8417

Case No. _____

Chapter 13

APPLICATION/ORDER FOR FEES

Memorandum of Receipts and Disbursements;
Statement of Attorney Pursuant to Bankruptcy Rule 2016(b);
and Order Thereon

TO THE HONORABLE BANKRUPTCY JUDGE:

Applicant hereby makes application for fees and represents that the fee arrangement in this proceeding is as follows:

1. That Applicant, as attorney for the debtor, has performed all services necessary for the confirmation of the Debtor's Plan. The services include interviews with debtor; the preparation and filing of the Debtor's Petition, Chapter 13 Statement, Plan and Plan Analysis; and appearance at the § 341 meeting and confirmation hearing.
2. That Applicant believes a reasonable fee for said services to be **\$4,274.00** and prays that said fee be approved and allowed.
3. That Applicant has received payments from the debtor and made disbursements on behalf of the debtor, as follows:

Total Received	\$0.00	
Disbursements:		
Filing fee	\$0.00	
Trustee	\$0.00	
Other	\$0.00	
Total Disbursements:		\$0.00
Amount applied to attorneys' fees		\$1,800.00
Balance of attorneys' fees		\$2,474.00

The total amount of money paid to attorney on behalf of debtor within one (1) year of the date of filing is the sum of including fees reserved for Chapter 13.

\$0.00

4. That in addition to the foregoing statements, Applicant makes the following statements pursuant to Bankruptcy Rule 2016(b):
 - (a) The details set forth by the debtor herein in the Chapter 13 Statement concerning compensation paid and compensation promised to be paid to his attorney of record is a true, complete and accurate statement of the agreement between the debtor and the attorney of record for legal services rendered and to be rendered herein.

(b) The source of the monies paid by the debtor to the attorney of record to the best of the knowledge and belief of said attorney was:

None

(c) The attorney of record has not shared or agreed to share, other than with members of the law firm or corporation, any of said compensation with any other person except:

None

Dated: 10/25/2010

/s/Dean W. O'Connor, Esq.
Dean O'Connor, Bar No. 011941

Attorney for Debtor

ORDER

The sum of \$_____ is hereby allowed Applicant as compensation for the services referred to in the above Application and the Trustee is directed to pay the unpaid balance thereof, the sum of \$_____ from the estate in accordance with the Plan.

Dated: _____

United States Bankruptcy Judge

LOCAL SAMPLE FORM 13-2. PLAN ANALYSIS

Debtor(s): MEMIE C. BURTON JR.

Case No.:

Prior: Chapter 7 ()

Chapter 13 ()

Date:

TOTAL DEBT AND ADMINISTRATIVE EXPENSES

PROVIDED FOR BY THE PLAN

Table with 3 columns: Item, Description, Amount. Rows include DEBTOR'S UNPAID ATTORNEY FEES (\$2,474.00), PRIORITY CLAIMS (\$0.00), PAYMENTS TO CURE DEFAULTS (\$0.00), PAYMENTS ON SECURED CLAIMS (\$0.00), PAYMENTS ON OTHER CLASS (\$0.00), PAYMENTS ON GENERAL UNSECURED CLAIMS (\$0.00), SUB-TOTAL (\$0.00), TRUSTEE'S COMPENSATION (4% of debtor's payments) (\$0.00), and TOTAL AMOUNT OF PLAN PAYMENTS (\$0.00).

RECONCILIATION WITH CHAPTER 7

Table with 3 columns: Item, Description, Amount. Rows include INTEREST OF GENERAL UNSECURED CREDITORS IF CHAPTER 7 FILED (1. Value of debtor's interest in nonexempt property \$0.00, 2. Value of property recoverable under avoiding powers \$0.00, 3. Less: Estimated Chapter 7 administrative expenses \$0.00, 4. Less: Priority claims \$0.00), EQUALS ESTIMATED DIVIDEND FOR GENERAL UNSECURED CREDITORS UNDER CHAPTER 7 (\$0.00), and ESTIMATED DIVIDEND UNDER PLAN (\$0.00).

IF THERE ARE DISCREPANCIES BETWEEN THE PLAN AND THIS PLAN ANALYSIS, THE PROVISIONS OF THE PLAN, AS CONFIRMED, CONTROL.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:10-bk-34288-GBN

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Debtor(s)

**NOTICE TO DEBTOR(S) OF INCOMPLETE AND/OR DEFICIENT FILINGS
AND THAT DEBTOR(S) MUST FILE ALL REQUIRED DOCUMENTS
OR THEIR CASE SHALL BE DISMISSED**

NOTICE IS GIVEN THAT the above debtor(s) have filed a voluntary petition and that debtor(s) have not filed or submitted the documents checked below or have filed them without all the required information. Debtor(s) are required to file or submit the missing and/or complete documents checked below within the time periods stated. Failure to timely file or submit all required documents with all required information shall result in the dismissal of this case.

- A list of creditors in the required format of a master mailing list **required to be filed within seven days of the date of the filing of the bankruptcy petition** by Local Rule of Bankruptcy Procedure 1007-1 and Federal Rule of Bankruptcy Procedure 1007.
- A verified Statement of Social Security Number **required to be submitted within seven days of the date of the filing of the bankruptcy petition** by Local Rule of Bankruptcy Procedure 1007-1 and Federal Rule of Bankruptcy Procedure 1007.
- Exhibit D to the Petition, Debtor's Statement of Compliance with Credit Counseling Requirement, and a Certificate, with any repayment plan, showing completion of Credit Counseling as required by 11 USC Section 109(h); a Motion for Determination of Exigent Circumstances pursuant to Section 109(h)(3); or a Motion for Determination that credit counseling is not required pursuant to Section 109(h)(4). Exhibit D and either a Certificate of Completion of Credit Counseling or an appropriate Motion for Determination was not filed with the bankruptcy petition. **As a result, your bankruptcy case may be dismissed.** If Exhibit D has been filed in which the debtor states that credit counseling was received, but that a certificate has not been provided the debtor, then a Certificate of Completion of Credit Counseling is required to be filed within 14 days of the date of the filing of the bankruptcy petition.

--- NOTICE CONTINUES ON NEXT PAGE ---

Schedules of Assets and Liabilities and Statement of Financial Affairs **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1). In a chapter 7 case, if an individual debtor's schedule of assets and liabilities includes debts which are secured by property of the estate, the debtor shall file a Statement of Intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property. This statement is to be filed within 30 days after the date of the filing of the chapter 7 petition or on or before the date of the meeting of creditors, whichever is earlier. Debtor must then perform the intentions stated within 30 days after the first date set for the meeting of creditors. **Please take notice that with respect to personal property, the automatic stay may be terminated if you fail to timely file the Statement of Intention or fail to timely perform the stated intention and the creditor may then be able to take possession of that property under state law.**

Chapter 7 Individual Debtor Statement of Current Monthly Income and Means Test Calculation **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1). **This statement must have either the "Presumption Arises" or the "Presumption Does Not Arise" box checked in the upper right hand portion of the first page.** If the statement has neither or both of these boxes checked, the statement is defective and it does not satisfy this filing requirement. If your debts are not primarily consumer debts, then you must either file a separate statement stating so or you need to file the Statement of Income and Means Test with the box in Part I, 1B, checked.

Chapter 13 Debtor Statement of Current Monthly Income and Disposable Income **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1).

Chapter 11 Individual Debtor Statement of Current Monthly Income **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1).

Declaration of Employer Payments in the attached form with all pay stubs received from any employer in the 60 days before the filing of the petition **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Local Bankruptcy Rule 1007-1 and Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1).

Chapter 13 Plan **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 3015.

FAILURE TO FILE OR SUBMIT THE ABOVE CHECKED DOCUMENTS WITHIN THE TIME PERIODS STATED OR AS EXTENDED BY COURT ORDER SHALL RESULT IN THE DISMISSAL OF THIS CASE WITHOUT FURTHER NOTICE. IN AN INDIVIDUAL CHAPTER 7 OR CHAPTER 13 DISMISSED CASE, FAILURE TO FILE THE MISSING DOCUMENTS WITHIN 45 DAYS FROM THE DATE OF THE FILING OF YOUR BANKRUPTCY PETITION MAY RESULT IN THE COURT DENYING YOUR MOTION TO REINSTATE YOUR CASE

Date: October 26, 2010

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

Clerk of the Bankruptcy Court:

Brian D. Karth

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:
MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Case No.: 2:10-bk-34288-GBN

Declaration of Evidence of Employers' Payments Within 60 Days

- Attached hereto are copies of all payment advices, pay stubs or other evidence of payment received by the debtor from any employer within 60 days prior to the filing of the petition;
- Debtor has received no payment advices, pay stubs or other evidence of payment from any employer within 60 days prior to the filing of the petition; or
- Debtor has received the following payments from employers within 60 days prior to the filing of the petition: \$_____.

Debtor declares the foregoing to be true and correct under penalty of perjury.

Signature of Debtor

Date

If attaching pay stubs or other payment advices, it is your responsibility to redact (black out) any social security numbers, names of minor children, dates of birth or financial account numbers before attaching them to this document.

Notice Recipients

District/Off: 0970-2
Case: 2:10-bk-34288-GBN

User: oglen
Form ID: ntcdef

Date Created: 10/26/2010
Total: 3

Recipients of Notice of Electronic Filing:

tr	EDWARD J. MANEY	courtecf@maney13trustee.com
aty	DEAN WILLIAM O'CONNOR	dean@sd-law.com

TOTAL: 2

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	MEMIE C. BURTON, JR.	10214 N. 44TH ST.	PHOENIX, AZ 85028
----	----------------------	-------------------	-------------------

TOTAL: 1

MEMIE C. BURTON JR.
Case No. 2:10-bk-34288

CITI
PO BOX 6241
SIOUX FALLS

CITI BANK
PO BOX 6241
SIOUX FALLS, SD 57117

CITI CARD
PO BOX 6241
SIOUX FALLS, SD 57117

CITY OF GLENDALE
5850 WEST GLENDALE AVE
GLENDALE, AZ 85301

DUSKIN AND DUSKIN
2126 W. INDIANSCHOOL RD.
PHOENIX, AZ 85015

FIFTH THIRD BANK
FIFTH THIRD CENTER
CINCINNATI, OH 45623

INDY MAC
6900 BEATRICE DRIVE
KALAMAZOO, MI 49003

IRS
4041 N. CENTRAL AVENUE
PHOENIX, AZ 85012

LONNIE WILLIAMS
ONE RENAISSANCE SQUARE
TWO CENTRAL AVENUE
PHONEIX, AZ 85004-2391

MEMIE C. BURTON JR.
Case No. 2:10-bk-34288

TIM THOPSON
2901 N. CENTRAL, SUITE 200
PHOENIX, AZ 85012-2705

USAA BANK
10750 INTERSTATE HWY. 10
SAN ANTONIO, TX 78288

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

DECLARATION

Debtor (s) ' Name (s)

Case No. 2:10-bk-34288

MEMIE C. BURTON JR.

I, **MEMIE C. BURTON JR.**, do hereby certify, under penalty of perjury, that the Master Mailing List, consisting of 2 sheets(s), is complete, correct and consistent with the debtor(s) schedules.

Date of execution: 10/27/2010

/s/ MEMIE C. BURTON JR.

/s/Dean W. O'Connor, Esq.

MEMIE C. BURTON JR.

Dean O'Connor

SCANNING

REVISED 11/19/96

In re: MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
(if known)

SCHEDULE A - REAL PROPERTY

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
10214 N. 44TH ST. PHOENIX, AZ 85028		H	\$ 840,000.00	\$ 828,000.00
Total			\$ 840,000.00	

(Report also on Summary of Schedules.)

In re MEMIE C. BURTON JR.Case No. 2:10-bk-34288

Debtor

(If known)

SCHEDULE B - PERSONAL PROPERTY

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	<input checked="" type="checkbox"/>			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		CHECKING ACCOUNT 2986 FIFTH THIRD BANK		150.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	<input checked="" type="checkbox"/>			
4. Household goods and furnishings, including audio, video, and computer equipment.		FURNITURE		4,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	<input checked="" type="checkbox"/>			
6. Wearing apparel.		MENS CLOTHING		200.00
7. Furs and jewelry.	<input checked="" type="checkbox"/>			
8. Firearms and sports, photographic, and other hobby equipment.	<input checked="" type="checkbox"/>			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	<input checked="" type="checkbox"/>			
10. Annuities. Itemize and name each issuer.	<input checked="" type="checkbox"/>			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	<input checked="" type="checkbox"/>			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		TSP THRIFT SAVING PLAN		240,000.00
13. Stock and interests in incorporated and unincorporated businesses. Itemize.		FORD, GM, CISCO		16,000.00
14. Interests in partnerships or joint ventures. Itemize.		KENNEDY REST L.L.C		0.00
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.		ORLEANS ESAT LD.H.A.		0.00
16. Accounts receivable.	<input checked="" type="checkbox"/>			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	<input checked="" type="checkbox"/>			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	<input checked="" type="checkbox"/>			

In re MEMIE C. BURTON JR.

Case No. 2:10-bk-34288

Debtor

(If known)

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1991 MERCEDES 550 SEL	H	3,000.00
Automobiles, trucks, trailers, and other vehicles and accessories.		2007 TOYOTA CAMRY		21,000.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			
<u>1</u> continuation sheets attached			Total >	\$ 284,350.00

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

In re MEMIE C. BURTON JR.

Debtor

Case No. 2:10-bk-34288

(If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPTDebtor claims the exemptions to which debtor is entitled under:
(Check one box) 11 U.S.C. § 522(b)(2) 11 U.S.C. § 522(b)(3) Check if debtor claims a homestead exemption that exceeds \$146,450.*

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
10214 N. 44TH ST. PHOENIX, AZ 85028	ARS § 33-1101	22,000.00	840,000.00
CHECKING ACCOUNT 2986 FIFTH THIRD BANK	ARS § 33-1126(A)(9)	150.00	150.00
FURNITURE	ARS § 33-1123	4,000.00	4,000.00
MENS CLOTHING	ARS § 33-1125(1)	200.00	200.00
TSP THRIFT SAVING PLAN	ARS § 33-1126(B)	240,000.00	240,000.00

* Amount subject to adjustment on 4/1/13 and every three years thereafter with respect to cases commenced on or after the date of adjustment.

In re MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
(If known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions, Above.)	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			10214 N. 44TH ST. PHOENIX, AZ 85028 VALUE \$840,000.00				828,000.00	0.00
INDY MAC 6900 BEATRICE DRIVE KALAMAZOO, MI 49003								
ACCOUNT NO.			2007 TOYOTA CAMRY VALUE \$21,000.00				10,000.00	0.00
USAA BANK 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288								

0 continuation sheets attached

Subtotal >
(Total of this page)

Total >
(Use only on last page)

\$ 838,000.00	\$ 0.00
\$ 838,000.00	\$ 0.00

(Report also on Summary of Schedules) (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

In re MEMIE C. BURTON JR.

Debtor

Case No. 2:10-bk-34288

(If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets.)

Domestic Support Obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$11,725* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$5,775* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

Deposits by individuals

Claims of individuals up to \$2,600* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).

Claims for Death or Personal Injury While Debtor Was Intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amounts are subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 continuation sheets attached

In re MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
(If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
(Continuation Sheet)

Type of Priority: Taxes and Certain Other Debts Owed to Governmental Units

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
ACCOUNT NO. IRS 4041 N. CENTRAL AVENUE PHOENIX, AZ 85012			941 WITHHOLDING				93,000.00	93,000.00	\$0.00

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors Holding Priority Claims

Subtotals >
(Totals of this page)

\$ 93,000.00	\$ 93,000.00	\$ 0.00
--------------	--------------	---------

Total >
(Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.)

\$ 93,000.00		
--------------	--	--

Total >
(Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.)

	\$ 93,000.00	\$ 0.00
--	--------------	---------

In re MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. CITI PO BOX 6241 SIOUX FALLS						13,000.00
ACCOUNT NO. CITI BANK PO BOX 6241 SIOUX FALLS, SD 57117		PERSONAL CREDIT CARD				5,600.00
ACCOUNT NO. CITI CARD PO BOX 6241 SIOUX FALLS, SD 57117		CREDIT CARD				41,000.00
ACCOUNT NO. CITY OF GLENDALE 5850 WEST GLENDALE AVE GLENDALE, AZ 85301						2,500.00
ACCOUNT NO. DUSKIN AND DUSKIN 2126 W. INDIANSCHOOL RD. PHOENIX, AZ 85015						8,600.00

1 Continuation sheets attached

Subtotal >	\$	70,700.00
Total >	\$	

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical Summary of Certain Liabilities and Related Data.)

In re MEMIE C. BURTON JR.
 Debtor

Case No. 2:10-bk-34288
 (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. FIFTH THIRD BANK FIFTH THIRD CENTER CINCINNATI, OH 45623						115,000.00
ACCOUNT NO. LONNIE WILLIAMS ONE RENAISSANCE SQUARE TWO CENTRAL AVENUE PHOENIX, AZ 85004-2391						21,000.00
ACCOUNT NO. TIM THOPSON 2901 N. CENTRAL, SUITE 200 PHOENIX, AZ 85012-2705						39,000.00

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors
 Holding Unsecured
 Nonpriority Claims

Subtotal >	\$ 175,000.00
Total >	\$ 245,700.00

(Use only on last page of the completed Schedule F.)
 (Report also on Summary of Schedules and, if applicable on the Statistical
 Summary of Certain Liabilities and Related Data.)

In re: MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
(If known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.
USAA 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288	LEASE OF 2005 LINCOLN NAVIGATOR

In re: MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
(If known)

SCHEDULE H - CODEBTORS

Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
------------------------------	------------------------------

Debtor

(If known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: MARRIED	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): DAUGHTER	AGE(S): 23
Employment:	DEBTOR	SPOUSE
Occupation	PHYSICIAN	POLITICIAN
Name of Employer	ARIZONA STATE COPORATION	
How long employed	16 YEARS	17 MONTHS
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)

	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly.)	\$ <u>15,379.00</u>	\$ <u>4,476.00</u>
2. Estimate monthly overtime	\$ <u>0.00</u>	\$ <u>0.00</u>
3. SUBTOTAL	\$ <u>15,379.00</u>	\$ <u>4,476.00</u>
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ <u>6,346.15</u>	\$ <u>0.00</u>
b. Insurance	\$ <u>1,329.88</u>	\$ <u>0.00</u>
c. Union dues	\$ <u>325.00</u>	\$ <u>0.00</u>
d. Other (Specify) DENTAL	\$ <u>292.50</u>	\$ <u>0.00</u>
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ <u>8,293.53</u>	\$ <u>0.00</u>
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ <u>7,085.47</u>	\$ <u>4,476.00</u>
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ <u>0.00</u>	\$ <u>0.00</u>
8. Income from real property	\$ <u>0.00</u>	\$ <u>0.00</u>
9. Interest and dividends	\$ <u>0.00</u>	\$ <u>0.00</u>
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	\$ <u>0.00</u>	\$ <u>0.00</u>
11. Social security or other government assistance (Specify)	\$ <u>2,200.00</u>	\$ <u>0.00</u>
12. Pension or retirement income	\$ <u>0.00</u>	\$ <u>0.00</u>
13. Other monthly income (Specify)	\$ <u>0.00</u>	\$ <u>0.00</u>
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ <u>2,200.00</u>	\$ <u>0.00</u>
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ <u>9,285.47</u>	\$ <u>4,476.00</u>
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ <u>13,761.47</u>	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document.:

NONE

In re MEMIE C. BURTON JR.

Case No. 2:10-bk-34288
(If known)

Debtor

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made biweekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	<u>5,067.50</u>
a. Are real estate taxes included? Yes _____ No <u>✓</u>		
b. Is property insurance included? Yes _____ No <u>✓</u>		
2. Utilities: a. Electricity and heating fuel	\$	<u>840.00</u>
b. Water and sewer	\$	<u>360.00</u>
c. Telephone	\$	<u>257.00</u>
d. Other <u>POOL</u>	\$	<u>75.00</u>
3. Home maintenance (repairs and upkeep)	\$	<u>305.00</u>
4. Food	\$	<u>850.00</u>
5. Clothing	\$	<u>100.00</u>
6. Laundry and dry cleaning	\$	<u>60.00</u>
7. Medical and dental expenses	\$	<u>900.00</u>
8. Transportation (not including car payments)	\$	<u>400.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	<u>110.00</u>
10. Charitable contributions	\$	<u>1,060.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	<u>117.00</u>
b. Life	\$	<u>417.06</u>
c. Health	\$	<u>862.00</u>
d. Auto	\$	<u>250.00</u>
e. Other <u>AIG</u>	\$	<u>150.00</u>
<u>MARICOPA COUNTY TREAS</u>	\$	<u>91.50</u>
12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) _____	\$	<u>0.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	<u>0.00</u>
b. Other <u>CHILD CARE</u>	\$	<u>200.00</u>
<u>DAUGHTER COLLEGE</u>	\$	<u>2,000.00</u>
<u>MEDICAL MEETING</u>	\$	<u>60.00</u>
14. Alimony, maintenance, and support paid to others	\$	<u>200.00</u>
15. Payments for support of additional dependents not living at your home	\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	<u>0.00</u>
17. Other <u>HOUSE KEEPING PERSONAL MAID</u>	\$	<u>100.00</u>

18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

\$ <u>14,832.06</u>

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

20. STATEMENT OF MONTHLY NET INCOME

a. Average monthly income from Line 15 of Schedule I	\$	<u>13,761.47</u>
b. Average monthly expenses from Line 18 above	\$	<u>14,832.06</u>
c. Monthly net income (a. minus b.)	\$	<u>-1,070.59</u>

**UNITED STATES BANKRUPTCY COURT
District of Arizona**

In re: **MEMIE C. BURTON JR.**

Case No. **2:10-bk-34288**

Chapter **13**

BUSINESS INCOME AND EXPENSES

FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS (NOTE: ONLY INCLUDE information directly related to the business operation.)

PART A - GROSS BUSINESS INCOME FOR PREVIOUS 12 MONTHS:

1. Gross Income For 12 Months Prior to Filing: \$ 0.00

PART B - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:

2. Gross Monthly Income: \$ 0.00

PART C - ESTIMATED FUTURE MONTHLY EXPENSES:

3. Net Employee Payroll (Other Than Debtor)	\$ <u>0.00</u>
4. Payroll Taxes	<u>0.00</u>
5. Unemployment Taxes	<u>0.00</u>
6. Worker's Compensation	<u>0.00</u>
7. Other Taxes	<u>0.00</u>
8. Inventory Purchases (Including raw materials)	<u>0.00</u>
9. Purchase of Feed/Fertilizer/Seed/Spray	<u>0.00</u>
10. Rent (Other than debtor's principal residence)	<u>0.00</u>
11. Utilities	<u>0.00</u>
12. Office Expenses and Supplies	<u>0.00</u>
13. Repairs and Maintenance	<u>0.00</u>
14. Vehicle Expenses	<u>0.00</u>
15. Travel and Entertainment	<u>0.00</u>
16. Equipment Rental and Leases	<u>0.00</u>
17. Legal/Accounting/Other Professional Fees	<u>0.00</u>
18. Insurance	<u>0.00</u>
19. Employee Benefits (e.g., pension, medical, etc.)	<u>0.00</u>
20. Payments to Be Made Directly By Debtor to Secured Creditors For	

Pre-Petition Business Debts (Specify):

None

21. Other (Specify):

None

22. Total Monthly Expenses (Add items 3 - 21) \$ 0.00

PART D - ESTIMATED AVERAGE NET MONTHLY INCOME:

23. AVERAGE NET MONTHLY INCOME (Subtract Item 22 from Item 2) \$ 0.00

**United States Bankruptcy Court
District of Arizona**

In re MEMIE C. BURTON JR.,
Debtor

Case No. 2:10-bk-34288
Chapter 13

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	\$ 840,000.00		
B - Personal Property	YES	2	\$ 284,350.00		
C - Property Claimed as Exempt	YES	1			
D - Creditors Holding Secured Claims	YES	1		\$ 838,000.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	YES	2		\$ 93,000.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	2		\$ 245,700.00	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	YES	1			\$ 13,761.47
J - Current Expenditures of Individual Debtor(s)	YES	2			\$ 14,832.06
TOTAL		14	\$ 1,124,350.00	\$ 1,176,700.00	

**United States Bankruptcy Court
District of Arizona**

In re MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
Chapter 13

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ 0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ 93,000.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$ 0.00
Student Loan Obligations (from Schedule F)	\$ 0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E.	\$ 0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ 0.00
TOTAL	\$ 93,000.00

State the following:

Average Income (from Schedule I, Line 16)	\$ 9,285.47
Average Expenses (from Schedule J, Line 18)	\$ 14,832.06
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	\$ 7,098.00

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$ 0.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	\$ 93,000.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$ 0.00
4. Total from Schedule F		\$ 245,700.00
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$ 245,700.00

In re MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
(If known)

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 16 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date: 10/27/2010

Signature: /s/ MEMIE C. BURTON JR.
MEMIE C. BURTON JR.
Debtor

[If joint case, both spouses must sign]

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

(NOT APPLICABLE)

UNITED STATES BANKRUPTCY COURT
District of Arizona

In re: **MEMIE C. BURTON JR.**

Debtor

Case No. **2:10-bk-34288**

(If known)

STATEMENT OF FINANCIAL AFFAIRS

1. Income from employment or operation of business

None State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
145,653.00	EMPLOYMENT	2008
	EMPLOYMENT	2009
91,000.00	EMPLOYMENT	YTD

2. Income other than from employment or operation of business

None State the amount of income received by the debtor other than from employment, trade, profession, operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
25,000.00	SOCIAL SECURITY	2008
26,400.00	SOCIAL SECURITY	2009
13,000.00	SOCIAL SECURITY	YTD

3. Payments to creditors

Complete a. or b., as appropriate, and c.

- None a. *Individual or joint debtor(s) with primarily consumer debts:* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
CITI CARD PO BOX 6537 THE LAKES, NV 88901-6537	5/1/10	9,968.51	5,600.00
	4/1/10		
	3/1/10		
	2/1/10		
CITI CARD PO BOX 6537 THE LAKES, NV 88901-6537	5/2010	2,049.00	40,240.00
	4/2010		
	3/2010		
FIFTH THIRD BANK FIFTH THIRD CENTER CINCINNATI, OH 45623	5/10	1,722.00	114,000.00
	4/10		
	3/10		
	2/10		
INDY MAC PO BOX 4045 KALAMAZOO, MI 49003	5/10	15,868.00	828,000.00
	4/10		
	3/10		
USAA 9800 FREDERICKBURG SAN ANTONIO, YX 78265	2/10	1,372.00	39,100.00

- None b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,850*. If the debtor is an individual, indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
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*Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

- None c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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4. Suits and administrative proceedings, executions, garnishments and attachments

- None a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATIO	STATUS OR DISPOSITION
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- None b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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5. Repossessions, foreclosures and returns

- None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
DENNYS DBA KENNY REST L.L.C. AZ	02/23/2010	DENNY RESTURANT

6. Assignments and receiverships

- None a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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- None b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND ADDRESS OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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7. Gifts

- None List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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8. Losses

- None List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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9. Payments related to debt counseling or bankruptcy

- None List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
DEAN W. O'CONNOR 1430 E. MISSORI AVE SUITE B-125 PHOENIX, AZ 85014	FILING FEE INCLUDED	\$1800.00

10. Other transfers

- None a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
MEISJE SABLE BURTON		

- None b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR INTEREST IN PROPERTY
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11. Closed financial accounts

- None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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12. Safe deposit boxes

- None List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITOR	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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13. Setoffs

- None List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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14. Property held for another person

- None List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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15. Prior address of debtor

- None If debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
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16. Spouses and Former Spouses

None If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.

None a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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18. Nature, location and name of business

None a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the business, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOCIAL SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. (ITIN)/ COMPLETE EIN	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
KENNEDY RESTURANTS L.L.C	86-0800391		DENNY'S RESTURANT	01/01/1995 01/01/2009

None b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS

* * * * *

[if completed by an individual or individual and spouse]

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date 10/27/2010

Signature of Debtor /s/ MEMIE C. BURTON JR.
MEMIE C. BURTON JR.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288

**CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)**

Part I. Certification Regarding Domestic Support Obligations (check no more than one)

Pursuant to 11 U.S.C. Section 1328(a), I certify that:

I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.

I am or have been required to pay a domestic support obligation. I have paid all such amounts that my chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today.

Part II. If you checked the second box, you must provide the information below.

My current address: _____

My current employer and my employer's address:

Part III. Certification Regarding Section 522(q) (check no more than one)

Pursuant to 11 U.S.C. Section 1328(h), I certify that:

I have not claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$146,450* in value in the aggregate.

I have claimed an exemption in property pursuant to § 522(b)(3) and state or local law (1) that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$146,450* in value in the aggregate.

**Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

Part IV. Debtor's Signature

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

Executed on 10/27/2010
Date

/s/ MEMIE C. BURTON JR.
MEMIE C. BURTON JR.
Debtor

UNITED STATES BANKRUPTCY COURT
District of Arizona

In re: **MEMIE C. BURTON JR.**
KENNEDY REST, L.L.C.
8417

Case No. **2:10-bk-34288**

Chapter **13**

APPLICATION/ORDER FOR FEES

Memorandum of Receipts and Disbursements;
Statement of Attorney Pursuant to Bankruptcy Rule 2016(b);
and Order Thereon

TO THE HONORABLE BANKRUPTCY JUDGE:

Applicant hereby makes application for fees and represents that the fee arrangement in this proceeding is as follows:

1. That Applicant, as attorney for the debtor, has performed all services necessary for the confirmation of the Debtor's Plan. The services include interviews with debtor; the preparation and filing of the Debtor's Petition, Chapter 13 Statement, Plan and Plan Analysis; and appearance at the § 341 meeting and confirmation hearing.
2. That Applicant believes a reasonable fee for said services to be **\$4,274.00** and prays that said fee be approved and allowed.
3. That Applicant has received payments from the debtor and made disbursements on behalf of the debtor, as follows:

Total Received	\$0.00	
Disbursements:		
Filing fee	\$0.00	
Trustee	\$0.00	
Other	\$0.00	
Total Disbursements:		\$0.00
Amount applied to attorneys' fees		\$1,800.00
Balance of attorneys' fees		\$2,474.00

The total amount of money paid to attorney on behalf of debtor within one (1) year of the date of filing is the sum of including fees reserved for Chapter 13.

\$0.00

4. That in addition to the foregoing statements, Applicant makes the following statements pursuant to Bankruptcy Rule 2016(b):
 - (a) The details set forth by the debtor herein in the Chapter 13 Statement concerning compensation paid and compensation promised to be paid to his attorney of record is a true, complete and accurate statement of the agreement between the debtor and the attorney of record for legal services rendered and to be rendered herein.

(b) The source of the monies paid by the debtor to the attorney of record to the best of the knowledge and belief of said attorney was:

None

(c) The attorney of record has not shared or agreed to share, other than with members of the law firm or corporation, any of said compensation with any other person except:

None

Dated: **10/27/2010**

/s/Dean W. O'Connor, Esq.

Dean O'Connor, Bar No. 011941

Attorney for Debtor

ORDER

The sum of \$_____ is hereby allowed Applicant as compensation for the services referred to in the above Application and the Trustee is directed to pay the unpaid balance thereof, the sum of \$_____ from the estate in accordance with the Plan.

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
District of Arizona

In re: MEMIE C. BURTON JR.
Debtor

Case No. 2:10-bk-34288
Chapter 13

**DISCLOSURE OF COMPENSATION OF ATTORNEY
FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	<u>4,274.00</u>
Prior to the filing of this statement I have received	\$	<u>1,800.00</u>
Balance Due	\$	<u>2,474.00</u>

2. The source of compensation paid to me was:

Debtor Other (specify) **FILING FEE INLCUED**

3. The source of compensation to be paid to me is:

Debtor Other (specify)

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a) Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b) Preparation and filing of any petition, schedules, statement of affairs, and plan which may be required;
- c) Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d) Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
- e) [Other provisions as needed]

None

6. By agreement with the debtor(s) the above disclosed fee does not include the following services:

None

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: 10/27/2010

/s/Dean W. O'Connor, Esq.
Dean O'Connor, Bar No. 011941

Sallquist, Drummond & O'Connor, PC
Attorney for Debtor(s)

B22C (Official Form 22C) (Chapter 13) (04/10)

In re MEMIE C. BURTON JR.
Debtor(s)
 Case Number: 2:10-bk-34288
(If known)

According to the calculations required by this statement:

The applicable commitment period is 3 years.
 The applicable commitment period is 5 years.
 Disposable income is determined under § 1325(b)(3)
 Disposable income is not determined under § 1325(b)(3)
 (Check the boxes as directed in Lines 17 and 23 of this statement.)

**CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME
 AND CALCULATION OF COMMITMENT PERIOD AND DISPOSABLE INCOME**

In addition to Schedules I and J, this statement must be completed by every individual chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. REPORT OF INCOME				
1	Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed. a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10. b. <input checked="" type="checkbox"/> Married. Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-10.			
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.		Column A Debtor's Income	Column B Spouse's Income
2	Gross wages, salary, tips, bonuses, overtime, commissions.		\$15,379.00	\$4,476.00
3	Income from the operation of a business, profession or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part IV.			
	a.	Gross Receipts	\$ 0.00	
	b.	Ordinary and necessary business expenses	\$ 0.00	
	c.	Business income	Subtract Line b from Line a	
			\$0.00	\$0.00
4	Rent and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part IV.			
	a.	Gross Receipts	\$ 0.00	
	b.	Ordinary and necessary operating expenses	\$ 0.00	
	c.	Rent and other real property income	Subtract Line b from Line a	
			\$0.00	\$0.00
5	Interest, dividends, and royalties.		\$0.00	\$0.00
6	Pension and retirement income.		\$0.00	\$0.00
7	Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose. Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse.		\$0.00	\$0.00

8	<p>Unemployment compensation. Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width:20%;">Debtor \$ _____</td> <td style="width:20%;">Spouse \$ _____</td> <td style="width:10%; text-align:right;">\$</td> <td style="width:10%; text-align:right;">\$</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$		
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$				
9	<p>Income from all other sources. Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. Do not include alimony or separate maintenance payments paid by your spouse, but include all other payments of alimony or separate maintenance. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;">a.</td> <td style="width:55%;"></td> <td style="width:10%; text-align:right;">\$</td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> </table>	a.		\$			\$0.00	\$0.00
a.		\$						
10	<p>Subtotal. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 thru 9 in Column B. Enter the total(s).</p>	\$15,379.00	\$4,476.00					
11	<p>Total. If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.</p>	\$ 19,855.00						
Part II. CALCULATION OF § 1325(b)(4) COMMITMENT PERIOD								
12	<p>Enter the amount from Line 11.</p>	\$ 19,855.00						
13	<p>Marital adjustment. If you are married, but are not filing jointly with your spouse, AND if you contend that calculation of the commitment period under § 1325(b)(4) does not require inclusion of the income of your spouse, enter on Line 13 the amount of the income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of you or your dependents and specify, in the lines below, the basis for excluding this income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;">a.</td> <td style="width:55%;"></td> <td style="width:10%; text-align:right;">\$</td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> </table> <p>Total and enter on Line 13.</p>	a.		\$			\$0.00	
a.		\$						

14	Subtract Line 13 from Line 12 and enter the result.	\$ 19,855.00
15	Annualized current monthly income for § 1325(b)(4). Multiply the amount from Line 14 by the number 12 and enter the result.	\$ 238,260.00
16	Applicable median family income. Enter the median family income for applicable state and household size. (This information is available by family size at www.usdoj.gov/ust or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: <u> AZ </u> b. Enter debtor's household size: <u> 2 </u>	\$ 56,692.00
17	Application of § 1325(b)(4). Check the applicable box and proceed as directed. <input type="checkbox"/> The amount on Line 15 is less than the amount on Line 16. Check the box for "The applicable commitment period is 3 years" at the top of page 1 of this statement and continue with this statement. <input checked="" type="checkbox"/> The amount on Line 15 is not less than the amount on Line 16. Check the box for "The applicable commitment period is 5 years" at the top of page 1 of this statement and continue with this statement.	

Part III. APPLICATION OF § 1325(b)(3) FOR DETERMINING DISPOSABLE INCOME

18	Enter the amount from Line 11.	\$ 19,855.00				
19	Marital adjustment. If you are married, but are not filing jointly with your spouse, enter on Line 19 the total of any income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 70%;"></td> <td style="width: 5%; text-align: center;">\$</td> <td style="width: 15%;"></td> </tr> </table> Total and enter on Line 19.		a.		\$	
a.		\$				
20	Current monthly income for § 1325(b)(3). Subtract Line 19 from Line 18 and enter the result.	\$ 19,855.00				
21	Annualized current monthly income for § 1325(b)(3). Multiply the amount from Line 20 by the number 12 and enter the result.	\$ 238,260.00				
22	Applicable median family income. Enter the amount from Line 16	\$ 56,692.00				
23	Application of § 1325(b)(3). Check the applicable box and proceed as directed. <input checked="" type="checkbox"/> The amount on Line 21 is more than the amount on Line 22. Check the box for "Disposable income is determined under § 1325(b)(3)" at the top of page 1 of this statement and complete the remaining parts of this statement. <input type="checkbox"/> The amount on Line 21 is not more than the amount on Line 22. Check the box for "Disposable income is not determined under § 1325(b)(3)" at the top of page 1 of this statement and complete Part VII of this statement. Do not complete Parts IV, V, or VI.					

Part IV. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

24A	National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous. Enter in Line 24A the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$ 985.00

24B	<p>National Standards: health care. Enter in Line a1 below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) Enter in Line b1 the number of members of your household who are under 65 years of age, and enter in Line b2 the number of members of your household who are 65 years of age or older. (The total number of household members must be the same as the number stated in Line 16b.) Multiply Line a1 by Line b1 to obtain a total amount for household members under 65, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for household members 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 24B.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="2" style="text-align:left;">Household members under 65 years of age</th> <th colspan="2" style="text-align:left;">Household members 65 years of age or older</th> </tr> </thead> <tbody> <tr> <td style="width:5%;">a1.</td> <td style="width:30%;">Allowance per member</td> <td style="width:10%; text-align:right;">60.00</td> <td style="width:55%;">a2. Allowance per member</td> </tr> <tr> <td>b1.</td> <td>Number of members</td> <td style="text-align:right;">2.00</td> <td>b2. Number of members</td> </tr> <tr> <td>c1.</td> <td>Subtotal</td> <td style="text-align:right;">120.00</td> <td>c2. Subtotal</td> </tr> </tbody> </table>	Household members under 65 years of age		Household members 65 years of age or older		a1.	Allowance per member	60.00	a2. Allowance per member	b1.	Number of members	2.00	b2. Number of members	c1.	Subtotal	120.00	c2. Subtotal	\$ 120.00
Household members under 65 years of age		Household members 65 years of age or older																
a1.	Allowance per member	60.00	a2. Allowance per member															
b1.	Number of members	2.00	b2. Number of members															
c1.	Subtotal	120.00	c2. Subtotal															
25A	<p>Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).</p>	\$ 435.00																
25B	<p>Local Standards: housing and utilities; mortgage/rent expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 47; subtract Line b from Line a and enter the result in Line 25B. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tbody> <tr> <td style="width:5%;">a.</td> <td style="width:50%;">IRS Housing and Utilities Standards; mortgage/rent expense</td> <td style="width:45%; text-align:right;">\$ 1,035.00</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by home, if any, as stated in Line 47.</td> <td style="text-align:right;">\$ 5,067.00</td> </tr> <tr> <td>c.</td> <td>Net mortgage/rental expense</td> <td style="text-align:right;">Subtract Line b from Line a</td> </tr> </tbody> </table>	a.	IRS Housing and Utilities Standards; mortgage/rent expense	\$ 1,035.00	b.	Average Monthly Payment for any debts secured by home, if any, as stated in Line 47.	\$ 5,067.00	c.	Net mortgage/rental expense	Subtract Line b from Line a	\$ 0.00							
a.	IRS Housing and Utilities Standards; mortgage/rent expense	\$ 1,035.00																
b.	Average Monthly Payment for any debts secured by home, if any, as stated in Line 47.	\$ 5,067.00																
c.	Net mortgage/rental expense	Subtract Line b from Line a																
26	<p>Local Standards: housing and utilities; adjustment. If you contend that the process set out in Lines 25A and 25B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:</p>	\$																
27A	<p>Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.</p> <p>Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 or more.</p> <p>If you checked 0, enter on Line 27A the "Public Transportation" amount from IRS Local Standards: Transportation. If you checked 1 or 2 or more, enter on Line 27A the "Operating Costs" amount from IRS Local Standards: Transportation for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (These amounts are available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$ 472.00																
27B	<p>Local Standards: transportation; additional public transportation expense. If you pay the operating expenses for a vehicle and also use public transportation, and you contend that you are entitled to an additional deduction for your public transportation expenses, enter on Line 27B the "Public Transportation" amount from IRS Local Standards: Transportation. (This amount is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$ 0.00																

28	<p>Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 or more.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 47; subtract Line b from Line a and enter the result in Line 28. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:55%;">IRS Transportation Standards, Ownership Costs</td> <td style="width:40%; text-align:right;">\$ 496.00</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47.</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td style="text-align:right;">Subtract Line b from Line a</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$ 496.00	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47.	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a	\$ 496.00
a.	IRS Transportation Standards, Ownership Costs	\$ 496.00									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47.	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a									
29	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 28.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 47; subtract Line b from Line a and enter the result in Line 29. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:55%;">IRS Transportation Standards, Ownership Costs</td> <td style="width:40%; text-align:right;">\$ 496.00</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td style="text-align:right;">Subtract Line b from Line a</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$ 496.00	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47	\$	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a	\$ 496.00
a.	IRS Transportation Standards, Ownership Costs	\$ 496.00									
b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47	\$									
c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a									
30	<p>Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.</p>	\$ 6,346.15									
31	<p>Other Necessary Expenses: involuntary deductions for employment. Enter the total average monthly payroll deductions that are required for your employment, such as retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as voluntary 401(k) contributions.</p>	\$ 325.00									
32	<p>Other Necessary Expenses: life insurance. Enter total average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.</p>	\$ 417.06									
33	<p>Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. Do not include payments on past due obligations included in Line 49.</p>	\$ 200.00									
34	<p>Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.</p>	\$ 0.00									
35	<p>Other Necessary Expenses: childcare. Enter the total average monthly amount that you actually expend on childcare—such as baby-sitting, day care, nursery and preschool. Do not include other educational payments.</p>	\$ 0.00									
36	<p>Other Necessary Expenses: health care. Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents, that is not reimbursed by insurance or paid by a health savings account, and that is in excess of the amount entered in Line 24B. Do not include payments for health insurance or health savings accounts listed in Line 39.</p>	\$									
37	<p>Other Necessary Expenses: telecommunication services. Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone and cell phone service— such as pagers, call waiting, caller id, special long distance, or internet service—to the extent necessary for your health and welfare or that of your dependents. Do not include any amount previously deducted.</p>	\$ 0.00									
38	<p>Total Expenses Allowed under IRS Standards. Enter the total of Lines 24 through 37.</p>	\$ 10,292.21									
Subpart B: Additional Living Expense Deductions											

Note: Do not include any expenses that you have listed in Lines 24-37					
39	Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents.				
	a.	Health Insurance	\$		
	b.	Disability Insurance	\$0.00		
	c.	Health Savings Account	\$		
	Total and enter on Line 39 If you do not actually expend this total amount, state your actual total average monthly expenditures in the space below: \$ _____				\$ 0.00
40	Continued contributions to the care of household or family members. Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. Do not include payments listed in Line 34.				\$ 0.00
41	Protection against family violence. Enter the total average reasonably necessary monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.				\$ 0.00
42	Home energy costs. Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.				\$
43	Education expenses for dependent children under 18. Enter the total average monthly expenses that you actually incur, not to exceed \$147.92* per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.				\$ 0.00
44	Additional food and clothing expense. Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must demonstrate that the additional amount claimed is reasonable and necessary.				\$
45	Charitable contributions. Enter the amount reasonably necessary for you to expend each month on charitable contributions in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2). Do not include any amount in excess of 15% of your gross monthly income.				\$ 1,060.00
46	Total Additional Expense Deductions under § 707(b). Enter the total of Lines 39 through 45.				\$ 1,060.00
Subpart C: Deductions for Debt Payment					
47	Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 47.				
		Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?
	a.	INDY MAC	10214 N. 44TH ST.	\$ 5,067.50	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Total: Add Lines a, b and c					\$ 5,067.50

48	<p>Other payments on secured claims. If any of debts listed in Line 47 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 47, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:35%;">Name of Creditor</th> <th style="width:35%;">Property Securing the Debt</th> <th style="width:25%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align:right;">\$</td> </tr> </tbody> </table> <p style="text-align:right;">Total: Add Lines a, b and c</p>			Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount	a.			\$	\$ 0.00	
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount									
a.			\$									
49	<p>Payments on prepetition priority claims. Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. Do not include current obligations, such as those set out in Line 33.</p>		\$ 1,550.00									
50	<p>Chapter 13 administrative expenses. Multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width:35%; text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</td> <td style="text-align:right;">x 9.80</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align:right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>		a.	Projected average monthly Chapter 13 plan payment.	\$	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x 9.80	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$ 0.00
a.	Projected average monthly Chapter 13 plan payment.	\$										
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x 9.80										
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b										
51	<p>Total Deductions for Debt Payment. Enter the total of Lines 47 through 50.</p>		\$ 6,617.50									
Subpart D: Total Deductions from Income												
52	<p>Total of all deductions from income. Enter the total of Lines 38, 46, and 51.</p>		\$ 17,969.71									
Part V. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)												
53	<p>Total current monthly income. Enter the amount from Line 20.</p>		\$ 19,855.00									
54	<p>Support income. Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child.</p>		\$									
55	<p>Qualified retirement deductions. Enter the monthly total of (a) all amounts withheld by your employer from wages as contributions for qualified retirement plans, as specified in § 541(b)(7) and (b) all required repayments of loans from retirement plans, as specified in § 362(b)(19).</p>		\$									
56	<p>Total of all deductions allowed under § 707(b)(2). Enter the amount from Line 52.</p>		\$ 17,969.71									
57	<p>Deduction for special circumstances. If there are special circumstances that justify additional expenses for which there is no reasonable alternative, describe the special circumstances and the resulting expenses in lines a-c below. If necessary, list additional entries on a separate page. Total the expenses and enter the total in Line 57. You must provide your case trustee with documentation of these expenses and you must provide a detailed explanation of the special circumstances that make such expenses necessary and reasonable.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:60%;">Nature of special circumstances</th> <th style="width:35%;">Amount of expense</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td style="text-align:right;">\$</td> </tr> </tbody> </table> <p style="text-align:right;">Total: Add Lines a, b, and c</p>			Nature of special circumstances	Amount of expense	a.		\$	\$			
	Nature of special circumstances	Amount of expense										
a.		\$										

58	Total adjustments to determine disposable income. Add the amounts on Lines 54, 55, 56, and 57 and enter the result.	\$ 17,969.71
59	Monthly Disposable Income Under § 1325(b)(2). Subtract Line 58 from Line 53 and enter the result.	\$ 1,885.29

Part VI. ADDITIONAL EXPENSE CLAIMS

60	Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.	
	Expense Description	Monthly Amount
	a.	\$
	Total: Add Lines a, b, and c	
		\$0.00

Part VII: VERIFICATION

61	I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i> Date: <u>10/27/2010</u> Signature: <u>/s/ MEMIE C. BURTON JR.</u> MEMIE C. BURTON JR., (Debtor)	
----	--	--

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re)
MEMIE C. BURTON JR.)
)
)
)
)
Debtor(s))

Chapter 13
Case No. 2:10-bk-34288

Declaration of Evidence of Employers' Payments Within 60 Days

- Attached hereto are copies of all payment advices, pay stubs or other evidence of payment received by the debtor from any employer within 60 days prior to the filing of the petition;
- Debtor has received no payment advices, pay stubs or other evidence of payment from any employer within 60 days prior to the filing of the petition; or
- Debtor has received the following payments from employers within 60 days prior to the filing of the petition:
\$_____.

Debtor declares the foregoing to be true and correct under penalty of perjury.

Dated: 7/23/10

MEMIE C. BURTON JR.
Signature of Debtor

If attaching pay stubs or other payment advices, it is your responsibility to redact (black out) any social security numbers, names of minor children, dates of birth or financial account numbers before attaching them to this document.

Smart Leave and Earnings Statement

Printer Friendly Version HTML Version

05/22/2010

CIVILIAN LEAVE AND EARNINGS STATEMENT										1. Pay Period End 05/22/10
										2. Pay Date 05/28/10
3. Name BURTON MEMIE C JR	4. Pay Plan/Grade/Step GP 15 10	5. Hourly/Daily/Rate 62.06	6. Basic/OT Rate 93.09	7. Basic Pay + Locality Adj = Adjusted Basic Pay 129,517.00 0.00 0.00						
8. Soc Sec No ***-**-8417	9. Locality % 0.00	10. FLSA Category E	11. SCD Leave 10/06/92	12. Max Leave Carry Over 240	13. Leave Year End 01/01/11					
14. Financial Institution - Net Pay FIFTH THIRD BANK			15. Financial Institution - Allotment #1			16. Financial Institution - Allotment #2				
17. Tax Marital Exemptions Add'l Status FED M 3 0 AZ M 2 0		18. Tax Marital Exemptions Add'l Taxing Authority Status			19. Cumulative Retirement FERS: 6,095.97		20. Military Deposit			
21. Current		Year to Date		22. TSP DATA 13%						
GROSS PAY 7,098.40		77,020.40								
TAXABLE WAGES 6,098.99		66,566.77								
NONTAXABLE WAGES 76.62		826.06								
TAX DEFERRED WAGES 922.79		9,627.57								
DEDUCTIONS 2,928.99		36,427.72								
AEIC										
NET PAY 4,169.41		40,592.68								
CURRENT EARNINGS										
TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT		
REGULAR PAY	80.00	4,964.80	MARKET PAY	0.00	2,133.60					
DEDUCTIONS										
TYPE	CODE	CURRENT	YEAR TO DATE	TYPE	CODE	CURRENT	YEAR TO DATE			
CHLD SUP,GRN		0.00	5,056.94	FEHB	454	76.62	826.06			
MEDICARE		101.82	1,104.82	OASDI		435.35	4,724.05			
RETIRE, FERS	K	56.79	592.48	TAX, FEDERAL		1,054.16	11,441.04			
TAX, STATE	AZ	281.40	3,054.76	TSP SAVINGS		922.79	9,627.57			
LEAVE										
TYPE	PRIOR YR BALANCE	ACCRUED PAY PD	ACCRUED YTD	USED PAY PD	USED YTD	DONATED/ RETURNED	CURRENT BALANCE	USE-LOSE/ TERM DATE		
ANNUAL	175.79	8.00	80.00	0.00	16.00	0.00	239.79	127.79		
SICK	164.00	4.00	40.00	1.75	51.75	0.00	152.25			
DONATED	0.00	0.00	82.00	0.00	82.00	0.00	0.00			
HOLIDAY	0.00	0.00	0.00	0.00	16.00	0.00	0.00			
BENEFITS PAID BY GOVERNMENT FOR YOU										
TYPE	CURRENT	YEAR TO DATE	TYPE	CURRENT	YEAR TO DATE					
FEHB	167.61	1,831.76	MEDICARE	101.82	1,104.82					
OASDI	435.35	4,724.05	RETIRE, FERS	795.02	8,294.53					
TSP BASIC	70.98	740.56	TSP MATCHING	283.94	2,962.36					
REMARKS										
YOUR PAYROLL OFFICE ID NUMBER IS 97381500 - DEPARTMENT OF HEALTH AND HUMAN SERVICES. BUY US SAVINGS BONDS. PRETAX FEHB EXCLUSION \$ 76.62										

THIS REPORT CONTAINS INFORMATION SUBJECT TO THE PRIVACY ACT OF 1974 AS AMENDED



- We recommend that you select the Printer Friendly Version of your LES if you desire to print your LES. It requires Adobe Acrobat Reader. Often, Acrobat Reader is already added to web browsers. If you don't have Adobe Reader and your security policies allow you to install it, it can be downloaded at <http://www.adobe.com/products/acrobat/readstep2.html>. If you prefer the html version, click the Print button. You may have to make adjustments to your margins in your browser Setup for optimal printing of the html version.
- The "View More" option will allow you to view and/or print your Leave and Earnings information for the current pay period.

Print Version

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05/08/2010

CIVILIAN LEAVE AND EARNINGS STATEMENT	1. Pay Period End 05/08/10
	2. Pay Date 05/14/10

3. Name BURTON MEMIE C JR	4. Pay Plan/Grade/Step GP 15 10	5. Hourly/Daily Rate 62.06	6. Basic OT Rate 93.09	7. Basic Pay + Locality Adj = Adjusted Basic Pay 129517.00		
8. Soc Sec No ***-**-8417	9. Locality %	10. FLSA Category E	11. SCD Leave 10/06/92	12. Max Leave Carry Over 240	13. Leave Year End 01/01/11	
14. Financial Institution - Net Pay FIFTH THIRD BANK		15. Financial Institution - Allotment #1		16. Financial Institution - Allotment # 2		
17. Tax Marital Exemptions Add'l FED M 3 0 AZ M 2 0	18. Tax Marital Exemptions Add'l Taxing Authority Status			19. Cumulative Retirement FERS: 6039.18	20. Military Deposit	

	Current	Year to Date	
GROSS PAY	10060.40	69922.00	
TAXABLE WAGES	9060.99	60467.78	
NONTAXABLE WAGES	76.62	749.44	
TAX DEFERRED WAGES	922.79	8704.78	
DEDUCTIONS	4093.79	33498.73	
AEIC			
NET PAY	5966.61	36423.27	
			22. TSP DATA 13%

CURRENT EARNINGS								
TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT
REGULAR PAY	80.00	4964.80	MARKET PAY		2133.60	INCENTVE AWD		2962.00

DEDUCTIONS							
TYPE	CODE	CURRENT	YEAR TO DATE	TYPE	CODE	CURRENT	YEAR TO DATE
CHLD SUP,GRN			5056.94	FEHB	454	76.62	749.44
MEDICARE		144.76	1003.00	OASDI		619.00	4288.70
RETIRE, FERS	K	56.79	535.69	TAX, FEDERAL		1794.66	10386.88
TAX, STATE	AZ	479.17	2773.30	TSP SAVINGS		922.79	8704.78

LEAVE								
TYPE	PRIOR YR BALANCE	ACCRUED PAY PD	ACCRUED YTD	USED PAY PD	USED YTD	DONATED/ RETURNED	CURRENT BALANCE	USE-1,0SE/ TERM DATE
ANNUAL	175.79	8.00	72.00		16.00		231.79	127.79
SICK	164.00	4.00	36.00	8.00	50.00		150.00	
DONATED HOLIDAY			82.00		82.00			
					16.00			

BENEFITS PAID BY GOVERNMENT FOR YOU							
TYPE	CURRENT	YEAR TO DATE	TYPE	CURRENT	YEAR TO DATE		
FEHB	167.61	1664.15	MEDICARE	144.76	1003.00		
OASDI	619.00	4288.70	RETIRE, FERS	795.02	7499.51		
TSP BASIC	70.98	669.58	TSP MATCHING	283.94	2678.42		

REMARKS

YOUR PAYROLL OFFICE ID NUMBER IS 97381500 - DEPARTMENT OF HEALTH AND HUMAN SERVICES.
 BUY US SAVINGS BONDS.
 NET PAY INCLUDES CURRENT AWARD NET OF \$ 1797.19
 PRETAX FEHB EXCLUSION \$ 76.62

THIS REPORT CONTAINS INFORMATION SUBJECT TO THE PRIVACY ACT OF 1974 AS AMENDED

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04/24/2010

CIVILIAN LEAVE AND EARNINGS STATEMENT	1. Pay Period End 04/24/10
	2. Pay Date 04/30/10

3. Name BURTON MEMIE C JR	4. Pay Plan/Grade/Step GP 15 10	5. Hourly/Daily Rate 62.06	6. Basic OT Rate 93.09	7. Basic Pay + Locality Adj = Adjusted Basic Pay 129517.00		
8. Soc Sec No ***-**-8417	9. Locality %	10. FLSA Category E	11. SCD Leave 10/06/92	12. Max Leave Carry Over 240	13. Leave Year End 01/01/11	
14. Financial Institution - Net Pay FIFTH THIRD BANK		15. Financial Institution - Allotment #1		16. Financial Institution - Allotment # 2		
17. Tax Marital Status Exemptions Add'l FED M 3 0 AZ M 2 0	18. Tax Marital Exemptions Add'l Taxing Authority Status			19. Cumulative Retirement FERS: 5982.39	20. Military Deposit	

21.		Current	Year to Date	
	GROSS PAY	7098.40	59861.60	22. TSP DATA 13%
	TAXABLE WAGES	6098.99	51406.79	
	NONTAXABLE WAGES	76.62	672.82	
	TAX DEFERRED WAGES	922.79	7781.99	
	DEDUCTIONS	2928.99	29404.94	
	AEIC			
	NET PAY	4169.41	30456.66	

CURRENT EARNINGS								
TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT
REGULAR PAY	80.00	4964.80	MARKET PAY		2133.60			

DEDUCTIONS							
TYPE	CODE	CURRENT	YEAR TO DATE	TYPE	CODE	CURRENT	YEAR TO DATE
CHILD SUP,GRN			5056.94	FEHB	454	76.62	672.82
MEDICARE		101.82	858.24	OASDI		435.35	3669.70
RETIRE, FERS	K	56.79	478.90	TAX, FEDERAL		1054.16	8592.22
TAX, STATE	AZ	281.46	2294.13	TSP SAVINGS		922.79	7781.99

LEAVE								
TYPE	PRIOR YR BALANCE	ACCRUED PAY PD	ACCRUED YTD	USED PAY PD	USED YTD	DONATED/ RETURNED	CURRENT BALANCE	USE-LOSE/ TERM DATE
ANNUAL	175.79	8.00	64.00		16.00		223.79	127.79
SICK	164.00	4.00	32.00		42.00		154.00	
DONATED			82.00		82.00			
HOLIDAY					16.00			

BENEFITS PAID BY GOVERNMENT FOR YOU					
TYPE	CURRENT	YEAR TO DATE	TYPE	CURRENT	YEAR TO DATE
FEHB	167.61	1496.54	MEDICARE	101.82	858.24
OASDI	435.35	3669.70	RETIRE, FERS	795.02	6704.49
TSP BASIC	70.98	598.60	TSP MATCHING	283.94	2394.48

REMARKS

YOUR PAYROLL OFFICE ID NUMBER IS 97381500 - DEPARTMENT OF HEALTH AND HUMAN SERVICES.
 BUY US SAVINGS BONDS.
 MISSED TAX DAY? CALL THE IRS FOR ASSISTANCE AT
 1-800-829-1040 OR ACCESS THEIR WEBSITE AT WWW.IRS.GOV.
 PRETAX FEHB EXCLUSION \$ 76.62

THIS REPORT CONTAINS INFORMATION SUBJECT TO THE PRIVACY ACT OF 1974 AS AMENDED

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04/10/2010

CIVILIAN LEAVE AND EARNINGS STATEMENT										1. Pay Period End 04/10/10	
										2. Pay Date 04/16/10	
3. Name BURTON MEMIE C JR			4. Pay Plan/Grade/Step GP 15 10		5. Hourly/Daily Rate 62.06		6. Basic OT Rate 93.09		7. Basic Pay + Locality Adj = Adjusted Basic Pay 129517.00		
8. Soc Sec No ***-**-8417			9. Locality %		10. FLSA Category E		11. SCD Leave 10/06/92		12. Max Leave Carry Over 240		13. Leave Year End 01/01/11
14. Financial Institution - Net Pay FIFTH THIRD BANK				15. Financial Institution - Allotment #1				16. Financial Institution - Allotment # 2			
17. Tax Marital Exemptions Add'l Status FED M 3 0 AZ M 2 0			18. Tax Marital Exemptions Add'l Taxing Authority Status				19. Cumulative Retirement FERS: 5925.60		20. Military Deposit		
21.		Current		Year to Date		22.					
GROSS PAY		7098.40		52763.20		TSP DATA		13%			
TAXABLE WAGES		6098.99		45307.80							
NONTAXABLE WAGES		76.62		596.20							
TAX DEFERRED WAGES		922.79		6859.20							
DEDUCTIONS		2928.98		26475.95							
AEIC											
NET PAY		4169.42		26287.25							
CURRENT EARNINGS											
TYPE		HOURS/DAYS		AMOUNT		TYPE		HOURS/DAYS		AMOUNT	
REGULAR PAY		80.00		4964.80		MARKET PAY				2133.60	
DEDUCTIONS											
TYPE		CODE		CURRENT		YEAR TO DATE		TYPE		CODE	
CHLD SUP,GRN						5056.94		FEHB		454	
MEDICARE				101.81		756.42		OASDI		435.35	
RETIRE, FERS		K		56.79		422.11		TAX, FEDERAL		1054.16	
TAX, STATE		AZ		281.46		2012.67		TSP SAVINGS		922.79	
										6859.20	
LEAVE											
TYPE		PRIOR YR BALANCE		ACCRUED PAY PD		ACCRUED YTD		USED PAY PD		USED YTD	
ANNUAL		175.79		8.00		56.00		16.00		16.00	
SICK		164.00		4.00		28.00		2.00		42.00	
DONATED HOLIDAY						82.00				82.00	
										16.00	
										150.00	
										215.79	
										127.79	
BENEFITS PAID BY GOVERNMENT FOR YOU											
TYPE		CURRENT		YEAR TO DATE		TYPE		CURRENT		YEAR TO DATE	
FEHB		167.61		1328.93		MEDICARE		101.81		756.42	
OASDI		435.35		3234.35		RETIRE, FERS		795.02		5909.47	
TSP BASIC		70.98		527.62		TSP MATCHING		283.94		2110.54	
REMARKS											
YOUR PAYROLL OFFICE ID NUMBER IS 97381500 - DEPARTMENT OF HEALTH AND HUMAN SERVICES. BUY US SAVINGS BONDS. PRETAX FEHB EXCLUSION \$ 76.62											

THIS REPORT CONTAINS INFORMATION SUBJECT TO THE PRIVACY ACT OF 1974 AS AMENDED

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03/27/2010

CIVILIAN LEAVE AND EARNINGS STATEMENT

1. Pay Period End
03/27/10

2. Pay Date
04/02/10

3. Name BURTON MEMIE C JR		4. Pay Plan/Grade/Step GP 15 10		5. Hourly/Daily Rate 62.06		6. Basic OT Rate 93.09		7. Basic Pay + Locality Adj = Adjusted Basic Pay 129517.00			
8. Soc Sec No ***-**-8417		9. Locality %		10. FLSA Category E		11. SCD Leave 10/06/92		12. Max Leave Carry Over 240		13. Leave Year End 01/01/11	
14. Financial Institution - Net Pay FIFTH THIRD BANK				15. Financial Institution - Allotment #1				16. Financial Institution - Allotment # 2			
17. Tax Marital Status Exemptions Add'l			18. Tax Marital Status Exemptions Add'l Taxing Authority			19. Cumulative Retirement FERS: 5868.81			20. Military Deposit		
FED M 3 0 AZ M 2 0											

21.				22.	
		Current		Year to Date	
GROSS PAY		7098.40		45664.80	
TAXABLE WAGES		6098.99		39208.81	
NONTAXABLE WAGES		76.62		519.58	
TAX DEFERRED WAGES		922.79		5936.41	
DEDUCTIONS		3651.41		23546.97	
AEIC					
NET PAY		3446.99		22117.83	
				TSP DATA 13%	

CURRENT EARNINGS

TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT
REGULAR PAY	80.00	4964.80	MARKET PAY		2133.60			

DEDUCTIONS

TYPE	CODE	CURRENT	YEAR TO DATE	TYPE	CODE	CURRENT	YEAR TO DATE
CHLD SUP,GRN		722.42	5056.94	FEHB	454	76.62	519.58
MEDICARE		101.82	654.61	OASDI		435.35	2799.00
RETIRE, FERS	K	56.79	365.32	TAX, FEDERAL		1054.16	6483.90
TAX, STATE	AZ	281.46	1731.21	TSP SAVINGS		922.79	5936.41

LEAVE

TYPE	PRIOR YR BALANCE	ACCRUED PAY PD	ACCRUED YTD	USED PAY PD	USED YTD	DONATED/ RETURNED	CURRENT BALANCE	USE-LOSE/ TERM DATE
ANNUAL	175.79	8.00	48.00		16.00		207.79	127.79
SICK	164.00	4.00	24.00	40.00	40.00		148.00	
DONATED HOLIDAY			82.00		82.00			
					16.00			

BENEFITS PAID BY GOVERNMENT FOR YOU

TYPE	CURRENT	YEAR TO DATE	TYPE	CURRENT	YEAR TO DATE
FEHB	167.61	1161.32	MEDICARE	101.82	654.61
OASDI	435.35	2799.00	RETIRE, FERS	795.02	5114.45
TSP BASIC	70.98	456.64	TSP MATCHING	283.94	1826.60

REMARKS

YOUR PAYROLL OFFICE ID NUMBER IS 97381500 - DEPARTMENT OF HEALTH AND HUMAN SERVICES.
 BUY US SAVINGS BONDS.
 IT IS YOUR DUTY TO COMPLY WITH FEDERAL TAX LAWS. CALL THE IRS FOR ASSISTANCE AT
 1-800-829-1040 OR ACCESS THEIR WEBSITE AT WWW.IRS.GOV.
 PRETAX FEHB EXCLUSION \$ 76.62

THIS REPORT CONTAINS INFORMATION SUBJECT TO THE PRIVACY ACT OF 1974 AS AMENDED



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03/13/2010

CIVILIAN LEAVE AND EARNINGS STATEMENT							1. Pay Period End 03/13/10		
							2. Pay Date 03/19/10		
3. Name BURTON MEMIE C JR		4. Pay Plan/Grade/Step GP 15 10		5. Hourly/Daily Rate 62.06	6. Basic OT Rate 93.09	7. Basic Pay + Locality Adj = Adjusted Basic Pay 129517.00			
8. Soc Sec No ***-**-8417		9. Locality %		10. FLSA Category E	11. SCD Leave 10/06/92	12. Max Leave Carry Over 240	13. Leave Year End 01/01/11		
14. Financial Institution - Net Pay FIFTH THIRD BANK				15. Financial Institution - Allotment #1		16. Financial Institution - Allotment # 2			
17. Tax Marital Status		Exemptions Add'l		18. Tax Marital Status		Exemptions Add'l		19. Cumulative Retirement FERS: 5812.02	20. Military Deposit
FED M 3		0							
AZ M 2		0							
21. Current Year to Date					22. TSP DATA 13%				
GROSS PAY		8252.00		38566.40					
TAXABLE WAGES		7102.63		33109.82					
NONTAXABLE WAGES		76.62		442.96					
TAX DEFERRED WAGES		1072.75		5013.62					
DEDUCTIONS		4224.29		19895.56					
AEIC									
NET PAY		4027.71		18670.84					
CURRENT EARNINGS									
TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	
REGULAR PAY	80.00	4964.80	MARKET PAY		2133.60				
RETROACTIVE EARNINGS									
TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	TYPE	HOURS/DAYS	AMOUNT	
MARKET PAY		1153.60							
DEDUCTIONS									
TYPE	CODE	CURRENT	YEAR TO DATE	TYPE	CODE	CURRENT	YEAR TO DATE		
CHLD SUP,GRN		722.42	4334.52	FEHB	454	76.62	442.96		
MEDICARE		118.54	552.79	OASDI		506.87	2363.65		
RETIRE, FERS	K	66.03	308.53	TAX, FEDERAL		1311.02	5429.74		
TAX, STATE	AZ	350.04	1449.75	TSP SAVINGS		1072.75	5013.62		
LEAVE									
TYPE	PRIOR YR BALANCE	ACCRUED PAY PD	ACCRUED YTD	USED PAY PD	USED YTD	DONATED/RETURNED	CURRENT BALANCE	USE-LOSE/TERM DATE	
ANNUAL	175.79	8.00	40.00		16.00		199.79	127.79	
SICK	164.00	4.00	20.00				184.00		
DONATED			82.00		82.00				
HOLIDAY					16.00				
BENEFITS PAID BY GOVERNMENT FOR YOU									
TYPE	CURRENT	YEAR TO DATE	TYPE	CURRENT	YEAR TO DATE				
FEHB	167.61	993.71	MEDICARE	118.54	552.79				
OASDI	506.87	2363.65	RETIRE, FERS	924.22	4319.43				
TSP BASIC	82.50	385.66	TSP MATCHING	330.10	1542.66				
REMARKS									
YOUR PAYROLL OFFICE ID NUMBER IS 97381500 - DEPARTMENT OF HEALTH AND HUMAN SERVICES. PRETAX FEHB EXCLUSION \$ 76.62 ALLOWANCE/DIFFERENTIAL/PREMIUM INCENTIVE PAY CHANGED. RETROACTIVE PERSONNEL DATA PROCESSED.									

Printer Friendly Version

02/27/2010

CIVILIAN LEAVE AND EARNINGS STATEMENT										1. Pay Period End 02/27/10	
										2. Pay Date 03/05/10	
3. Name BURTON MEMIE C JR			4. Pay Plan/Grade/Step GP 15 10		5. Hourly/Daily Rate 62.06		6. Basic OT Rate 93.09		7. Basic Pay + Locality Adj = Adjusted Basic Pay 129517.00		
8. Soc Sec No ***-**-8417			9. Locality %		10. FLSA Category E		11. SCD Leave 10/06/92		12. Max Leave Carry Over 240		13. Leave Year End 01/01/11
14. Financial Institution - Net Pay FIFTH THIRD BANK				15. Financial Institution - Allotment #1				16. Financial Institution - Allotment # 2			
17. Tax Marital Exemptions Add'l Status FED M 3 0 AZ M 2 0			18. Tax Marital Exemptions Add'l Taxing Authority Status				19. Cumulative Retirement FERS: 5745.99		20. Military Deposit		
21.			Current			Year to Date			22.		
GROSS PAY			6521.60			30314.40			TSP DATA 13%		
TAXABLE WAGES			5597.17			26007.19					
NONTAXABLE WAGES			76.62			366.34					
TAX DEFERRED WAGES			847.81			3940.87					
DEDUCTIONS			3364.97			15671.27					
AEIC											
NET PAY			3156.63			14643.13					
CURRENT EARNINGS											
TYPE		HOURS/DAYS		AMOUNT		TYPE		HOURS/DAYS		AMOUNT	
REGULAR PAY		80.00		4964.80		MARKET PAY				1556.80	
DEDUCTIONS											
TYPE		CODE		CURRENT		YEAR TO DATE		TYPE		CODE	
CHLD SUP,GRN				722.42		3612.10		FEHB		454	
MEDICARE				93.46		434.25		OASDI			
RETIRE, FERS		K		52.17		242.50		TAX, FEDERAL			
TAX, STATE		AZ		247.17		1099.71		TSP SAVINGS			
				847.81		3940.87					
LEAVE											
TYPE		PRIOR YR BALANCE		ACCRUED PAY PD		ACCRUED YTD		USED PAY PD		USED YTD	
ANNUAL		175.79		8.00		32.00		16.00		16.00	
SICK		164.00		4.00		16.00				180.00	
DONATED HOLIDAY						82.00		8.00		16.00	
BENEFITS PAID BY GOVERNMENT FOR YOU											
TYPE		CURRENT		YEAR TO DATE		TYPE		CURRENT		YEAR TO DATE	
FEHB		167.61		826.10		MEDICARE		93.46		434.25	
OASDI		399.59		1856.78		RETIRE, FERS		730.42		3395.21	
TSP BASIC		65.22		303.16		TSP MATCHING		260.86		1212.56	
REMARKS											
YOUR PAYROLL OFFICE ID NUMBER IS 97381500 - DEPARTMENT OF HEALTH AND HUMAN SERVICES. PRETAX FEHB EXCLUSION \$ 76.62											

THIS REPORT CONTAINS INFORMATION SUBJECT TO THE PRIVACY ACT OF 1974 AS AMENDED

B22C (Official Form 22C) (Chapter 13) (04/10)

In re MEMIE C. BURTON JR.
Debtor(s)

Case Number: 2:10-bk-34288
(If known)

According to the calculations required by this statement:

The applicable commitment period is 3 years.

The applicable commitment period is 5 years.

Disposable income is determined under § 1325(b)(3)

Disposable income is not determined under § 1325(b)(3)

(Check the boxes as directed in Lines 17 and 23 of this statement.)

**CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME
AND CALCULATION OF COMMITMENT PERIOD AND DISPOSABLE INCOME**

In addition to Schedules I and J, this statement must be completed by every individual chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. REPORT OF INCOME					
1	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10.</p> <p>b. <input checked="" type="checkbox"/> Married. Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 2-10.</p>				
	<p>All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.</p>		<p>Column A Debtor's Income</p>	<p>Column B Spouse's Income</p>	
2	Gross wages, salary, tips, bonuses, overtime, commissions.		\$15,379.00	\$4,476.00	
3	<p>Income from the operation of a business, profession or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part IV.</p>				
	a.	Gross Receipts	\$ 0.00		
	b.	Ordinary and necessary business expenses	\$ 0.00		
	c.	Business income	Subtract Line b from Line a	\$0.00	\$0.00
4	<p>Rent and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part IV.</p>				
	a.	Gross Receipts	\$ 0.00		
	b.	Ordinary and necessary operating expenses	\$ 0.00		
	c.	Rent and other real property income	Subtract Line b from Line a	\$0.00	\$0.00
5	Interest, dividends, and royalties.		\$0.00	\$0.00	
6	Pension and retirement income.		\$0.00	\$0.00	
7	Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose. Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse.		\$0.00	\$0.00	

8	<p>Unemployment compensation. Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width:20%;">Debtor \$ _____</td> <td style="width:20%;">Spouse \$ _____</td> <td style="width:10%; text-align:right;">\$</td> <td style="width:10%; text-align:right;">\$</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$		
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$				
9	<p>Income from all other sources. Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. Do not include alimony or separate maintenance payments paid by your spouse, but include all other payments of alimony or separate maintenance. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;"></td> <td style="width:5%; text-align:center;">\$</td> <td style="width:25%;"></td> </tr> </table>	a.		\$		\$0.00	\$0.00	
a.		\$						
10	<p>Subtotal. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 thru 9 in Column B. Enter the total(s).</p>	\$15,379.00	\$4,476.00					
11	<p>Total. If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.</p>	\$ 19,855.00						
Part II. CALCULATION OF § 1325(b)(4) COMMITMENT PERIOD								
12	<p>Enter the amount from Line 11.</p>	\$ 19,855.00						
13	<p>Marital adjustment. If you are married, but are not filing jointly with your spouse, AND if you contend that calculation of the commitment period under § 1325(b)(4) does not require inclusion of the income of your spouse, enter on Line 13 the amount of the income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of you or your dependents and specify, in the lines below, the basis for excluding this income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;"></td> <td style="width:5%; text-align:center;">\$</td> <td style="width:25%;"></td> </tr> </table> <p>Total and enter on Line 13.</p>	a.		\$		\$0.00		
a.		\$						

14	Subtract Line 13 from Line 12 and enter the result.	\$ 19,855.00
15	Annualized current monthly income for § 1325(b)(4). Multiply the amount from Line 14 by the number 12 and enter the result.	\$ 238,260.00
16	Applicable median family income. Enter the median family income for applicable state and household size. (This information is available by family size at www.usdoj.gov/ust or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: <u> AZ </u> b. Enter debtor's household size: <u> 2 </u>	\$ 56,692.00
17	Application of § 1325(b)(4). Check the applicable box and proceed as directed. <input type="checkbox"/> The amount on Line 15 is less than the amount on Line 16. Check the box for "The applicable commitment period is 3 years" at the top of page 1 of this statement and continue with this statement. <input checked="" type="checkbox"/> The amount on Line 15 is not less than the amount on Line 16. Check the box for "The applicable commitment period is 5 years" at the top of page 1 of this statement and continue with this statement.	

Part III. APPLICATION OF § 1325(b)(3) FOR DETERMINING DISPOSABLE INCOME

18	Enter the amount from Line 11.	\$ 19,855.00				
19	Marital adjustment. If you are married, but are not filing jointly with your spouse, enter on Line 19 the total of any income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 70%;"></td> <td style="width: 5%; text-align: center;">\$</td> <td style="width: 15%;"></td> </tr> </table> Total and enter on Line 19.	a.		\$		\$ 0.00
a.		\$				
20	Current monthly income for § 1325(b)(3). Subtract Line 19 from Line 18 and enter the result.	\$ 19,855.00				
21	Annualized current monthly income for § 1325(b)(3). Multiply the amount from Line 20 by the number 12 and enter the result.	\$ 238,260.00				
22	Applicable median family income. Enter the amount from Line 16	\$ 56,692.00				
23	Application of § 1325(b)(3). Check the applicable box and proceed as directed. <input checked="" type="checkbox"/> The amount on Line 21 is more than the amount on Line 22. Check the box for "Disposable income is determined under § 1325(b)(3)" at the top of page 1 of this statement and complete the remaining parts of this statement. <input type="checkbox"/> The amount on Line 21 is not more than the amount on Line 22. Check the box for "Disposable income is not determined under § 1325(b)(3)" at the top of page 1 of this statement and complete Part VII of this statement. Do not complete Parts IV, V, or VI.					

Part IV. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

24A	National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous. Enter in Line 24A the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$ 526.00

24B	<p>National Standards: health care. Enter in Line a1 below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) Enter in Line b1 the number of members of your household who are under 65 years of age, and enter in Line b2 the number of members of your household who are 65 years of age or older. (The total number of household members must be the same as the number stated in Line 16b.) Multiply Line a1 by Line b1 to obtain a total amount for household members under 65, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for household members 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 24B.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="2" style="text-align:left;">Household members under 65 years of age</th> <th colspan="2" style="text-align:left;">Household members 65 years of age or older</th> </tr> </thead> <tbody> <tr> <td style="width:5%;">a1.</td> <td style="width:35%;">Allowance per member</td> <td style="width:10%; text-align:right;">60.00</td> <td style="width:50%;">a2. Allowance per member</td> </tr> <tr> <td>b1.</td> <td>Number of members</td> <td style="text-align:right;">2.00</td> <td>b2. Number of members</td> </tr> <tr> <td>c1.</td> <td>Subtotal</td> <td style="text-align:right;">120.00</td> <td>c2. Subtotal</td> </tr> </tbody> </table>	Household members under 65 years of age		Household members 65 years of age or older		a1.	Allowance per member	60.00	a2. Allowance per member	b1.	Number of members	2.00	b2. Number of members	c1.	Subtotal	120.00	c2. Subtotal	\$ 120.00
Household members under 65 years of age		Household members 65 years of age or older																
a1.	Allowance per member	60.00	a2. Allowance per member															
b1.	Number of members	2.00	b2. Number of members															
c1.	Subtotal	120.00	c2. Subtotal															
25A	<p>Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).</p>	\$ 371.00																
25B	<p>Local Standards: housing and utilities; mortgage/rent expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 47; subtract Line b from Line a and enter the result in Line 25B. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tbody> <tr> <td style="width:5%;">a.</td> <td style="width:55%;">IRS Housing and Utilities Standards; mortgage/rent expense</td> <td style="width:40%; text-align:right;">\$ 881.00</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by home, if any, as stated in Line 47.</td> <td style="text-align:right;">\$ 5,067.00</td> </tr> <tr> <td>c.</td> <td>Net mortgage/rental expense</td> <td style="text-align:right;">Subtract Line b from Line a</td> </tr> </tbody> </table>	a.	IRS Housing and Utilities Standards; mortgage/rent expense	\$ 881.00	b.	Average Monthly Payment for any debts secured by home, if any, as stated in Line 47.	\$ 5,067.00	c.	Net mortgage/rental expense	Subtract Line b from Line a	\$ 0.00							
a.	IRS Housing and Utilities Standards; mortgage/rent expense	\$ 881.00																
b.	Average Monthly Payment for any debts secured by home, if any, as stated in Line 47.	\$ 5,067.00																
c.	Net mortgage/rental expense	Subtract Line b from Line a																
26	<p>Local Standards: housing and utilities; adjustment. If you contend that the process set out in Lines 25A and 25B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:</p>	\$																
27A	<p>Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.</p> <p>Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 or more.</p> <p>If you checked 0, enter on Line 27A the "Public Transportation" amount from IRS Local Standards: Transportation. If you checked 1 or 2 or more, enter on Line 27A the "Operating Costs" amount from IRS Local Standards: Transportation for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (These amounts are available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$ 472.00																
27B	<p>Local Standards: transportation; additional public transportation expense. If you pay the operating expenses for a vehicle and also use public transportation, and you contend that you are entitled to an additional deduction for your public transportation expenses, enter on Line 27B the "Public Transportation" amount from IRS Local Standards: Transportation. (This amount is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$ 0.00																

28	<p>Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 or more.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 47; subtract Line b from Line a and enter the result in Line 28. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;">IRS Transportation Standards, Ownership Costs</td> <td style="width:35%; text-align:right;">\$ 496.00</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47.</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td style="text-align:right;">Subtract Line b from Line a</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$ 496.00	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47.	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a	\$ 496.00
a.	IRS Transportation Standards, Ownership Costs	\$ 496.00									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47.	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a									
29	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 28.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 47; subtract Line b from Line a and enter the result in Line 29. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;">IRS Transportation Standards, Ownership Costs</td> <td style="width:35%; text-align:right;">\$ 496.00</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td style="text-align:right;">Subtract Line b from Line a</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$ 496.00	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47	\$	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a	\$ 496.00
a.	IRS Transportation Standards, Ownership Costs	\$ 496.00									
b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47	\$									
c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a									
30	<p>Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.</p>	\$ 6,346.15									
31	<p>Other Necessary Expenses: involuntary deductions for employment. Enter the total average monthly payroll deductions that are required for your employment, such as retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as voluntary 401(k) contributions.</p>	\$ 325.00									
32	<p>Other Necessary Expenses: life insurance. Enter total average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.</p>	\$ 417.06									
33	<p>Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. Do not include payments on past due obligations included in Line 49.</p>	\$ 200.00									
34	<p>Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.</p>	\$ 0.00									
35	<p>Other Necessary Expenses: childcare. Enter the total average monthly amount that you actually expend on childcare—such as baby-sitting, day care, nursery and preschool. Do not include other educational payments.</p>	\$ 0.00									
36	<p>Other Necessary Expenses: health care. Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents, that is not reimbursed by insurance or paid by a health savings account, and that is in excess of the amount entered in Line 24B. Do not include payments for health insurance or health savings accounts listed in Line 39.</p>	\$									
37	<p>Other Necessary Expenses: telecommunication services. Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone and cell phone service— such as pagers, call waiting, caller id, special long distance, or internet service—to the extent necessary for your health and welfare or that of your dependents. Do not include any amount previously deducted.</p>	\$ 0.00									
38	<p>Total Expenses Allowed under IRS Standards. Enter the total of Lines 24 through 37.</p>	\$ 9,769.21									
Subpart B: Additional Living Expense Deductions											

Note: Do not include any expenses that you have listed in Lines 24-37					
39	Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents.				
	a.	Health Insurance		\$862.00	
	b.	Disability Insurance		\$0.00	
	c.	Health Savings Account		\$	
	Total and enter on Line 39				\$ 862.00
	If you do not actually expend this total amount, state your actual total average monthly expenditures in the space below: \$ _____				
40	Continued contributions to the care of household or family members. Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. Do not include payments listed in Line 34.				\$ 2,000.00
41	Protection against family violence. Enter the total average reasonably necessary monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.				\$ 0.00
42	Home energy costs. Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.				\$
43	Education expenses for dependent children under 18. Enter the total average monthly expenses that you actually incur, not to exceed \$147.92* per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.				\$ 0.00
44	Additional food and clothing expense. Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must demonstrate that the additional amount claimed is reasonable and necessary.				\$
45	Charitable contributions. Enter the amount reasonably necessary for you to expend each month on charitable contributions in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2). Do not include any amount in excess of 15% of your gross monthly income.				\$ 1,060.00
46	Total Additional Expense Deductions under § 707(b). Enter the total of Lines 39 through 45.				\$ 3,922.00
Subpart C: Deductions for Debt Payment					
47	Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 47.				
		Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?
	a.	INDY MAC	10214 N. 44TH ST.	\$ 5,067.00	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
	Total: Add Lines a, b and c				\$ 5,067.00

48	<p>Other payments on secured claims. If any of debts listed in Line 47 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 47, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:35%;">Name of Creditor</th> <th style="width:35%;">Property Securing the Debt</th> <th style="width:25%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td style="text-align:center;">a.</td> <td>USAA</td> <td>AUTO</td> <td style="text-align:right;">\$ 166.66</td> </tr> </tbody> </table> <p style="text-align:right;">Total: Add Lines a, b and c</p>		Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount	a.	USAA	AUTO	\$ 166.66	\$ 166.66	
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount								
a.	USAA	AUTO	\$ 166.66								
49	<p>Payments on prepetition priority claims. Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. Do not include current obligations, such as those set out in Line 33.</p>	\$ 1,550.00									
50	<p>Chapter 13 administrative expenses. Multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width:35%; text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</td> <td style="text-align:right;">x 9.80</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align:right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>	a.	Projected average monthly Chapter 13 plan payment.	\$	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x 9.80	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$ 0.00
a.	Projected average monthly Chapter 13 plan payment.	\$									
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x 9.80									
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b									
51	<p>Total Deductions for Debt Payment. Enter the total of Lines 47 through 50.</p>	\$ 6,783.66									
Subpart D: Total Deductions from Income											
52	<p>Total of all deductions from income. Enter the total of Lines 38, 46, and 51.</p>	\$ 20,474.87									
Part V. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)											
53	<p>Total current monthly income. Enter the amount from Line 20.</p>	\$ 19,855.00									
54	<p>Support income. Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child.</p>	\$									
55	<p>Qualified retirement deductions. Enter the monthly total of (a) all amounts withheld by your employer from wages as contributions for qualified retirement plans, as specified in § 541(b)(7) and (b) all required repayments of loans from retirement plans, as specified in § 362(b)(19).</p>	\$									
56	<p>Total of all deductions allowed under § 707(b)(2). Enter the amount from Line 52.</p>	\$ 20,474.87									
57	<p>Deduction for special circumstances. If there are special circumstances that justify additional expenses for which there is no reasonable alternative, describe the special circumstances and the resulting expenses in lines a-c below. If necessary, list additional entries on a separate page. Total the expenses and enter the total in Line 57. You must provide your case trustee with documentation of these expenses and you must provide a detailed explanation of the special circumstances that make such expenses necessary and reasonable.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:60%;">Nature of special circumstances</th> <th style="width:35%;">Amount of expense</th> </tr> </thead> <tbody> <tr> <td style="text-align:center;">a.</td> <td></td> <td style="text-align:right;">\$</td> </tr> </tbody> </table> <p style="text-align:right;">Total: Add Lines a, b, and c</p>		Nature of special circumstances	Amount of expense	a.		\$	\$			
	Nature of special circumstances	Amount of expense									
a.		\$									

58	Total adjustments to determine disposable income. Add the amounts on Lines 54, 55, 56, and 57 and enter the result.	\$ 20,474.87
59	Monthly Disposable Income Under § 1325(b)(2). Subtract Line 58 from Line 53 and enter the result.	\$ -619.87

Part VI. ADDITIONAL EXPENSE CLAIMS

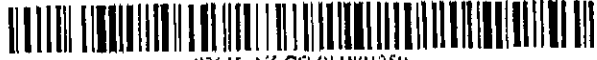
60	<p>Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.</p>	
	Expense Description	Monthly Amount
	a.	\$
	Total: Add Lines a, b, and c	
		\$0.00

Part VII: VERIFICATION

61	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p> <p>Date: <u>10/27/2010</u> Signature: <u>/s/ MEMIE C. BURTON JR.</u> MEMIE C. BURTON JR., (Debtor)</p>	
----	--	--

2:10-bk-34288 GBN

Certificate Number: 02645-AZ-CC-011801250



02645-AZ-CC-011801250

CERTIFICATE OF COUNSELING

I CERTIFY that on July 28, 2010, at 3:28 o'clock PM EDT, Memie C Burton Jr received from A 123 Credit Counselors, Inc., an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the District of Arizona, an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by internet and telephone.

Date: July 28, 2010 By: /s/Rachel Alvarez

Name: Rachel Alvarez

Title: Certified Credit Counselor

* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

SALLQUIST, DRUMMOND & O'CONNOR, P.C.

1430 East Missouri Avenue, Suite B-125
Phoenix, Arizona 85014
(602) 224-9222 – Telephone
(602) 224-9366 – Facsimile

Dean W. O'Connor, Esq. Bar#011941
Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re

MEMIE C. BURTON JR,

Debtor.

SSN xxx-xx-8417 SSN xxx-xx-_____
[Debtor address]

Case No. 2:10-bk-34288 GBN

**CHAPTER 13 PLAN AND APPLICATION FOR PAYMENT OF
ADMINISTRATIVE EXPENSES**

- Original
- [state if First, Second] Amended
- [state if First, Second] Modified
- Plan payments include post-petition mortgage payments

This Plan may affect creditor rights. **If you object to the treatment of your claim as proposed in this Plan, you must file a written objection by the deadline set forth in a Notice of Date to File Objections to Plan served on parties in interest.** If this is a joint case, then "Debtor" means both Debtors. This plan does not allow claims or affect the timeliness of any claim. To receive payment on your claim, you must file a proof of claim with the Bankruptcy Court, even if this Plan provides for your debt. The applicable deadlines to file a proof of claim were specified in the Notice of Commencement of Case. Except as provided in § 1323(c), a creditor who disagrees with the proposed treatment of its debt in this Plan must timely file an objection to the Plan.

If this is an Amended or Modified Plan, the reasons for filing this Amended or Modified Plan are: *[state reasons]*.

(A) Plan Payments and Property to be Submitted to the Plan.

(1) Plan payments start on 11/24/10. The Debtor shall pay the Trustee as follows:

\$1,991.00 each month for month 1 through month 60.
\$ _____ each month for month _____ through month _____.
\$ _____ each month for month _____ through month _____.

The proposed plan duration is 60 months. The applicable commitment period is 60 months. Section 1325(b)(4).

(2) In addition to the plan payments, Debtor will submit the following property to the Trustee: *NONE*.

(B) Trustee's Percentage Fee. Pursuant to 28 U.S.C. § 586(e), the Trustee may collect the percentage fee from all payments and property received, not to exceed 10%.

(C) Treatment of Administrative Expenses, Post-Petition Mortgage Payments and Claims. Except adequate protection payments under (C)(1), post-petition mortgage payments under (C)(4), or as otherwise ordered by the Court, the Trustee will make disbursements to creditors after the Court confirms this Plan. Unless otherwise provided in Section (J), disbursements by the Trustee shall be pro rata by class (except adequate protection payments) and made in the following order:

(1) ***Adequate protection payments.*** Section 1326(a)(1)(C) requires adequate protection payments to be made to creditors secured by personal property. Pursuant to Local Bankruptcy Rule 2084-6, the Trustee is authorized to make preconfirmation

adequate protection payments to the certain secured creditors without a Court order, provided the claim is properly listed on Schedule D, the creditor files a secured proof of claim that includes documentation evidencing a perfected security agreement, and the debtor or creditor sends a letter to the Trustee requesting payment of preconfirmation adequate protection payments. The Trustee will apply adequate protection payments to the creditor's secured claim. After confirmation, unless the Court orders otherwise, adequate protection payments will continue in the same amount until claims to be paid before these claimants are paid in full, unless the confirmed plan or a court order specifies a different amount. **If a secured creditor disagrees with the amount of the proposed adequate protection payments or the plan fails to provide for such payments, the creditor may file an objection to confirmation of this plan, file a motion pursuant to §§ 362, 363, or do both.**

<u>Creditor</u>	<u>Property Description</u>	<u>Monthly Amount</u>
USSAA BANK	2007 TOYOTA CAMRY	\$100.00

See Section (J), Varying Provisions.

(2) **Administrative expenses.** Section 507(a)(2).

(a) Attorney fees. Debtor's attorney received \$1,526.00 before filing. The balance of \$2,474.00 or an amount approved by the Court upon application shall be paid by the Trustee. See Section (F) for any fee application.

(b) Other Administrative Expenses. *NONE*

See Section (J), Varying Provisions.

(3) **Leases and Unexpired Executory Contracts.** Pursuant to § 1322(b), the Debtor assumes or rejects the following lease or unexpired executory contract. For a lease or executory contract with an arrearage to cure, the arrearage will be cured in the plan payments with regular monthly payments to be paid direct by the Debtor. The arrearage amount to be adjusted to the amount in the creditor's allowed proof of claim.

(a) Assumed:

<u>Creditor & Property Description</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
USAA LEASE OF LINCOLN NAVAGATOR	\$0.00	10/1/10

(b) Rejected:

<u>Creditor</u>	<u>Property Description</u>
<i>NONE</i>	

See Section (J), Varying Provisions.

(4) **Claims Secured Solely by Security Interest in Real Property.** A creditor identified in this paragraph may mail the Debtor all correspondence, notices, statements, payment coupons, escrow notices, and default notices concerning any change to the monthly payment or interest rate without such being a violation of the automatic stay. Unless stated below, Debtor is to pay post-petition payments direct to the creditor and prepetition arrearages shall be cured through the Trustee. No interest will be paid on the prepetition arrearage or debt unless otherwise stated. The arrearage amount is to be adjusted to the amount in the creditor's allowed proof of claim. Except as provided in Local Bankruptcy Rule 2084-23, if a creditor gets unconditional stay relief the actual cure amount to be paid shall be adjusted by the Trustee pursuant to the creditor's *allowed* proof of claim. If the Debtor is surrendering an interest in real property, such provision is in paragraph (E). The Debtor is retaining real property and provides for each such debt as follows:

<u>Creditor/Servicing Agent & Property Description</u>	<u>Collateral Value & Valuation Method</u>	<u>Post-Petition Mortgage Payments</u>	<u>Estimated Arrearage</u>	<u>Arrearage Through Date</u>
	\$840,000.00	\$0.00	\$0.00	[Date]
INDY MAC 10214 N. 44 TH ST. RESIDENCE		<input checked="" type="checkbox"/> Debtor will pay direct to creditor; or <input type="checkbox"/> Included in Plan payment. <input type="checkbox"/> Trustee will pay creditor.		

See Section (J), Varying Provisions.

- (5) **Claims Secured by Personal Property or a Combination of Real and Personal Property.** Pursuant to § 1325(a), a secured creditor listed below shall be paid the amount shown as the Amount to be Paid on Secured Claim, with such amount included in the Plan payments. However, if the creditor's proof of claim amount is less than the Amount to be Paid on Secured Claim, then only the proof of claim amount will be paid. Any adequate protection payments are as provided in Section (C)(1) above. If a creditor fails to file a secured claim or files a wholly unsecured claim, the debtor may delete the proposed payment of a secured claim in the order confirming plan.

<u>Creditor and Property Description</u>	<u>Debt Amount</u>	<u>Value of Collateral and Valuation Method</u>	<u>Amount to be Paid on Secured Claim</u>	<u>Interest Rate</u>
USAA 2007 TOYOTA CAMRY	\$10,000.00	\$KELLY BLUE BOOK	\$10,000.00	6.9% UNLESS CONTRACT RATE IS LESS

See Section (J), Varying Provisions.

- (6) **Priority Unsecured Claims.** All allowed claims entitled to priority treatment under § 507 shall be paid in full pro rata.
- (a) **Unsecured Domestic Support Obligations.** The Debtor shall remain current on such obligations that come due after filing the petition. Unpaid obligations before the petition date are to be cured in the plan payments.

<u>Creditor</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
NONE	[\$Amount owed]	[Petition date or other date]

(b) Other unsecured priority claims.

<u>Creditor</u>	<u>Type of Priority Debt</u>	<u>Estimated Amount</u>
NONE	[Describe]	[\$Amount]

See Section (J), Varying Provisions.

- (7) **Codebtor Claims.** The following codebtor claim is to be paid per the allowed claim, pro rata before other unsecured nonpriority claims.

<u>Creditor</u>	<u>Codebtor Name</u>	<u>Estimated Debt Amount</u>
IRS	941	\$93,000.00

See Section (J), Varying Provisions.

(8) **Unsecured Nonpriority Claims.** Allowed unsecured nonpriority claims shall be paid pro rata the balance of payments under the Plan.

NONE

See Section (J), Varying Provisions.

(D) **Lien Retention.** Secured creditors shall retain their liens until payment of the underlying debt determined under nonbankruptcy law or upon discharge, whichever occurs first. Federal tax liens shall continue to attach to property excluded from the bankruptcy estate under 11 U.S.C. § 541(c)(2) until the Internal Revenue Service is required to release the liens in accordance with non bankruptcy law.

See Section (J), Varying Provisions.

(E) **Surrendered Property.** Debtor surrenders the following property to the secured creditor. Upon confirmation of this Plan or except as otherwise ordered by the Court, bankruptcy stays are lifted as to the collateral to be surrendered. Any secured claim filed by such creditor shall receive no distribution until the creditor files an allowed unsecured claim or an amended proof of claim that reflects any deficiency balance remaining on the claim. *Should the creditor fail to file an amended unsecured claim consistent with this provision, the Trustee need not make any distributions to that creditor.*

Creditor

Property Being Surrendered

NONE

[Brief property description]

(F) **Attorney Application for Payment of Attorney Fees.** Counsel for the Debtor has received a prepetition retainer of \$1,526.00, to be applied against fees and costs incurred. Fees and costs exceeding the retainer shall be paid from funds held by the Chapter 13 Trustee as an administrative expense. Counsel will be paid as selected in paragraph (1) or (2) below:

(1) **Flat Fee.** Counsel for the Debtor has agreed to a total sum of \$4,000.00 to represent the Debtor. Counsel has agreed to perform the following services through confirmation of the plan:

- All of the below, except Additional Services.
- Review of financial documents and information.
- Consultation, planning, and advice, including office visits and telephone communications.
- Preparation of Petition, Schedules, Statement of Financial Affairs, Master Mailing List.
- Preparation and filing of Chapter 13 Plan, Plan Analysis, and any necessary amendments.
- Attendance at the § 341 meeting of creditors.
- Resolution of creditor objections and Trustee recommendations, and attendance at hearings.
- Reviewing and analyzing creditor claims for potential objections, and attendance at hearings.
- Responding to motions to dismiss, and attendance at hearings.
- Responding to motions for relief from the automatic stay, and attendance at hearings.
- Drafting and mailing of any necessary correspondence.
- Preparation of proposed order confirming the plan.
- Representation in any adversary proceedings.
- Representation regarding the pre-filing credit briefing and post-filing education course.

Additional Services. Counsel for the Debtor has agreed to charge a flat fee for the following additional services provided to the Debtor after confirmation of the plan:

- Preparation and filing of Modified Plan \$ _____.
- Preparation and filing of motion for moratorium \$ _____.
- Responding to motion to dismiss, and attendance at hearings \$ _____.
- Defending motion for relief from the automatic stay or adversary proceeding \$ _____.
- Preparation and filing of any motion to sell property \$ _____.
- Other _____.

All other additional services will be billed at the rate of \$ _____ per hour for attorney time and \$ _____ per hour for paralegal time. Counsel will file and notice a separate fee application detailing the additional fees and costs requested. Counsel will include *all* time expended in the case in the separate fee application.

See Section (J), Varying Provisions.

(2) **Hourly Fees.** For hourly fees to be paid as an administrative expense, counsel must file and notice a separate fee application detailing the additional fees and costs requested. The application must include all time expended in the case.

Counsel has agreed to represent the Debtor for all services related to the Chapter 13 bankruptcy to be billed at the rate of \$200.00 per hour for attorney time and \$95.00 per hour for paralegal time.

See Section (J), Varying Provisions.

(G) **Vesting.** Property of the estate shall vest in the Debtor upon confirmation of the Plan. The following property shall not revest in the Debtor upon confirmation: *[Describe or state none]*

See Section (J), Varying Provisions.

(H) **Tax Returns.** While the case is pending, the Debtor shall provide to the Trustee a copy of any post-petition tax return within thirty days after filing the return with the tax agency. The Debtor has filed all tax returns for all taxable periods during the four-year period ending on the petition date, except: *[Describe unfiled returns or state not applicable]*.

(I) **Funding Shortfall.** Debtor will cure any funding shortfall before the Plan is deemed completed.

(J) **Varying Provisions.** The Debtor submits the following provisions that vary from the Local Plan Form, Sections (A) through (H):

(1) *NONE*

[(2) State the varying provision with reference to relevant paragraph.]

(K) **Plan Payment Summary.** If there is a discrepancy between paragraphs (A) - (J) and paragraphs (K) - (M), then the provisions of paragraphs (A) - (J) and the confirmed plan control.

(1) Trustee's compensation (10% of plan payments)	<u>\$11,892.00</u>
(2) Ongoing post-petition mortgage payments.....	<u>\$0.00</u>
(3) Administrative expenses and claims	<u>\$2,474.00</u>

(4) Priority claims.....	\$93,000.00
(5) Prepetition mortgage or lease arrears, or amount to cure defaults, including interest	\$0.00
(6) Secured personal property claims, including interest	\$12,118.00
(7) Amount to unsecured nonpriority claims	\$0.00
Total of plan payments.....	\$119,484.00

(L) **Section 1325 Analysis.**

(1) *Best Interest of Creditors Test:*

(a) Value of Debtor's interest in nonexempt property	\$0.00
(b) Plus: Value of property recoverable under avoiding powers	\$0.00
(c) Less: Estimated Chapter 7 administrative expenses	\$1,500.00
(d) Less: Amount to unsecured priority creditors	\$0.00
(e) Equals: Estimated amount payable to unsecured nonpriority claims if Debtor filed Chapter 7	\$0.00

Paragraph (2) to be completed by debtors whose current monthly income exceeds the state's median income.

(2) *Section 1325(b) Analysis:*

(a) Monthly disposable income under § 1325(b)(2), Form B22C, Statement of Current Monthly Income.....	\$0.00
(b) Applicable commitment period.....	x 60
(c) Section 1325(b)(2) monthly disposable income amount multiplied by 60.....	\$0.00

(M) **Estimated Amount to Unsecured Nonpriority Creditors Under Plan.....** \$0.00

Dated: October 28, 2010.

/s/ Memie C. Burton
 Memie C. Burton
 Debtor

/s// Dean W. O'Connor
 Dean W. O'Connor
 Attorney for Debtor

Rev. 12/09

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:10-bk-34288-GBN

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Debtor(s)

**NOTICE OF DATE TO FILE OBJECTION TO CHAPTER 13 PLAN
OR MOTION FOR MORATORIUM ON PLAN PAYMENTS**

Notice is hereby given that the Debtor(s) have filed the enclosed or attached Chapter 13 Plan or Motion for Moratorium on Plan Payments. Pursuant to Local Rules 2084-9 and 2084-10, plan or motion confirmation is governed by the following procedures:

1. Any objection by a creditor to the Plan or Motion must be in writing and filed with the Bankruptcy Court, and copies served on the following parties no later than 14 days after the date set for the meeting of creditors or 28 days after service, whichever is later:

Address of the Bankruptcy Clerk's Office

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727

Address of Trustee

EDWARD J. MANEY
P.O. BOX 10434
PHOENIX, AZ 85064-0434

Address of Debtor(s)

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028

Address of Debtor(s) Attorney

DEAN WILLIAM O'CONNOR
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 E MISSOURI AVE #B-125
PHOENIX, AZ 85014

--- NOTICE CONTINUES ON NEXT PAGE ---

2. The Trustee is to file a Recommendation within 28 days after the above date for creditor objections.
3. If creditors file no objections and the Trustee recommends confirmation or approval, the Court may confirm the Plan or grant the Motion without a hearing.
4. If a creditor files an objection and/or the Trustee does not recommend confirmation or approval, the Court may confirm a plan without a hearing, provided the Trustee and all objecting creditors agree to a stipulated confirmation order. If unable to so agree and stipulate, the Trustee or objecting creditor shall set the matter for hearing and provide notice to the Debtor(s) and each objecting party.
5. **For an original plan, the failure of a party in interest to timely file an objection to confirmation of the Plan or the granting of a motion for a moratorium shall constitute acceptance of the Plan pursuant to 11 U.S.C. Section 1325(a)(5)(A), and a waiver of the requirement under Section 1324 that the Court hold a confirmation hearing within 45 days after the date of the meeting of creditors.**

Date: October 28, 2010

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

Clerk of the Bankruptcy Court:

Brian D. Karth

Notice Recipients

District/Off: 0970-2
Case: 2:10-bk-34288-GBN

User: schriste
Form ID: nch13pln

Date Created: 10/28/2010
Total: 16

Recipients of Notice of Electronic Filing:

tr EDWARD J. MANEY courtecf@maney13trustee.com
aty DEAN WILLIAM O'CONNOR dean@sd-law.com

TOTAL: 2

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db MEMIE C. BURTON, JR. 10214 N. 44TH ST. PHOENIX, AZ 85028
smg AZ DEPARTMENT OF REVENUE BANKRUPTCY & LITIGATION 1600 W. MONROE, 7TH
FL. PHOENIX, AZ 85007-2650
9792721 CITI PO BOX 6241 SIOUX FALLS
9792722 CITI BANK PO BOX 6241 SIOUX FALLS, SD 57117
9792723 CITI CARD PO BOX 6241 SIOUX FALLS, SD 57117
9792724 CITY OF GLENDALE 5850 WEST GLENDALE AVE GLENDALE, AZ 85301
9792725 DUSKIN AND DUSKIN 2126 W. INDIAN SCHOOL RD. PHOENIX, AZ 85015
9792726 FIFTH THIRD BANK FIFTH THIRD CENTER CINCINNATI, OH 45623
9792727 INDY MAC 6900 BEATRICE DRIVE KALAMAZOO, MI 49003
9792728 IRS 4041 N. CENTRAL AVENUE PHOENIX, AZ 85012
9792729 LONNIE WILLIAMS ONE RENAISSANCE SQUARE TWO CENTRAL AVENUE PHONEIX,
AZ 85004-2391
9792730 TIM THOPSON 2901 N. CENTRAL, SUITE 200 PHOENIX, AZ 85012-2705
9792731 USAA 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288
9792732 USAA BANK 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288

TOTAL: 14

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:10-bk-34288-GBN

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Debtor(s)

**NOTICE TO DEBTOR(S) OF INCOMPLETE AND/OR DEFICIENT FILINGS
AND THAT DEBTOR(S) MUST FILE ALL REQUIRED DOCUMENTS
OR THEIR CASE SHALL BE DISMISSED**

NOTICE IS GIVEN THAT the above debtor(s) have filed a voluntary petition and that debtor(s) have not filed or submitted the documents checked below or have filed them without all the required information. Debtor(s) are required to file or submit the missing and/or complete documents checked below within the time periods stated. Failure to timely file or submit all required documents with all required information shall result in the dismissal of this case.

- A list of creditors in the required format of a master mailing list **required to be filed within seven days of the date of the filing of the bankruptcy petition** by Local Rule of Bankruptcy Procedure 1007-1 and Federal Rule of Bankruptcy Procedure 1007.
- A verified Statement of Social Security Number **required to be submitted within seven days of the date of the filing of the bankruptcy petition** by Local Rule of Bankruptcy Procedure 1007-1 and Federal Rule of Bankruptcy Procedure 1007.
- Exhibit D to the Petition, Debtor's Statement of Compliance with Credit Counseling Requirement, and a Certificate, with any repayment plan, showing completion of Credit Counseling as required by 11 USC Section 109(h); a Motion for Determination of Exigent Circumstances pursuant to Section 109(h)(3); or a Motion for Determination that credit counseling is not required pursuant to Section 109(h)(4). Exhibit D and either a Certificate of Completion of Credit Counseling or an appropriate Motion for Determination was not filed with the bankruptcy petition. **As a result, your bankruptcy case may be dismissed.** If Exhibit D has been filed in which the debtor states that credit counseling was received, but that a certificate has not been provided the debtor, then a Certificate of Completion of Credit Counseling is required to be filed within 14 days of the date of the filing of the bankruptcy petition.

--- NOTICE CONTINUES ON NEXT PAGE ---

Schedules of Assets and Liabilities and Statement of Financial Affairs **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1). In a chapter 7 case, if an individual debtor's schedule of assets and liabilities includes debts which are secured by property of the estate, the debtor shall file a Statement of Intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property. This statement is to be filed within 30 days after the date of the filing of the chapter 7 petition or on or before the date of the meeting of creditors, whichever is earlier. Debtor must then perform the intentions stated within 30 days after the first date set for the meeting of creditors. **Please take notice that with respect to personal property, the automatic stay may be terminated if you fail to timely file the Statement of Intention or fail to timely perform the stated intention and the creditor may then be able to take possession of that property under state law.**

Chapter 7 Individual Debtor Statement of Current Monthly Income and Means Test Calculation **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1). **This statement must have either the "Presumption Arises" or the "Presumption Does Not Arise" box checked in the upper right hand portion of the first page.** If the statement has neither or both of these boxes checked, the statement is defective and it does not satisfy this filing requirement. If your debts are not primarily consumer debts, then you must either file a separate statement stating so or you need to file the Statement of Income and Means Test with the box in Part I, 1B, checked.

Chapter 13 Debtor Statement of Current Monthly Income and Disposable Income **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1).

Chapter 11 Individual Debtor Statement of Current Monthly Income **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1).

Declaration of Employer Payments in the attached form with all pay stubs received from any employer in the 60 days before the filing of the petition **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Local Bankruptcy Rule 1007-1 and Federal Rule of Bankruptcy Procedure 1007 and 11 USC Section 521(a)(1).

Chapter 13 Plan **required to be filed within 14 days of the date of the filing of the bankruptcy petition** by Federal Rule of Bankruptcy Procedure 3015.

FAILURE TO FILE OR SUBMIT THE ABOVE CHECKED DOCUMENTS WITHIN THE TIME PERIODS STATED OR AS EXTENDED BY COURT ORDER SHALL RESULT IN THE DISMISSAL OF THIS CASE WITHOUT FURTHER NOTICE. IN AN INDIVIDUAL CHAPTER 7 OR CHAPTER 13 DISMISSED CASE, FAILURE TO FILE THE MISSING DOCUMENTS WITHIN 45 DAYS FROM THE DATE OF THE FILING OF YOUR BANKRUPTCY PETITION MAY RESULT IN THE COURT DENYING YOUR MOTION TO REINSTATE YOUR CASE

Date: October 26, 2010

Address of the Bankruptcy Clerk's Office:
U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

Clerk of the Bankruptcy Court:

Brian D. Karth

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:
MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Case No.: 2:10-bk-34288-GBN

Declaration of Evidence of Employers' Payments Within 60 Days

- Attached hereto are copies of all payment advices, pay stubs or other evidence of payment received by the debtor from any employer within 60 days prior to the filing of the petition;

- Debtor has received no payment advices, pay stubs or other evidence of payment from any employer within 60 days prior to the filing of the petition; or

- Debtor has received the following payments from employers within 60 days prior to the filing of the petition: \$_____.

Debtor declares the foregoing to be true and correct under penalty of perjury.

Signature of Debtor

Date

If attaching pay stubs or other payment advices, it is your responsibility to redact (black out) any social security numbers, names of minor children, dates of birth or financial account numbers before attaching them to this document.

CERTIFICATE OF NOTICE

District/off: 0970-2
Case: 10-34288

User: oglen
Form ID: ntcdef

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 26, 2010

The following entities were noticed by first class mail on Oct 28, 2010.
db +MEMIE C. BURTON, JR., 10214 N. 44TH ST., PHOENIX, AZ 85028-4138

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

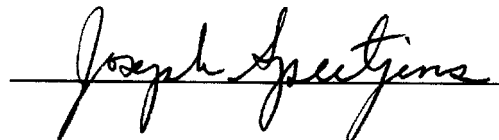
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 28, 2010

Signature:



UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:10-bk-34288-GBN

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Debtor(s)

**NOTICE OF DATE TO FILE OBJECTION TO CHAPTER 13 PLAN
OR MOTION FOR MORATORIUM ON PLAN PAYMENTS**

Notice is hereby given that the Debtor(s) have filed the enclosed or attached Chapter 13 Plan or Motion for Moratorium on Plan Payments. Pursuant to Local Rules 2084-9 and 2084-10, plan or motion confirmation is governed by the following procedures:

1. Any objection by a creditor to the Plan or Motion must be in writing and filed with the Bankruptcy Court, and copies served on the following parties no later than 14 days after the date set for the meeting of creditors or 28 days after service, whichever is later:

Address of the Bankruptcy Clerk's Office

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727

Address of Trustee

EDWARD J. MANEY
P.O. BOX 10434
PHOENIX, AZ 85064-0434

Address of Debtor(s)

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028

Address of Debtor(s) Attorney

DEAN WILLIAM O'CONNOR
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 E MISSOURI AVE #B-125
PHOENIX, AZ 85014

--- NOTICE CONTINUES ON NEXT PAGE ---

2. The Trustee is to file a Recommendation within 28 days after the above date for creditor objections.
3. If creditors file no objections and the Trustee recommends confirmation or approval, the Court may confirm the Plan or grant the Motion without a hearing.
4. If a creditor files an objection and/or the Trustee does not recommend confirmation or approval, the Court may confirm a plan without a hearing, provided the Trustee and all objecting creditors agree to a stipulated confirmation order. If unable to so agree and stipulate, the Trustee or objecting creditor shall set the matter for hearing and provide notice to the Debtor(s) and each objecting party.
5. **For an original plan, the failure of a party in interest to timely file an objection to confirmation of the Plan or the granting of a motion for a moratorium shall constitute acceptance of the Plan pursuant to 11 U.S.C. Section 1325(a)(5)(A), and a waiver of the requirement under Section 1324 that the Court hold a confirmation hearing within 45 days after the date of the meeting of creditors.**

Date: October 28, 2010

Address of the Bankruptcy Clerk's Office:
U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

Clerk of the Bankruptcy Court:

Brian D. Karth

CERTIFICATE OF NOTICE

District/off: 0970-2
Case: 10-34288

User: schriste
Form ID: nchl3pln

Page 1 of 1
Total Noticed: 13

Date Rcvd: Oct 28, 2010

The following entities were noticed by first class mail on Oct 30, 2010.

db +MEMIE C. BURTON, JR., 10214 N. 44TH ST., PHOENIX, AZ 85028-4138
smg AZ DEPARTMENT OF REVENUE, BANKRUPTCY & LITIGATION, 1600 W. MONROE, 7TH FL.,
PHOENIX, AZ 85007-2650
9792722 +CITI BANK, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792723 +CITI CARD, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792724 +CITY OF GLENDALE, 5850 WEST GLENDALE AVE, GLENDALE, AZ 85301-2599
9792725 +DUSKIN AND DUSKIN, 2126 W. INDIANSCHOOL RD., PHOENIX, AZ 85015-4907
9792726 FIFTH THIRD BANK, FIFTH THIRD CENTER, CINCINNATI, OH 45623
9792727 +INDY MAC, 6900 BEATRICE DRIVE, KALAMAZOO, MI 49009-9559
9792728 ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 21126,
PHILADELPHIA PA 19114-0326
(address filed with court: IRS, 4041 N. CENTRAL AVENUE, PHOENIX, AZ 85012)
9792729 +LONNIE WILLIAMS, ONE RENAISSANCE SQUARE, TWO CENTRAL AVENUE, PHOENIX, AZ 85004-2322
9792730 TIM THOPSON, 2901 N. CENTRAL, SUITE 200, PHOENIX, AZ 85012-2705
9792731 +USAA, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001
9792732 +USAA BANK, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

9792721 CITI, PO BOX 6241, SIOUX FALLS

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

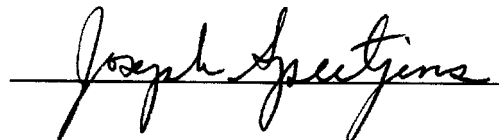
Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 30, 2010

Signature: _____



SALLQUIST, DRUMMOND & O'CONNOR, P.C.

1430 East Missouri Avenue, Suite B-125
Phoenix, Arizona 85014
(602) 224-9222 – Telephone
(602) 224-9366 – Facsimile

Dean W. O'Connor, Esq. Bar#011941
Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re

MEMIE C. BURTON JR.,

Debtor.

SSN xxx-xx-8417 SSN xxx-xx-_____
[Debtor address]

Case No. 2:10-bk-34288 GBN

**CHAPTER 13 PLAN AND APPLICATION FOR PAYMENT OF
ADMINISTRATIVE EXPENSES**

- Original
- [state if First, Second] Amended
- [state if First, Second] Modified
- Plan payments include post-petition mortgage payments

This Plan may affect creditor rights. **If you object to the treatment of your claim as proposed in this Plan, you must file a written objection by the deadline set forth in a Notice of Date to File Objections to Plan served on parties in interest.** If this is a joint case, then "Debtor" means both Debtors. This plan does not allow claims or affect the timeliness of any claim. To receive payment on your claim, you must file a proof of claim with the Bankruptcy Court, even if this Plan provides for your debt. The applicable deadlines to file a proof of claim were specified in the Notice of Commencement of Case. Except as provided in § 1323(c), a creditor who disagrees with the proposed treatment of its debt in this Plan must timely file an objection to the Plan.

If this is an Amended or Modified Plan, the reasons for filing this Amended or Modified Plan are: *[state reasons]*.

(A) Plan Payments and Property to be Submitted to the Plan.

(1) Plan payments start on 11/24/10. The Debtor shall pay the Trustee as follows:

\$1,991.00 each month for month 1 through month 60.
 \$ _____ each month for month _____ through month _____.
 \$ _____ each month for month _____ through month _____.

The proposed plan duration is 60 months. The applicable commitment period is 60 months. Section 1325(b)(4).

(2) In addition to the plan payments, Debtor will submit the following property to the Trustee: *NONE*.

(B) Trustee's Percentage Fee. Pursuant to 28 U.S.C. § 586(e), the Trustee may collect the percentage fee from all payments and property received, not to exceed 10%.

(C) Treatment of Administrative Expenses, Post-Petition Mortgage Payments and Claims. Except adequate protection payments under (C)(1), post-petition mortgage payments under (C)(4), or as otherwise ordered by the Court, the Trustee will make disbursements to creditors after the Court confirms this Plan. Unless otherwise provided in Section (J), disbursements by the Trustee shall be pro rata by class (except adequate protection payments) and made in the following order:

(1) ***Adequate protection payments.*** Section 1326(a)(1)(C) requires adequate protection payments to be made to creditors secured by personal property. Pursuant to Local Bankruptcy Rule 2084-6, the Trustee is authorized to make preconfirmation

adequate protection payments to the certain secured creditors without a Court order, provided the claim is properly listed on Schedule D, the creditor files a secured proof of claim that includes documentation evidencing a perfected security agreement, and the debtor or creditor sends a letter to the Trustee requesting payment of preconfirmation adequate protection payments. The Trustee will apply adequate protection payments to the creditor's secured claim. After confirmation, unless the Court orders otherwise, adequate protection payments will continue in the same amount until claims to be paid before these claimants are paid in full, unless the confirmed plan or a court order specifies a different amount. **If a secured creditor disagrees with the amount of the proposed adequate protection payments or the plan fails to provide for such payments, the creditor may file an objection to confirmation of this plan, file a motion pursuant to §§ 362, 363, or do both.**

<u>Creditor</u>	<u>Property Description</u>	<u>Monthly Amount</u>
USSAA BANK	2007 TOYOTA CAMRY	\$100.00

See Section (J), Varying Provisions.

(2) **Administrative expenses.** Section 507(a)(2).

(a) Attorney fees. Debtor's attorney received \$1,526.00 before filing. The balance of \$2,474.00 or an amount approved by the Court upon application shall be paid by the Trustee. See Section (F) for any fee application.

(b) Other Administrative Expenses. *NONE*

See Section (J), Varying Provisions.

(3) **Leases and Unexpired Executory Contracts.** Pursuant to § 1322(b), the Debtor assumes or rejects the following lease or unexpired executory contract. For a lease or executory contract with an arrearage to cure, the arrearage will be cured in the plan payments with regular monthly payments to be paid direct by the Debtor. The arrearage amount to be adjusted to the amount in the creditor's allowed proof of claim.

(a) Assumed:

<u>Creditor & Property Description</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
USAA LEASE OF LINCOLN NAVAGATOR	\$0.00	10/1/10

(b) Rejected:

<u>Creditor</u>	<u>Property Description</u>
<i>NONE</i>	

See Section (J), Varying Provisions.

(4) **Claims Secured Solely by Security Interest in Real Property.** A creditor identified in this paragraph may mail the Debtor all correspondence, notices, statements, payment coupons, escrow notices, and default notices concerning any change to the monthly payment or interest rate without such being a violation of the automatic stay. Unless stated below, Debtor is to pay post-petition payments direct to the creditor and prepetition arrearages shall be cured through the Trustee. No interest will be paid on the prepetition arrearage or debt unless otherwise stated. The arrearage amount is to be adjusted to the amount in the creditor's allowed proof of claim. Except as provided in Local Bankruptcy Rule 2084-23, if a creditor gets unconditional stay relief the actual cure amount to be paid shall be adjusted by the Trustee pursuant to the creditor's **allowed** proof of claim. If the Debtor is surrendering an interest in real property, such provision is in paragraph (E). The Debtor is retaining real property and provides for each such debt as follows:

<u>Creditor/Servicing Agent & Property Description</u>	<u>Collateral Value & Valuation Method</u>	<u>Post-Petition Mortgage Payments</u>	<u>Estimated Arrearage</u>	<u>Arrearage Through Date</u>
	\$840,000.00	\$0.00	\$0.00	[Date]
INDY MAC 10214 N. 44 TH ST. RESIDENCE		<input checked="" type="checkbox"/> Debtor will pay direct to creditor; or Included in Plan payment. <input type="checkbox"/> Trustee will pay creditor.		

See Section (J), Varying Provisions.

- (5) **Claims Secured by Personal Property or a Combination of Real and Personal Property.** Pursuant to § 1325(a), a secured creditor listed below shall be paid the amount shown as the Amount to be Paid on Secured Claim, with such amount included in the Plan payments. However, if the creditor's proof of claim amount is less than the Amount to be Paid on Secured Claim, then only the proof of claim amount will be paid. Any adequate protection payments are as provided in Section (C)(1) above. If a creditor fails to file a secured claim or files a wholly unsecured claim, the debtor may delete the proposed payment of a secured claim in the order confirming plan.

<u>Creditor and Property Description</u>	<u>Debt Amount</u>	<u>Value of Collateral and Valuation Method</u>	<u>Amount to be Paid on Secured Claim</u>	<u>Interest Rate</u>
USAA 2007 TOYOTA CAMRY	\$10,000.00	\$KELLY BLUE BOOK	\$10,000.00	6.9% UNLESS CONTRACT RATE IS LESS

See Section (J), Varying Provisions.

- (6) **Priority Unsecured Claims.** All allowed claims entitled to priority treatment under § 507 shall be paid in full pro rata.

- (a) **Unsecured Domestic Support Obligations.** The Debtor shall remain current on such obligations that come due after filing the petition. Unpaid obligations before the petition date are to be cured in the plan payments.

<u>Creditor</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
NONE	[\$Amount owed]	[Petition date or other date]

- (b) Other unsecured priority claims.

<u>Creditor</u>	<u>Type of Priority Debt</u>	<u>Estimated Amount</u>
NONE	[Describe]	[\$Amount]

See Section (J), Varying Provisions.

- (7) **Codebtor Claims.** The following codebtor claim is to be paid per the allowed claim, pro rata before other unsecured nonpriority claims.

<u>Creditor</u>	<u>Codebtor Name</u>	<u>Estimated Debt Amount</u>
IRS	941	\$93,000.00

See Section (J), Varying Provisions.

(8) **Unsecured Nonpriority Claims.** Allowed unsecured nonpriority claims shall be paid pro rata the balance of payments under the Plan.

NONE

See Section (J), Varying Provisions.

(D) **Lien Retention.** Secured creditors shall retain their liens until payment of the underlying debt determined under nonbankruptcy law or upon discharge, whichever occurs first. Federal tax liens shall continue to attach to property excluded from the bankruptcy estate under 11 U.S.C. § 541(c)(2) until the Internal Revenue Service is required to release the liens in accordance with non bankruptcy law.

See Section (J), Varying Provisions.

(E) **Surrendered Property.** Debtor surrenders the following property to the secured creditor. Upon confirmation of this Plan or except as otherwise ordered by the Court, bankruptcy stays are lifted as to the collateral to be surrendered. Any secured claim filed by such creditor shall receive no distribution until the creditor files an allowed unsecured claim or an amended proof of claim that reflects any deficiency balance remaining on the claim. *Should the creditor fail to file an amended unsecured claim consistent with this provision, the Trustee need not make any distributions to that creditor.*

Creditor

Property Being Surrendered

NONE

[Brief property description]

(F) **Attorney Application for Payment of Attorney Fees.** Counsel for the Debtor has received a prepetition retainer of \$1,526.00, to be applied against fees and costs incurred. Fees and costs exceeding the retainer shall be paid from funds held by the Chapter 13 Trustee as an administrative expense. Counsel will be paid as selected in paragraph (1) or (2) below:

(1) **Flat Fee.** Counsel for the Debtor has agreed to a total sum of \$4,000.00 to represent the Debtor. Counsel has agreed to perform the following services through confirmation of the plan:

- All of the below, except Additional Services.
- Review of financial documents and information.
- Consultation, planning, and advice, including office visits and telephone communications.
- Preparation of Petition, Schedules, Statement of Financial Affairs, Master Mailing List.
- Preparation and filing of Chapter 13 Plan, Plan Analysis, and any necessary amendments.
- Attendance at the § 341 meeting of creditors.
- Resolution of creditor objections and Trustee recommendations, and attendance at hearings.
- Reviewing and analyzing creditor claims for potential objections, and attendance at hearings.
- Responding to motions to dismiss, and attendance at hearings.
- Responding to motions for relief from the automatic stay, and attendance at hearings.
- Drafting and mailing of any necessary correspondence.
- Preparation of proposed order confirming the plan.
- Representation in any adversary proceedings.
- Representation regarding the pre-filing credit briefing and post-filing education course.

Additional Services. Counsel for the Debtor has agreed to charge a flat fee for the following additional services provided to the Debtor after confirmation of the plan:

- Preparation and filing of Modified Plan \$ _____.
- Preparation and filing of motion for moratorium \$ _____.
- Responding to motion to dismiss, and attendance at hearings \$ _____.
- Defending motion for relief from the automatic stay or adversary proceeding \$ _____.
- Preparation and filing of any motion to sell property \$ _____.
- Other _____.

All other additional services will be billed at the rate of \$ _____ per hour for attorney time and \$ _____ per hour for paralegal time. Counsel will file and notice a separate fee application detailing the additional fees and costs requested. Counsel will include *all* time expended in the case in the separate fee application.

- See Section (J), Varying Provisions.

- (2) **Hourly Fees.** For hourly fees to be paid as an administrative expense, counsel must file and notice a separate fee application detailing the additional fees and costs requested. The application must include all time expended in the case.

Counsel has agreed to represent the Debtor for all services related to the Chapter 13 bankruptcy to be billed at the rate of \$200.00 per hour for attorney time and \$95.00 per hour for paralegal time.

- See Section (J), Varying Provisions.

- (G) **Vesting.** Property of the estate shall vest in the Debtor upon confirmation of the Plan. The following property shall not revert in the Debtor upon confirmation: *[Describe or state none]*

- See Section (J), Varying Provisions.

- (H) **Tax Returns.** While the case is pending, the Debtor shall provide to the Trustee a copy of any post-petition tax return within thirty days after filing the return with the tax agency. The Debtor has filed all tax returns for all taxable periods during the four-year period ending on the petition date, except: *[Describe unfiled returns or state not applicable].*

- (I) **Funding Shortfall.** Debtor will cure any funding shortfall before the Plan is deemed completed.

- (J) **Varying Provisions.** The Debtor submits the following provisions that vary from the Local Plan Form, Sections (A) through (H):

(1) *NONE*

[(2) State the varying provision with reference to relevant paragraph.]

- (K) **Plan Payment Summary.** If there is a discrepancy between paragraphs (A) - (J) and paragraphs (K) - (M), then the provisions of paragraphs (A) - (J) and the confirmed plan control.

(1) Trustee's compensation (10% of plan payments)	<u>\$11,892.00</u>
(2) Ongoing post-petition mortgage payments.....	<u>\$0.00</u>
(3) Administrative expenses and claims	<u>\$2,474.00</u>

(4) Priority claims.....	<u>\$93,000.00</u>
(5) Prepetition mortgage or lease arrears, or amount to cure defaults, including interest	<u>\$0.00</u>
(6) Secured personal property claims, including interest	<u>\$12,118.00</u>
(7) Amount to unsecured nonpriority claims	<u>\$0.00</u>
Total of plan payments.....	<u>\$119,484.00</u>

(L) **Section 1325 Analysis.**

(1) *Best Interest of Creditors Test:*

(a) Value of Debtor's interest in nonexempt property	<u>\$0.00</u>
(b) Plus: Value of property recoverable under avoiding powers	<u>\$0.00</u>
(c) Less: Estimated Chapter 7 administrative expenses	<u>\$1,500.00</u>
(d) Less: Amount to unsecured priority creditors	<u>\$0.00</u>
(e) Equals: Estimated amount payable to unsecured nonpriority claims if Debtor filed Chapter 7	<u>\$0.00</u>

Paragraph (2) to be completed by debtors whose current monthly income exceeds the state's median income.

(2) *Section 1325(b) Analysis:*

(a) Monthly disposable income under § 1325(b)(2), Form B22C, Statement of Current Monthly Income.....	<u>\$0.00</u>
(b) Applicable commitment period.....	x 60
(c) Section 1325(b)(2) monthly disposable income amount multiplied by 60.....	<u>\$0.00</u>

(M) **Estimated Amount to Unsecured Nonpriority Creditors Under Plan.....** \$0.00

Dated: October 28, 2010.

/s/ Memie C. Burton
 Memie C. Burton
 Debtor

/s/ Dean W. O'Connor
 Dean W. O'Connor
 Attorney for Debtor

Rev. 12/09

CERTIFICATE OF NOTICE

District/off: 0970-2
Case: 10-34288

User: schriste
Form ID: pdf010

Page 1 of 1
Total Noticed: 13

Date Rcvd: Oct 28, 2010

The following entities were noticed by first class mail on Oct 30, 2010.

db +MEMIE C. BURTON, JR., 10214 N. 44TH ST., PHOENIX, AZ 85028-4138
smg AZ DEPARTMENT OF REVENUE, BANKRUPTCY & LITIGATION, 1600 W. MONROE, 7TH FL.,
PHOENIX, AZ 85007-2650
9792722 +CITI BANK, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792723 +CITI CARD, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792724 +CITY OF GLENDALE, 5850 WEST GLENDALE AVE, GLENDALE, AZ 85301-2599
9792725 +DUSKIN AND DUSKIN, 2126 W. INDIANSCHOOL RD., PHOENIX, AZ 85015-4907
9792726 FIFTH THIRD BANK, FIFTH THIRD CENTER, CINCINNATI, OH 45623
9792727 +INDY MAC, 6900 BEATRICE DRIVE, KALAMAZOO, MI 49009-9559
9792728 ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 21126,
PHILADELPHIA PA 19114-0326
(address filed with court: IRS, 4041 N. CENTRAL AVENUE, PHOENIX, AZ 85012)
9792729 +LONNIE WILLIAMS, ONE RENAISSANCE SQUARE, TWO CENTRAL AVENUE, PHOENIX, AZ 85004-2322
9792730 TIM THOPSON, 2901 N. CENTRAL, SUITE 200, PHOENIX, AZ 85012-2705
9792731 +USAA, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001
9792732 +USAA BANK, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

9792721 CITI, PO BOX 6241, SIOUX FALLS

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

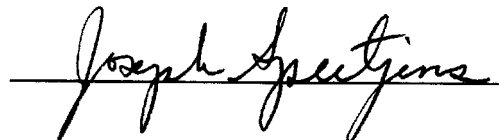
Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 30, 2010

Signature: _____



10-34288

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

Filed
RECEIVED

In re:)
MEMIE C. BURTON JR.)
)
)
Debtor(s))
_____)

2010 OCT 29 P 2:34
BANKRUPTCY CASE NO.

2:10-bk-34288
CLERK
U.S. BANKRUPTCY
DISTRICT OF ARIZONA

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION OF PETITIONER:

I MEMIE C. BURTON JR., the undersigned

debtor(s), corporate officer, or partnership member, hereby declare under penalty of perjury that the information I have given my attorney and the information provided in the electronically filed petition, statements and schedules is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules to the United States Bankruptcy Court. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk once all schedules and statements have been filed electronically but, in no event, no later than 5 calendar days after the schedules and statements are filed. I understand that failure to file the signed original of this **DECLARATION** will cause my case to be dismissed pursuant to 11 U.S.C § 707(a)(3) without further notice.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in the petition.

DATED: _____
Signed: Memie C. Burton Jr. 7/23/10
Debtor

PART II - DECLARATION OF ATTORNEY:

I declare as follows: The debtor(s) will have signed this form before I submitted the petition, schedules, and statements. I will give the debtor(s) a copy of all forms and information to be filed with the United States Bankruptcy Court and have complied with all other requirements in the most recent Interim Operating Order. If an individual, I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of Title 11, United States Code, and have explained the relief available under each such chapter.

DATED: 7/23/10
Dean O'Connor
Dean O'Connor

1 MARISCAL, WEEKS, McINTYRE
2 & FRIEDLANDER, P.A.
3 Attention: William Novotny (#4239)
4 2901 North Central Avenue
5 Suite 200
6 Phoenix, Arizona 85012-2705
7 Phone: (602) 285-5000
8 Fax: (602) 285-5100
9 william.novotny@mwmf.com

7 **IN THE UNITED STATES BANKRUPTCY COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 In re:

10 MEMIE C. BURTON, JR.,
11
12 Debtor.

Chapter 13 Proceedings

Case No. 2:10-bk-34288-GBN

13 **NOTICE OF APPEARANCE AND**
14 **REQUEST FOR NOTICES**

15 Mariscal, Weeks, McIntyre & Friedlander, P.A., a creditor and an interested
16 party in the above-referenced bankruptcy proceedings, hereby appears in these
17 proceedings. Request is hereby made that all notices, pleadings, and other matters
18 be served as follows:

19
20 William Novotny
21 MARISCAL, WEEK, McINTYRE & FRIEDLANDER, P.A.
22 2901 North Central Avenue, Suite 200
23 Phoenix, Arizona 85012-2705
24 Phone: (602) 285-5000
25 Fax: (602) 285-5100
26 E-Mail: william.novotny@mwmf.com
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DATED this 2nd day of November, 2010.

**MARISCAL, WEEKS, McINTYRE
& FRIEDLANDER, P.A.**

WN/4239

By: _____

William Novotny
2901 North Central Avenue, Suite 200
Phoenix, Arizona 85012-2705

COPY mailed on November 2, 2010, to:

Edward J. Maney
P.O. Box 10434
Phoenix AZ 85064-0434
Chapter 13 Trustee

Dean William O'Connor
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 East Missouri Avenue, #B-125
Phoenix AZ 85014
Attorneys for Debtor

WN/4239

U:\ATTORNEYS\WN\MW\MF\Burton\Notice of Appearance.doc

UNITED STATES BANKRUPTCY COURT District of Arizona

Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

The debtor(s) listed below filed a chapter 13 bankruptcy case on 10/25/10.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028

Case Number:
2:10-bk-34288-GBN

Social Security / Individual Taxpayer ID / Employer Tax ID / Other nos:
xxx-xx-8417

Attorney for Debtor(s) (name and address):
DEAN WILLIAM O'CONNOR
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 E MISSOURI AVE #B-125
PHOENIX, AZ 85014
Telephone number: 602-224-9222

Bankruptcy Trustee (name and address):
EDWARD J. MANEY
P.O. BOX 10434
PHOENIX, AZ 85064-0434
Telephone number: 602-277-3776

Meeting of Creditors

Date: **December 8, 2010** Time: **09:30 AM**
Location: **US Trustee Meeting Room, 230 N. First Avenue, Suite 102, Phoenix, AZ**

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except a governmental unit): **3/8/11** For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002 (c)(1)): **4/25/11**

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts: 2/7/11

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Filing of Plan, Hearing on Confirmation of Plan

You will be sent separate notice of the hearing on confirmation of the plan.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000

For the Court:

Clerk of the Bankruptcy Court:
Brian D. Karth

Hours Open: Monday – Friday 9:00 AM – 4:00 PM

Date: 11/9/10

EXPLANATIONS

B9I (Official Form 9I) (12/07)

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. 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 the front of this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. 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. Filing Deadline for a Creditor with a Foreign Address: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(2) or (4), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
Dismissal of Case	This case shall be dismissed if the debtor(s) fail to appear at the meeting of creditors or fail to timely file all required schedules and statements.
All individual debtors must provide photo identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.	
Refer to Other Side for Important Deadlines and Notices	

UNITED STATES BANKRUPTCY COURT DISTRICT OF ARIZONA

NOTICE OF CERTAIN PROVISIONS OF LOCAL BANKRUPTCY RULES 2084–1 through 2084–26

These Rules implement procedures for Chapter 13 cases filed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 and apply to all Chapter 13 cases filed on or after October 17, 2005. The following does not include all provisions of these Rules. The complete Rules can be viewed at www.azb.uscourts.gov.

Plan.

- a. In addition to the requirements of 11 U.S.C. § 1322(a), a plan shall have:
 1. The debtor's estimate of the value of each secured claim, the method of determining the value, (examples such as Kelley Blue Book, appraisal, or debtor opinion) and the amount to be paid on each secured claim;
 2. The interest rate to be paid on each mortgage arrearage or other secured claim;
 3. A statement that the debtor has filed all tax returns or which returns are unfiled;
 4. The signatures of the debtor and debtor's attorney, in the form allowed or required by the ECF interim operating order; and
 5. A Local Form 13–2 plan analysis.
- b. Other than the original plan, a plan filed before entry of an order of confirmation of a plan shall be entitled "Amended Plan." In an amended plan, a debtor needs only to include those terms and conditions that differ from the original plan.
- c. A plan filed after entry of an order of confirmation of a plan shall be titled as a "Modified Plan." In a modified plan, a debtor needs only to include those terms or conditions that differ from the plan confirmed by the Court and the order confirming plan.

Adequate Protection Payments.

- a. A plan shall propose monthly adequate protection payments to creditors secured by depreciating personal property to be included in the plan payments, beginning with month one. Unless the Court orders otherwise, the debtor shall not make adequate protection payments directly to any creditor or reduce the amount of the plan payments made to the trustee for any amount attributable to the adequate protection payments.
- b. The trustee is authorized to make pre–confirmation adequate protection payments to one or more secured creditors if:
 1. The plan provides for payment of the adequate protection payments;
 2. The debtor's Schedule D discloses the debt and describes the collateral;
 3. The creditor has filed a secured proof of claim, with documentation evidencing a perfected security interest, that asserts a purchase money security interest in the personal property;
 4. The debtor or creditor sends a letter to the trustee requesting payment of pre–confirmation adequate protection payments set forth in the plan along with a copy of the secured proof of claim; and
 5. The collateral is depreciating and the amount of the adequate protection payments approximates the depreciation, which for motor vehicles is generally in the range of 1% of the value of the vehicle per month.
- c. Payment of pre–confirmation adequate protection payments is without prejudice to the secured creditor's right to object to the plan, or seek a determination as to the value of the secured claim or amount necessary to provide adequate protection.
- d. The trustee is entitled to take the percentage fee from all adequate protection payments received or collected. To the extent the trustee has funds on hand, the trustee shall begin making pre–confirmation adequate protection payments if the trustee receives the letter requesting pre–confirmation more than ten business days before the trustee's scheduled monthly distribution; otherwise the trustee will distribute adequate protection payments beginning with the next month's distribution. If the debtor has paid an insufficient amount of money to pay adequate protection payments in full, the trustee shall pay the creditors in pro rata amounts.
- e. If the trustee has not made pre–confirmation adequate protection payments, the trustee promptly shall disburse the adequate protection payments after the Court confirms the plan. If the Court dismisses the case before confirmation of a plan, the trustee will pay the creditor any adequate protection payments due and owing from funds received by the trustee under § 1326(a)(1)(A), less the statutory trustee's fee, then allowed administrative expenses. If the trustee is required to pay adequate protection payments to more than one

creditor but the trustee has an insufficient amount of money to pay them in full, the trustee shall pay the creditors in pro rata amounts.

Serving the Plan or Motion for Moratorium.

- a. The debtor shall serve on creditors, as required by § 342 and F.R.B.P. 7004 and 9014, the plan (original, amended, modified) and plan analysis, or any motion for a moratorium, and a notice containing the appropriate deadlines set forth below. A debtor must serve a motion for a moratorium in the same manner as a plan.
- b. A debtor needs only to serve nonmaterial changes in an amended or a modified plan on the trustee and those creditors affected by the changes. To be regarded as nonmaterial, the modification must not delay or reduce the dividend to be paid on any claim or otherwise modify the claim of affected creditor's consent. A material modification is considered a plan amendment or modification and must be noticed accordingly.
- c. The notice served with a plan or motion for a moratorium must be in a form that complies with this General Order and is approved by the chapter 13 trustee. Noticing out the plan or a motion for a moratorium without the notice is insufficient.
- d. If the debtor is unrepresented by counsel, the debtor is required timely to notice any plan or motion through the trustee. The trustee will direct how the debtor is to do the noticing and will select, with the approval of the United States Trustee, the mailing/copying service used by the debtor. The debtor shall pay the cost of this noticing.
- e. Unless the Court for cause orders otherwise, a debtor must accomplish service as follows:
 1. For the original plan, the debtor must serve it within five business days of filing it or within 25 days after the petition date, whichever is earlier.
 2. For an amended plan or pre–confirmation motion for a moratorium, the debtor must serve it within five business days after filing it.
 3. For a modified plan or post–confirmation motion for a moratorium, the debtor must serve it within five business days of filing it.
- f. If the debtor fails timely and properly to serve the original plan, within 25 days of the petition date, the trustee, in the trustee's discretion, may continue the meeting of creditors for a sufficient period for the debtor to notice out the plan and for creditors to receive at least 25 days of notice. The debtor shall contact the trustee for the date and time of the continued meeting of creditors. Using an updated master mailing list, the debtor shall notice out the continued meeting to all parties entitled to notice and file a certificate of service within three business days after receiving the continued date and time from the trustee. Also, within the same period, the debtor shall notice out the plan and the notice containing the deadline for creditor objections. If the debtor is pro se, the noticing of the plan and continued meeting of creditors may be combined. The new deadline for creditor objections shall be 10 calendar days after the date of the continued meeting of creditors or 25 days after service, whichever is later. If the Court dismisses the debtor's case before the debtor attends a meeting of creditors and then reinstates the case, the debtor shall notice or re–notice out the plan to creditors and file a certificate of service within three business days of receipt of the rescheduled meeting of creditors. The deadline for creditor objections shall be 10 days after the date of the meeting of creditors or 25 days after service, whichever is later.
- g. After the debtor serves any plan, motion for a moratorium, continued meeting of creditors, or reinstatement order, the debtor shall file a certificate of service within five business days. The certificate of service may be incorporated into the notice. The debtor shall attach a copy of the document being noticed out, the mailing list used, and the notice mailed to the certificate of service. Instead of attaching the document noticed out, the certificate and docket entry may contain the appropriate reference to the ECF docket number for that document. The debtor must use a master mailing list downloaded from the Court within five business days before the noticing. The mailing list attached to the certificate of service must contain the PACER/ECF information.
- h. If the debtor fails timely to file and properly serve any plan or motion for a moratorium, or timely file a certificate of service, the trustee may upload, and if uploaded shall serve, a proposed dismissal order and, after 10 days, the Court may dismiss the case without further notice or a hearing.

Creditor Objection to Plan or Motion for Moratorium.

- a. Time for filing creditor objection:
 1. For an original or amended plan, or pre–confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 10 calendar days after the date set for the meeting of creditors or 25 days after service, whichever is later.
 2. For a modified plan or post–confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 25 days after the date of service.

- b. The failure of a party in interest timely to file an objection to confirmation of a plan or the granting of a motion for a moratorium shall constitute acceptance of the plan or motion pursuant to 11 U.S.C. § 1325(a)(5)(A) and a waiver of the requirement that the Court hold a confirmation hearing within 45 days after the date of the meeting of creditors. Notice of the waiver of the 45-day confirmation hearing requirement and acceptance of the plan due to a creditor's failure timely to object shall be conspicuous in the notice of date to file objections served on all creditors.
- c. A secured creditor who disagrees with the valuation of the creditor's secured claim in the plan and who files an objection, shall state in the objection the creditor's estimate of the value of the collateral, the method of determining the value, and the amount of claim that is secured. Upon receipt of the creditor's objection, the debtor shall make the collateral available to the creditor for inspection and appraisal.

Trustee's Recommendation/Objection.

- a. For any plan or motion for a moratorium, the trustee shall file a recommendation/ objection by 25 days after the date set for the creditor objections.
- b. The debtor shall comply with any requirements stated in the trustee's recommendation/objection requesting documentation or information, to move the case procedurally toward confirmation of the plan, or to pay any delinquent plan payments. Within 30 days after the trustee files the recommendation/objection, the debtor shall comply with the trustee's requests. If the debtor timely fails to comply, the trustee may upload a dismissal order. If the trustee objects to the fees requested by debtor's counsel, counsel shall provide to the trustee a statement reflecting what work was done for the debtor and the time spent on each task. The statement may be as time sheet summaries.
- c. If the debtor makes no plan payments by the deadline for the trustee's recommendation set above, the trustee may upload an order dismissing the case rather than file a recommendation/objection.

Confirmation Hearing or Hearing on Objection.

- a. Unless the Court orders otherwise, a hearing on a creditor's objection is not a hearing requiring attendance of the trustee.
- b. A creditor who timely files an objection to plan confirmation may request a hearing on the objection from the Court prior to the expiration of the last date for filing an objection to plan confirmation. The failure of a creditor timely to request a hearing will constitute a waiver of the requirement that the Court hold a confirmation hearing within 45 days after the date of the meeting of creditors.
- c. Anytime after expiration of the time for a creditor to object, the debtor, trustee, or creditor may request the Court set a confirmation hearing rather than a hearing on an objection. Any order or notice setting a confirmation hearing must clearly state whether the debtor, debtor's attorney, trustee, and any creditor with an unresolved objection must appear at the hearing.

Confirmation of Plan or Granting of Motion for Moratorium.

The Court may confirm a plan or grant a motion for a moratorium without a confirmation or other hearing if:

- a. There are no timely objections filed by creditors and the trustee recommends confirmation or approval; or
- b. The trustee and all objecting creditors agree to a stipulated order.

Trustee Motion to Dismiss.

- a. A motion to dismiss filed by the trustee because the debtor is delinquent in one or more plan payments may provide for dismissal of the case unless, within 30 days of the trustee filing the motion, the debtor does one of the following:
 - 1. Pays the trustee the amount of the delinquent plan payments or gets an informal agreement with the trustee to catchup the payments;
 - 2. If the debtor is otherwise eligible, files with the Court, and serves a copy on the trustee, a notice of conversion to Chapter 7; or
 - 3. Files and serves a motion for a moratorium of the delinquent plan payments.
- b. If the debtor timely fails to do one of the acts in paragraph (a), the trustee may upload an order dismissing the case and, the Court may summarily dismiss the case.

Debtor's Objection to Proposed Dismissal Order.

If the debtor files an objection to a proposed dismissal order, the debtor must state what issues are resolved, what issues remain, and what has been done to move the plan toward confirmation.

Reinstatement of Dismissed Cases.

If the Court dismisses a case on motion of the trustee or pursuant to Section VIII, the Court may grant a motion to reinstate the case without a hearing if the trustee approves the proposed reinstatement order. If the trustee does not approve the order, the debtor may set the matter for hearing. The Court may set a hearing on the motion to reinstate on request of an interested party who had joined the trustee's dismissal motion.

Priority or Secured Claims.

A claimant filing a secured or priority claim must file it electronically.

Stay Relief to Secured Creditor.

When a stay relief order unconditionally permits a creditor to foreclose or repossess its collateral, the trustee shall cease making payments on the creditor's secured claim if the trustee received the order more than five days before a monthly plan distribution, unless the order granting stay relief provides otherwise. The trustee may continue distributions to other creditors.

ENTERED BY THE COURT

Notice Recipients

District/Off: 0970-2
Case: 2:10-bk-34288-GBN

User: ogle
Form ID: b9i

Date Created: 11/9/2010
Total: 19

Recipients submitted to the BNC (Bankruptcy Noticing Center) without an address:

cr MARISCAL, WEEKS, MCINTYRE & FRIEDLANDER, P.A.

TOTAL: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db MEMIE C. BURTON, JR. 10214 N. 44TH ST. PHOENIX, AZ 85028
tr EDWARD J. MANEY P.O. BOX 10434 PHOENIX, AZ 85064-0434
aty DEAN WILLIAM O'CONNOR SALLQUIST, DRUMMOND & O'CONNOR PC 1430 E MISSOURI
AVE #B-125 PHOENIX, AZ 85014
aty WILLIAM NOVOTNY MARISCAL, WEEKS, MCINTYRE, & FRIEDLANDER 2901 N. CENTRAL
AVE., #200 PHOENIX, AZ 85012-2705
smg AZ DEPARTMENT OF REVENUE BANKRUPTCY & LITIGATION 1600 W. MONROE, 7TH
FL. PHOENIX, AZ 85007-2650
9826750 ARIZONA DEPARTMENT OF REVENUE SPECIAL OPERATIONS UNIT 1600 W. MONROE 7TH
FLOOR PHOENIX, AZ 85007
9792721 CITI PO BOX 6241 SIOUX FALLS
9792722 CITI BANK PO BOX 6241 SIOUX FALLS, SD 57117
9792723 CITI CARD PO BOX 6241 SIOUX FALLS, SD 57117
9792724 CITY OF GLENDALE 5850 WEST GLENDALE AVE GLENDALE, AZ 85301
9792725 DUSKIN AND DUSKIN 2126 W. INDIANSCHOOL RD. PHOENIX, AZ 85015
9792726 FIFTH THIRD BANK FIFTH THIRD CENTER CINCINNATI, OH 45623
9792727 INDY MAC 6900 BEATRICE DRIVE KALAMAZOO, MI 49003
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AZ 85004-2391
9792730 TIM THOPSON 2901 N. CENTRAL, SUITE 200 PHOENIX, AZ 85012-2705
9792731 USAA 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288
9792732 USAA BANK 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288

TOTAL: 18

UNITED STATES BANKRUPTCY COURT District of Arizona

Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

The debtor(s) listed below filed a chapter 13 bankruptcy case on 10/25/10.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028

Case Number:
2:10-bk-34288-GBN

Social Security / Individual Taxpayer ID / Employer Tax ID / Other nos:
xxx-xx-8417

Attorney for Debtor(s) (name and address):
DEAN WILLIAM O'CONNOR
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 E MISSOURI AVE #B-125
PHOENIX, AZ 85014
Telephone number: 602-224-9222

Bankruptcy Trustee (name and address):
EDWARD J. MANEY
P.O. BOX 10434
PHOENIX, AZ 85064-0434
Telephone number: 602-277-3776

Meeting of Creditors

Date: December 8, 2010 Time: 09:30 AM
Location: US Trustee Meeting Room, 230 N. First Avenue, Suite 102, Phoenix, AZ

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except a governmental unit): 3/8/11 For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002 (c)(1)): 4/25/11

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts: 2/7/11

Deadline to Object to Exemptions:

Thirty (30) days after the conclusion of the meeting of creditors.

Filing of Plan, Hearing on Confirmation of Plan

You will be sent separate notice of the hearing on confirmation of the plan.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:
U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000

For the Court:
Clerk of the Bankruptcy Court:
Brian D. Karth

Hours Open: Monday - Friday 9:00 AM - 4:00 PM

Date: 11/9/10

EXPLANATIONS

B9I (Official Form 9I) (12/07)

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. 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 the front of this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. 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. Filing Deadline for a Creditor with a Foreign Address: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(2) or (4), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
Dismissal of Case	This case shall be dismissed if the debtor(s) fail to appear at the meeting of creditors or fail to timely file all required schedules and statements.
All individual debtors must provide photo identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.	
Refer to Other Side for Important Deadlines and Notices	

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

NOTICE OF CERTAIN PROVISIONS OF LOCAL BANKRUPTCY RULES 2084-1 through 2084-26

These Rules implement procedures for Chapter 13 cases filed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 and apply to all Chapter 13 cases filed on or after October 17, 2005. The following does not include all provisions of these Rules. The complete Rules can be viewed at www.azb.uscourts.gov.

Plan.

- a. In addition to the requirements of 11 U.S.C. § 1322(a), a plan shall have:
 1. The debtor's estimate of the value of each secured claim, the method of determining the value, (examples such as Kelley Blue Book, appraisal, or debtor opinion) and the amount to be paid on each secured claim;
 2. The interest rate to be paid on each mortgage arrearage or other secured claim;
 3. A statement that the debtor has filed all tax returns or which returns are unfiled;
 4. The signatures of the debtor and debtor's attorney, in the form allowed or required by the ECF interim operating order; and
 5. A Local Form 13-2 plan analysis.
- b. Other than the original plan, a plan filed before entry of an order of confirmation of a plan shall be entitled "Amended Plan." In an amended plan, a debtor needs only to include those terms and conditions that differ from the original plan.
- c. A plan filed after entry of an order of confirmation of a plan shall be titled as a "Modified Plan." In a modified plan, a debtor needs only to include those terms or conditions that differ from the plan confirmed by the Court and the order confirming plan.

Adequate Protection Payments.

- a. A plan shall propose monthly adequate protection payments to creditors secured by depreciating personal property to be included in the plan payments, beginning with month one. Unless the Court orders otherwise, the debtor shall not make adequate protection payments directly to any creditor or reduce the amount of the plan payments made to the trustee for any amount attributable to the adequate protection payments.
- b. The trustee is authorized to make pre-confirmation adequate protection payments to one or more secured creditors if:
 1. The plan provides for payment of the adequate protection payments;
 2. The debtor's Schedule D discloses the debt and describes the collateral;
 3. The creditor has filed a secured proof of claim, with documentation evidencing a perfected security interest, that asserts a purchase money security interest in the personal property;
 4. The debtor or creditor sends a letter to the trustee requesting payment of pre-confirmation adequate protection payments set forth in the plan along with a copy of the secured proof of claim; and
 5. The collateral is depreciating and the amount of the adequate protection payments approximates the depreciation, which for motor vehicles is generally in the range of 1% of the value of the vehicle per month.
- c. Payment of pre-confirmation adequate protection payments is without prejudice to the secured creditor's right to object to the plan, or seek a determination as to the value of the secured claim or amount necessary to provide adequate protection.
- d. The trustee is entitled to take the percentage fee from all adequate protection payments received or collected. To the extent the trustee has funds on hand, the trustee shall begin making pre-confirmation adequate protection payments if the trustee receives the letter requesting pre-confirmation more than ten business days before the trustee's scheduled monthly distribution; otherwise the trustee will distribute adequate protection payments beginning with the next month's distribution. If the debtor has paid an insufficient amount of money to pay adequate protection payments in full, the trustee shall pay the creditors in pro rata amounts.
- e. If the trustee has not made pre-confirmation adequate protection payments, the trustee promptly shall disburse the adequate protection payments after the Court confirms the plan. If the Court dismisses the case before confirmation of a plan, the trustee will pay the creditor any adequate protection payments due and owing from funds received by the trustee under § 1326(a)(1)(A), less the statutory trustee's fee, then allowed administrative expenses. If the trustee is required to pay adequate protection payments to more than one

creditor but the trustee has an insufficient amount of money to pay them in full, the trustee shall pay the creditors in pro rata amounts.

Serving the Plan or Motion for Moratorium.

- a. The debtor shall serve on creditors, as required by § 342 and F.R.B.P. 7004 and 9014, the plan (original, amended, modified) and plan analysis, or any motion for a moratorium, and a notice containing the appropriate deadlines set forth below. A debtor must serve a motion for a moratorium in the same manner as a plan.
- b. A debtor needs only to serve nonmaterial changes in an amended or a modified plan on the trustee and those creditors affected by the changes. To be regarded as nonmaterial, the modification must not delay or reduce the dividend to be paid on any claim or otherwise modify the claim of affected creditor's consent. A material modification is considered a plan amendment or modification and must be noticed accordingly.
- c. The notice served with a plan or motion for a moratorium must be in a form that complies with this General Order and is approved by the chapter 13 trustee. Noticing out the plan or a motion for a moratorium without the notice is insufficient.
- d. If the debtor is unrepresented by counsel, the debtor is required timely to notice any plan or motion through the trustee. The trustee will direct how the debtor is to do the noticing and will select, with the approval of the United States Trustee, the mailing/copying service used by the debtor. The debtor shall pay the cost of this noticing.
- e. Unless the Court for cause orders otherwise, a debtor must accomplish service as follows:
 1. For the original plan, the debtor must serve it within five business days of filing it or within 25 days after the petition date, whichever is earlier.
 2. For an amended plan or pre–confirmation motion for a moratorium, the debtor must serve it within five business days after filing it.
 3. For a modified plan or post–confirmation motion for a moratorium, the debtor must serve it within five business days of filing it.
- f. If the debtor fails timely and properly to serve the original plan, within 25 days of the petition date, the trustee, in the trustee's discretion, may continue the meeting of creditors for a sufficient period for the debtor to notice out the plan and for creditors to receive at least 25 days of notice. The debtor shall contact the trustee for the date and time of the continued meeting of creditors. Using an updated master mailing list, the debtor shall notice out the continued meeting to all parties entitled to notice and file a certificate of service within three business days after receiving the continued date and time from the trustee. Also, within the same period, the debtor shall notice out the plan and the notice containing the deadline for creditor objections. If the debtor is pro se, the noticing of the plan and continued meeting of creditors may be combined. The new deadline for creditor objections shall be 10 calendar days after the date of the continued meeting of creditors or 25 days after service, whichever is later. If the Court dismisses the debtor's case before the debtor attends a meeting of creditors and then reinstates the case, the debtor shall notice or re–notice out the plan to creditors and file a certificate of service within three business days of receipt of the rescheduled meeting of creditors. The deadline for creditor objections shall be 10 days after the date of the meeting of creditors or 25 days after service, whichever is later.
- g. After the debtor serves any plan, motion for a moratorium, continued meeting of creditors, or reinstatement order, the debtor shall file a certificate of service within five business days. The certificate of service may be incorporated into the notice. The debtor shall attach a copy of the document being noticed out, the mailing list used, and the notice mailed to the certificate of service. Instead of attaching the document noticed out, the certificate and docket entry may contain the appropriate reference to the ECF docket number for that document. The debtor must use a master mailing list downloaded from the Court within five business days before the noticing. The mailing list attached to the certificate of service must contain the PACER/ECF information.
- h. If the debtor fails timely to file and properly serve any plan or motion for a moratorium, or timely file a certificate of service, the trustee may upload, and if uploaded shall serve, a proposed dismissal order and, after 10 days, the Court may dismiss the case without further notice or a hearing.

Creditor Objection to Plan or Motion for Moratorium.

- a. Time for filing creditor objection:
 1. For an original or amended plan, or pre–confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 10 calendar days after the date set for the meeting of creditors or 25 days after service, whichever is later.
 2. For a modified plan or post–confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 25 days after the date of service.

- b. The failure of a party in interest timely to file an objection to confirmation of a plan or the granting of a motion for a moratorium shall constitute acceptance of the plan or motion pursuant to 11 U.S.C. § 1325(a)(5)(A) and a waiver of the requirement that the Court hold a confirmation hearing within 45 days after the date of the meeting of creditors. Notice of the waiver of the 45-day confirmation hearing requirement and acceptance of the plan due to a creditor's failure timely to object shall be conspicuous in the notice of date to file objections served on all creditors.
- c. A secured creditor who disagrees with the valuation of the creditor's secured claim in the plan and who files an objection, shall state in the objection the creditor's estimate of the value of the collateral, the method of determining the value, and the amount of claim that is secured. Upon receipt of the creditor's objection, the debtor shall make the collateral available to the creditor for inspection and appraisal.

Trustee's Recommendation/Objection.

- a. For any plan or motion for a moratorium, the trustee shall file a recommendation/ objection by 25 days after the date set for the creditor objections.
- b. The debtor shall comply with any requirements stated in the trustee's recommendation/objection requesting documentation or information, to move the case procedurally toward confirmation of the plan, or to pay any delinquent plan payments. Within 30 days after the trustee files the recommendation/objection, the debtor shall comply with the trustee's requests. If the debtor timely fails to comply, the trustee may upload a dismissal order. If the trustee objects to the fees requested by debtor's counsel, counsel shall provide to the trustee a statement reflecting what work was done for the debtor and the time spent on each task. The statement may be as time sheet summaries.
- c. If the debtor makes no plan payments by the deadline for the trustee's recommendation set above, the trustee may upload an order dismissing the case rather than file a recommendation/objection.

Confirmation Hearing or Hearing on Objection.

- a. Unless the Court orders otherwise, a hearing on a creditor's objection is not a hearing requiring attendance of the trustee.
- b. A creditor who timely files an objection to plan confirmation may request a hearing on the objection from the Court prior to the expiration of the last date for filing an objection to plan confirmation. The failure of a creditor timely to request a hearing will constitute a waiver of the requirement that the Court hold a confirmation hearing within 45 days after the date of the meeting of creditors.
- c. Anytime after expiration of the time for a creditor to object, the debtor, trustee, or creditor may request the Court set a confirmation hearing rather than a hearing on an objection. Any order or notice setting a confirmation hearing must clearly state whether the debtor, debtor's attorney, trustee, and any creditor with an unresolved objection must appear at the hearing.

Confirmation of Plan or Granting of Motion for Moratorium.

The Court may confirm a plan or grant a motion for a moratorium without a confirmation or other hearing if:

- a. There are no timely objections filed by creditors and the trustee recommends confirmation or approval; or
- b. The trustee and all objecting creditors agree to a stipulated order.

Trustee Motion to Dismiss.

- a. A motion to dismiss filed by the trustee because the debtor is delinquent in one or more plan payments may provide for dismissal of the case unless, within 30 days of the trustee filing the motion, the debtor does one of the following:
 - 1. Pays the trustee the amount of the delinquent plan payments or gets an informal agreement with the trustee to catchup the payments;
 - 2. If the debtor is otherwise eligible, files with the Court, and serves a copy on the trustee, a notice of conversion to Chapter 7; or
 - 3. Files and serves a motion for a moratorium of the delinquent plan payments.
- b. If the debtor timely fails to do one of the acts in paragraph (a), the trustee may upload an order dismissing the case and, the Court may summarily dismiss the case.

Debtor's Objection to Proposed Dismissal Order.

If the debtor files an objection to a proposed dismissal order, the debtor must state what issues are resolved, what issues remain, and what has been done to move the plan toward confirmation.

Reinstatement of Dismissed Cases.

If the Court dismisses a case on motion of the trustee or pursuant to Section VIII, the Court may grant a motion to reinstate the case without a hearing if the trustee approves the proposed reinstatement order. If the trustee does not approve the order, the debtor may set the matter for hearing. The Court may set a hearing on the motion to reinstate on request of an interested party who had joined the trustee's dismissal motion.

Priority or Secured Claims.

A claimant filing a secured or priority claim must file it electronically.

Stay Relief to Secured Creditor.

When a stay relief order unconditionally permits a creditor to foreclose or repossess its collateral, the trustee shall cease making payments on the creditor's secured claim if the trustee received the order more than five days before a monthly plan distribution, unless the order granting stay relief provides otherwise. The trustee may continue distributions to other creditors.

ENTERED BY THE COURT

UNITED STATES BANKRUPTCY COURT District of Arizona		PROOF OF CLAIM
Name of Debtor: MEMIE C. BURTON JR.		Case Number: 10-34288
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent:		Court Claim Number: _____ (If known)
Telephone number:		Filed on: _____
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
Telephone number:		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).
2. Basis for Claim: _____ (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____		
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate ____% Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. 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. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		Amount entitled to priority: \$ _____ <i>*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
Date:	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a):

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

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.

7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

INFORMATION

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

CERTIFICATE OF NOTICE

District/off: 0970-2
Case: 10-34288

User: oglen
Form ID: b9i

Page 1 of 1
Total Noticed: 17

Date Rcvd: Nov 09, 2010

The following entities were noticed by first class mail on Nov 11, 2010.

db +MEMIE C. BURTON, JR., 10214 N. 44TH ST., PHOENIX, AZ 85028-4138
aty +DEAN WILLIAM O'CONNOR, SALLQUIST, DRUMMOND & O'CONNOR PC, 1430 E MISSOURI AVE #B-125,
PHOENIX, AZ 85014-2478
aty +WILLIAM NOVOTNY, MARISCAL, WEEKS, MCINTYRE, & FRIEDLANDER, 2901 N. CENTRAL AVE., #200,
PHOENIX, AZ 85012-2797
tr EDWARD J. MANEY, P.O. BOX 10434, PHOENIX, AZ 85064-0434
9792724 +CITY OF GLENDALE, 5850 WEST GLENDALE AVE, GLENDALE, AZ 85301-2599
9792725 +DUSKIN AND DUSKIN, 2126 W. INDIANSCHOOL RD., PHOENIX, AZ 85015-4907
9792726 FIFTH THIRD BANK, FIFTH THIRD CENTER, CINCINNATI, OH 45623
9792727 +INDY MAC, 6900 BEATRICE DRIVE, KALAMAZOO, MI 49009-9559
9792729 +LONNIE WILLIAMS, ONE RENAISSANCE SQUARE, TWO CENTRAL AVENUE, PHOENIX, AZ 85004-2322
9792730 TIM THOPSON, 2901 N. CENTRAL, SUITE 200, PHOENIX, AZ 85012-2705
9792731 +USAA, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001
9792732 +USAA BANK, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001

The following entities were noticed by electronic transmission on Nov 10, 2010.

smg EDI: AZDEPREV.COM Nov 09 2010 21:28:00 AZ DEPARTMENT OF REVENUE, BANKRUPTCY & LITIGATION,
1600 W. MONROE, 7TH FL., PHOENIX, AZ 85007-2650
9826750 +EDI: AZDEPREV.COM Nov 09 2010 21:28:00 ARIZONA DEPARTMENT OF REVENUE,
SPECIAL OPERATIONS UNIT, 1600 W. MONROE 7TH FLOOR, PHOENIX, AZ 85007-2612
9792722 +EDI: CITICORP.COM Nov 09 2010 21:28:00 CITI BANK, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792723 +EDI: CITICORP.COM Nov 09 2010 21:28:00 CITI CARD, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792728 EDI: IRS.COM Nov 09 2010 21:28:00 IRS, 4041 N. CENTRAL AVENUE, PHOENIX, AZ 85012
TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr MARISCAL, WEEKS, MCINTYRE & FRIEDLANDER, P.A.
9792721 CITI, PO BOX 6241, SIOUX FALLS

TOTALS: 2, * 0, ## 0

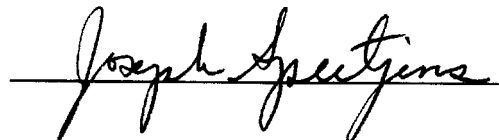
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 11, 2010

Signature:



Debtor

(If known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: MARRIED	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): DAUGHTER	AGE(S): 23
Employment:	DEBTOR	SPOUSE
Occupation	PHYSICIAN	POLITICIAN
Name of Employer	ARIZONA STATE COPORATION	
How long employed	16 YEARS	17 MONTHS
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)

	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly.)	\$ <u>15,379.00</u>	\$ <u>4,476.00</u>
2. Estimate monthly overtime	\$ <u>0.00</u>	\$ <u>0.00</u>
3. SUBTOTAL	\$ <u>15,379.00</u>	\$ <u>4,476.00</u>
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ <u>3,114.43</u>	\$ <u>0.00</u>
b. Insurance	\$ <u>1,108.51</u>	\$ <u>0.00</u>
c. Union dues	\$ <u>0.00</u>	\$ <u>0.00</u>
d. Other (Specify) RETIREMENT	\$ <u>123.05</u>	\$ <u>0.00</u>
TSP SAVINGS	\$ <u>1,993.00</u>	\$ <u>0.00</u>
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ <u>6,338.99</u>	\$ <u>0.00</u>
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ <u>9,040.01</u>	\$ <u>4,476.00</u>
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ <u>0.00</u>	\$ <u>0.00</u>
8. Income from real property	\$ <u>0.00</u>	\$ <u>0.00</u>
9. Interest and dividends	\$ <u>0.00</u>	\$ <u>0.00</u>
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	\$ <u>0.00</u>	\$ <u>0.00</u>
11. Social security or other government assistance (Specify)	\$ <u>2,200.00</u>	\$ <u>0.00</u>
12. Pension or retirement income	\$ <u>0.00</u>	\$ <u>0.00</u>
13. Other monthly income (Specify)	\$ <u>0.00</u>	\$ <u>0.00</u>
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ <u>2,200.00</u>	\$ <u>0.00</u>
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ <u>11,240.01</u>	\$ <u>4,476.00</u>
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ <u>15,716.01</u>	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document.:

NONE

In re MEMIE C. BURTON JR.

Case No. 2:10-bk-34288
(if known)

Debtor

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made biweekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	<u>5,067.50</u>
a. Are real estate taxes included? Yes _____ No <u>✓</u>		
b. Is property insurance included? Yes _____ No <u>✓</u>		
2. Utilities: a. Electricity and heating fuel	\$	<u>350.00</u>
b. Water and sewer	\$	<u>360.00</u>
c. Telephone	\$	<u>257.00</u>
d. Other <u>POOL</u>	\$	<u>150.00</u>
3. Home maintenance (repairs and upkeep)	\$	<u>50.00</u>
4. Food	\$	<u>450.00</u>
5. Clothing	\$	<u>100.00</u>
6. Laundry and dry cleaning	\$	<u>60.00</u>
7. Medical and dental expenses	\$	<u>900.00</u>
8. Transportation (not including car payments)	\$	<u>400.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	<u>110.00</u>
10. Charitable contributions	\$	<u>1,060.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	<u>117.00</u>
b. Life	\$	<u>417.06</u>
c. Health	\$	<u>862.00</u>
d. Auto	\$	<u>250.00</u>
e. Other <u>AIG</u>	\$	<u>150.00</u>
<u>MARICOPA COUNTY TREAS</u>	\$	<u>91.50</u>
12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) _____	\$	<u>0.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	<u>0.00</u>
b. Other <u>CHILD CARE</u>	\$	<u>200.00</u>
<u>DAUGHTER COLLEGE</u>	\$	<u>2,000.00</u>
<u>MEDICAL MEETING</u>	\$	<u>700.00</u>
14. Alimony, maintenance, and support paid to others	\$	<u>200.00</u>
15. Payments for support of additional dependents not living at your home	\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	<u>0.00</u>
17. Other <u>HOUSE KEEPING PERSONAL MAID</u>	\$	<u>300.00</u>

18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

\$ <u>14,602.06</u>

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

20. STATEMENT OF MONTHLY NET INCOME

a. Average monthly income from Line 15 of Schedule I	\$	<u>15,716.01</u>
b. Average monthly expenses from Line 18 above	\$	<u>14,602.06</u>
c. Monthly net income (a. minus b.)	\$	<u>1,113.95</u>

POLI & BALL, P.L.C.
2999 N. 44TH STREET, SUITE 500
PHOENIX, ARIZONA 85018
(602) 840-1400

1 James B. Ball (#007339)
James E. Shively (#011712)
2 Poli & Ball, P.L.C.
2999 N. 44th Street, Suite 500
3 Phoenix, Arizona 85018
(602) 840-1400

4 Attorneys for USAA Federal Savings Bank

5
6 **UNITED STATES BANKRUPTCY COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 In re:

No. 10-34288-GBN

9 Memie C. Burton, Jr.,

Chapter 13

10 Debtor.

**NOTICE OF APPEARANCE AND
REQUEST FOR NOTICE**

11
12 Notice is hereby given that James E. Shively, of Poli & Ball, P.L.C., 2999
13 N. 44th Street, Suite 500, Phoenix, Arizona 85018, (602) 840-1400, makes his
14 appearance in the above-captioned matter as counsel for USAA Federal Savings Bank,
15 and hereby requests that his name be added to the master mailing list.

16 DATED this 9th day of December, 2010.

17 Poli & Ball, P.L.C.

18
19 By/s/ James E. Shively, #011712

20 James B. Ball
James E. Shively
2999 N. 44th Street, Suite 500
21 Phoenix, Arizona 85018
Attorneys for USAA Federal Savings Bank
22
23

POLI & BALL, P.L.C.
2999 N. 44TH STREET, SUITE 500
PHOENIX, ARIZONA 85018
(602) 840-1400

1 COPIES of the foregoing mailed
this 9th day of December, 2010, to:

2
3 Memie C. Burton, Jr.
4 10214 N. 44th St.
5 Phoenix, AZ 85028
6 Debtor

7 Dean William O'Connor
8 1430 E Missouri Ave
9 #B-125
10 Phoenix, AZ 85014
11 Attorney for debtor

12 Edward J. Maney
13 P.O. Box10434
14 Phoenix, AZ 85064
15 Trustee

16 /s/ Estrella Olivo

17 _____
18 f:\apps\hotdocs\templates\arizona\notice of appearance.rtf
19
20
21
22
23

E-filed December 9, 2010

James B. Ball (#007339)
James E. Shively (#011712)
Poli & Ball, P.L.C.
2999 N. 44th Street, Suite 500
Phoenix, Arizona 85018
(602) 840-1400

Attorneys for USAA Federal Savings Bank

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re:

No. 10-34288-GBN

Memie C. Burton, Jr.,

Chapter 13

Debtor.

OBJECTION TO CHAPTER 13 PLAN

USAA Federal Savings Bank, a party in interest, hereby objects to the Chapter 13 Plan filed October 28, 2010, for the reasons set forth in this memorandum.

1. FACTUAL BACKGROUND

USAA Federal Savings Bank is a secured creditor of debtor ("debtor" means Memie C. Burton, Jr.) on the following personal property:

2007 Toyota Camry

VIN # 4T1BB46K67U016902

("the collateral"). USAA Federal Savings Bank possesses a valid, perfected, first priority lien against the collateral. The lien and the debt which it secures are evidenced by a retail installment contract executed by debtor on February 24, 2010, and a lien filing receipt, copies of which are attached hereto as Exhibits "A" and "B".

POLI & BALL, P.L.C.
2999 N. 44TH STREET, SUITE 500
PHOENIX, ARIZONA 85018
(602) 840-1400

1 The unpaid balance of the debt is \$12,997.29 plus accrued and accruing
2 interest, costs and attorneys' fees.

3 Debtor's plan proposes to pay USAA Federal Savings Bank \$10,000.00 on
4 its secured loan together with interest thereon at the rate of 6.9% per annum and \$100.00
5 per month in adequate protection payments. USAA Federal Savings Bank objects to its
6 treatment under the plan.

7 **2. LEGAL ARGUMENT**

8 A. Bankruptcy case was filed less than 910 days after purchase
9 of loan.

10 Debtor obtained the loan through USAA Federal Savings Bank on . The
11 bankruptcy case was opened on October 25, 2010. There were less than 910 days from
12 the date of the purchase of the vehicle and the filing of the bankruptcy. Therefore the
13 debtor may not cram down the value of the 2007 Toyota Camry. 11 U.S.C. § 1325(a)
14 (“For purposes of paragraph (5), section 506 shall not apply to a claim described in that
15 paragraph if the creditor has a purchase money security interest securing the debt that is
16 the subject claim, the debt was incurred within the 910-day preceding the date of the
17 filing of the petition, and the collateral for that debt consists of a motor vehicle (as
18 defined in section 30102 of title 49) acquired for personal use of the debtor”).

19 B. Debtor’s plan does not propose sufficient adequate protection
20 payments.

21 Debtor’s plan does propose sufficient adequate protection payments.
22 Collateral of this type depreciates at a fairly rapid rate.
23

POLI & BALL, P.L.C.
2999 N. 44TH STREET, SUITE 500
PHOENIX, ARIZONA 85018
(602) 840-1400

1 USAA Federal Savings Bank requests adequate protection in the amount
2 of 1% of the balance or \$130.00 pursuant to 11 U.S.C. 1325(a), 1326, and General Order
3 No. 95.

4 C. Debtor has misstated the balance of the debt owing to USAA
5 Federal Savings Bank.

6 Debtor's plan lists the balance owing to USAA Federal Savings Bank as
7 \$10,000.00. As detailed above and in USAA Federal Savings Bank's proof of claim
8 being filed herewith, the balance owing to USAA Federal Savings Bank is \$12,997.29.

9
10 **3. CONCLUSION**

11 For the reasons that the Bankruptcy case was filed less than 910 days after
12 purchase of loan; that the vehicle securing USAA Federal Savings Bank's loan's balance
13 has been misstated and that the \$100.00 adequate protection is insufficient, USAA
14 Federal Savings Bank requests that this Court deny confirmation of debtor's Chapter 13
15 Plan.

16 DATED this 9th day of December, 2010.

17 Poli & Ball, P.L.C.

18 By/s/ James E. Shively, #011712

19 James B. Ball

20 James E. Shively

21 2999 N. 44th Street, Suite 500

22 Phoenix, Arizona 85018

23 Attorneys for USAA Federal Savings Bank

POLI & BALL, P.L.C.
2999 N. 44TH STREET, SUITE 500
PHOENIX, ARIZONA 85018
(602) 840-1400

1 COPIES of the foregoing mailed
this 9th day of December, 2010, to:

2
3 Memie C. Burton, Jr.
4 10214 N. 44th St.
5 Phoenix, AZ 85028
6 Debtor

7 Dean William O'Connor
8 1430 E Missouri Ave
9 #B-125
10 Phoenix, AZ 85014
11 Attorney for debtor

12 Edward J. Maney
13 P.O. Box10434
14 Phoenix, AZ 85064
15 Trustee

16
17
18
19
20
21
22
23
/s/ Estrella Olivo

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USAA FEDERAL SAVINGS BANK
 10750 McDermott Freeway
 San Antonio, TX 78288-0544

AFFIDAVIT OF LOST INSTALLMENT CONTRACT/PROMISSORY NOTE

STATE OF TEXAS §
 COUNTY OF BEXAR §

The undersigned affiant, being duly sworn, deposes and says that:

(1) I am employed by USAA FEDERAL SAVINGS BANK as a Bankruptcy Collector and I am duly authorized to make this Affidavit on behalf of USAA FEDERAL SAVINGS BANK;

(2) On , maker, Memie C Burton Jr executed an installment contract/note, security agreement in the original amount of \$14673.96, loan number [REDACTED] 1566 hereinafter called "the note" to USAA FEDERAL SAVINGS BANK, monthly payments are due on or before the 15th in the amount of \$281.09. The note is secured by a 2007 Toyota Camry VIN 4T1BB46K67U016902 with a lien in favor of USAA Federal Savings Bank;

(3) The maker(s) have not fully paid the notes. The maker(s) have been given credit for all payments made to date. There remains unpaid from the maker to USAA FEDERAL SAVINGS BANK the amount of \$12924.68. Interest accrues in accordance with the terms of the note at the rate of 5.69% per annum.

(4) USAA FEDERAL SAVINGS BANK has been at all times the owner and holder of the note, however, USAA FEDERAL SAVINGS BANK has now lost or misplaced the original note and after diligent search and inquiry for said note, USAA FEDERAL SAVINGS BANK has been unable to locate or recover possession of the note. USAA FEDERAL SAVINGS BANK cannot reasonably obtain possession of the note because its whereabouts cannot be determined.

(5) The loss of possession of the note is not the result of a transfer by USAA FEDERAL SAVINGS BANK nor is it the result of any lawful seizure of the note. USAA FEDERAL SAVINGS BANK has not sold, assigned, transferred, hypothecated or otherwise encumbered nor disposed of in any other manner the note;

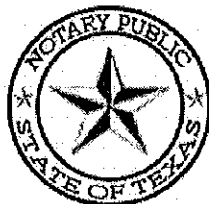
(6) No person, firm corporation or any other entity has any right, title, interest and/or claim in and/or to the note superior to that of USAA FEDERAL SAVINGS BANK;

USAA FEDERAL SAVINGS BANK

BY: *Kelly Garcia*
 Kelly Garcia

AUTHORIZED REPRESENTATIVE

SUBSCRIBED AND SWORN TO BEFORE ME on the 23rd day of November 2010, to certify which witness my hand and official seal.



Philip Burch

Philip Burch
 Notary Public In and For The State of Texas
 My commission expires: 8/2/2011

VIN	4T1BB46K67U016902			Financed	02/24/2010	Tech	TLM
Status	Perfected Title			DMV Work	04/25/2010		
Lienholder Status				Imported	04/26/2010		
Borrower	BURTON MEMIE C 660 W HILE RD NORTON SHORES, MI 49441			Added	03/29/2010		
Borrower Home Phone	[REDACTED]			Perfected	04/26/2010		
Borrower Work Phone				Payoff	//	Tech	
Branch		Acct #	[REDACTED]	Released	//		
Loan #	[REDACTED]	Suffix		Release Type			
Owner	M C BURTON JR MD PC			Exported	//		
Lienholder	USAA FEDERAL SAVINGS BANK			DMV Response	//	Code	
Dealer ID				DMV Deleted	//		
Year	2007	Make	TOYT	Expires	//		
License		Title #	223W010113	FDI Assigned User		FDI Action Date	//
Body		Vehicle Type	VEH	Lienholder Assigned User		Lienholder Action Date	//
Lien Amount	\$ 0.00			Misc.			
PRIMARY APPLICANT DOB		ODO		State	AZ	Electronic	
Account Type	Refinance	Loan Type	Vehicle				

User Notes Present

Notes



In re MEMIE C. BURTON JR.
 Debtor

Case No. 2:10-bk-34288
 (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. 5082290043418224 CITI CARD PO BOX 6241 SIOUX FALLS, SD 57117		CREDIT CARD				41,000.00
ACCOUNT NO. CITY OF GLENDALE 5850 WEST GLENDALE AVE GLENDALE, AZ 85301						2,500.00
ACCOUNT NO. DUSKIN AND DUSKIN 2126 W. INDIANSCHOOL RD. PHOENIX, AZ 85015						8,600.00
ACCOUNT NO. FIFTH THIRD BANK FIFTH THIRD CENTER CINCINNATI, OH 45623						115,000.00
ACCOUNT NO. LONNIE WILLIAMS ONE RENAISSANCE SQUARE TWO CENTRAL AVENUE PHONEIX, AZ 85004-2391						21,000.00

1 Continuation sheets attached

Subtotal >	\$	188,100.00
Total >	\$	

(Use only on last page of the completed Schedule F.)
 (Report also on Summary of Schedules and, if applicable on the Statistical
 Summary of Certain Liabilities and Related Data.)

In re MEMIE C. BURTON JR.
 Debtor

Case No. 2:10-bk-34288
 (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						39,000.00
TIM THOPSON 2901 N. CENTRAL, SUITE 200 PHOENIX, AZ 85012-2705						

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors
 Holding Unsecured
 Nonpriority Claims

Subtotal >	\$ 39,000.00
Total >	\$ 227,100.00

(Use only on last page of the completed Schedule F.)
 (Report also on Summary of Schedules and, if applicable on the Statistical
 Summary of Certain Liabilities and Related Data.)

SALLQUIST, DRUMMOND & O'CONNOR, P.C.

1430 East Missouri Avenue, Suite B-125
Phoenix, Arizona 85014
(602) 224-9222 – Telephone
(602) 224-9366 – Facsimile

Dean W. O'Connor, Esq. Bar#011941
Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re	Case No. <i>2:10-bk-34288 GBN</i>
MEMIE C. BURTON JR,	CHAPTER 13 PLAN AND APPLICATION FOR PAYMENT OF ADMINISTRATIVE EXPENSES
Debtor.	<input type="checkbox"/> Original
SSN xxx-xx-8417 SSN xxx-xx- _____	<input checked="" type="checkbox"/> <i>First</i> , Amended
<i>[Debtor address]</i>	<input type="checkbox"/> <i>[state if First, Second]</i> Modified
	<input type="checkbox"/> Plan payments include post-petition mortgage payments

This Plan may affect creditor rights. **If you object to the treatment of your claim as proposed in this Plan, you must file a written objection by the deadline set forth in a Notice of Date to File Objections to Plan served on parties in interest.** If this is a joint case, then "Debtor" means both Debtors. This plan does not allow claims or affect the timeliness of any claim. To receive payment on your claim, you must file a proof of claim with the Bankruptcy Court, even if this Plan provides for your debt. The applicable deadlines to file a proof of claim were specified in the Notice of Commencement of Case. Except as provided in § 1323(c), a creditor who disagrees with the proposed treatment of its debt in this Plan must timely file an objection to the Plan.

If this is an Amended or Modified Plan, the reasons for filing this Amended or Modified Plan are: *[state reasons]*.

(A) Plan Payments and Property to be Submitted to the Plan.

(1) Plan payments start on 11/24/10. The Debtor shall pay the Trustee as follows:

\$0.00 each month for month 1 through month 2. Moratorium.
\$1,500.00 each month for month 3 through month 36 .
\$2,340.00 each month for month 36 through month 60.

The proposed plan duration is 60 months. The applicable commitment period is 60 months. Section 1325(b)(4).

(2) In addition to the plan payments, Debtor will submit the following property to the Trustee: *NONE*.

(B) Trustee's Percentage Fee. Pursuant to 28 U.S.C. § 586(e), the Trustee may collect the percentage fee from all payments and property received, not to exceed 10%.

(C) Treatment of Administrative Expenses, Post-Petition Mortgage Payments and Claims. Except adequate protection payments under (C)(1), post-petition mortgage payments under (C)(4), or as otherwise ordered by the Court, the Trustee will make disbursements to creditors after the Court confirms this Plan. Unless otherwise provided in Section (J), disbursements by the Trustee shall be pro rata by class (except adequate protection payments) and made in the following order:

(1) ***Adequate protection payments.*** Section 1326(a)(1)(C) requires adequate protection payments to be made to creditors secured by personal property. Pursuant to Local Bankruptcy Rule 2084-6, the Trustee is authorized to make preconfirmation

adequate protection payments to the certain secured creditors without a Court order, provided the claim is properly listed on Schedule D, the creditor files a secured proof of claim that includes documentation evidencing a perfected security agreement, and the debtor or creditor sends a letter to the Trustee requesting payment of preconfirmation adequate protection payments. The Trustee will apply adequate protection payments to the creditor's secured claim. After confirmation, unless the Court orders otherwise, adequate protection payments will continue in the same amount until claims to be paid before these claimants are paid in full, unless the confirmed plan or a court order specifies a different amount. **If a secured creditor disagrees with the amount of the proposed adequate protection payments or the plan fails to provide for such payments, the creditor may file an objection to confirmation of this plan, file a motion pursuant to §§ 362, 363, or do both.**

<u>Creditor</u>	<u>Property Description</u>	<u>Monthly Amount</u>
USAA BANK	Lincoln Navigator	\$210.00

See Section (J), Varying Provisions.

(2) **Administrative expenses.** Section 507(a)(2).

(a) Attorney fees. Debtor's attorney received \$1,526.00 before filing. The balance of \$2,474.00 or an amount approved by the Court upon application shall be paid by the Trustee. See Section (F) for any fee application.

(b) Other Administrative Expenses. *NONE*

See Section (J), Varying Provisions.

(3) **Leases and Unexpired Executory Contracts.** Pursuant to § 1322(b), the Debtor assumes or rejects the following lease or unexpired executory contract. For a lease or executory contract with an arrearage to cure, the arrearage will be cured in the plan payments with regular monthly payments to be paid direct by the Debtor. The arrearage amount to be adjusted to the amount in the creditor's allowed proof of claim.

(a) Assumed:

<u>Creditor & Property Description</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
<i>None</i>	\$0.00	

(b) Rejected:

<u>Creditor</u>	<u>Property Description</u>
<i>NONE</i>	

See Section (J), Varying Provisions.

(4) **Claims Secured Solely by Security Interest in Real Property.** A creditor identified in this paragraph may mail the Debtor all correspondence, notices, statements, payment coupons, escrow notices, and default notices concerning any change to the monthly payment or interest rate without such being a violation of the automatic stay. Unless stated below, Debtor is to pay post-petition payments direct to the creditor and prepetition arrearages shall be cured through the Trustee. No interest will be paid on the prepetition arrearage or debt unless otherwise stated. The arrearage amount is to be adjusted to the amount in the creditor's allowed proof of claim. Except as provided in Local Bankruptcy Rule 2084-23, if a creditor gets unconditional stay relief the actual cure amount to be paid shall be adjusted by the Trustee pursuant to the creditor's **allowed** proof of claim. If the Debtor is surrendering an interest in real property, such provision is in paragraph (E). The Debtor is retaining real property and provides for each such debt as follows:

<u>Creditor/Servicing Agent & Property Description</u>	<u>Collateral Value & Valuation Method</u>	<u>Post-Petition Mortgage Payments</u>	<u>Estimated Arrearage</u>	<u>Arrearage Through Date</u>
	\$840,000.00	\$0.00	\$0.00	[Date]
INDY MAC 10214 N. 44 TH ST. RESIDENCE		<input checked="" type="checkbox"/> Debtor will pay direct to creditor; or <input type="checkbox"/> Included in Plan payment. <input type="checkbox"/> Trustee will pay creditor.		

See Section (J), Varying Provisions.

(5) **Claims Secured by Personal Property or a Combination of Real and Personal Property.** Pursuant to § 1325(a), a secured creditor listed below shall be paid the amount shown as the Amount to be Paid on Secured Claim, with such amount included in the Plan payments. However, if the creditor's proof of claim amount is less than the Amount to be Paid on Secured Claim, then only the proof of claim amount will be paid. Any adequate protection payments are as provided in Section (C)(1) above. If a creditor fails to file a secured claim or files a wholly unsecured claim, the debtor may delete the proposed payment of a secured claim in the order confirming plan.

<u>Creditor and Property Description</u>	<u>Debt Amount</u>	<u>Value of Collateral and Valuation Method</u>	<u>Amount to be Paid on Secured Claim</u>	<u>Interest Rate</u>
2005 Lincoln Navigator	\$23,168.84	KELLY BLUE BOOK \$23,000.00	\$23,168.34	4.99 % UNLESS CONTRACT RATE IS LESS

See Section (J), Varying Provisions.

(6) **Priority Unsecured Claims.** All allowed claims entitled to priority treatment under § 507 shall be paid in full pro rata.

(a) **Unsecured Domestic Support Obligations.** The Debtor shall remain current on such obligations that come due after filing the petition. Unpaid obligations before the petition date are to be cured in the plan payments.

<u>Creditor</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
NONE	[\$Amount owed]	[Petition date or other date]

(b) Other unsecured priority claims.

<u>Creditor</u>	<u>Type of Priority Debt</u>	<u>Estimated Amount</u>
NONE	[Describe]	[\$Amount]

See Section (J), Varying Provisions.

(7) **Codebtor Claims.** The following codebtor claim is to be paid per the allowed claim, pro rata before other unsecured nonpriority claims.

<u>Creditor</u>	<u>Codebtor Name</u>	<u>Estimated Debt Amount</u>
IRS	941	\$93,000.00

See Section (J), Varying Provisions.

(8) **Unsecured Nonpriority Claims.** Allowed unsecured nonpriority claims shall be paid pro rata the balance of payments under the Plan.

NONE

See Section (J), Varying Provisions.

(D) **Lien Retention.** Secured creditors shall retain their liens until payment of the underlying debt determined under nonbankruptcy law or upon discharge, whichever occurs first. Federal tax liens shall continue to attach to property excluded from the bankruptcy estate under 11 U.S.C. § 541(c)(2) until the Internal Revenue Service is required to release the liens in accordance with non bankruptcy law.

See Section (J), Varying Provisions.

(E) **Surrendered Property.** Debtor surrenders the following property to the secured creditor. Upon confirmation of this Plan or except as otherwise ordered by the Court, bankruptcy stays are lifted as to the collateral to be surrendered. Any secured claim filed by such creditor shall receive **no** distribution until the creditor files an allowed unsecured claim or an amended proof of claim that reflects any deficiency balance remaining on the claim. *Should the creditor fail to file an amended unsecured claim consistent with this provision, the Trustee need not make any distributions to that creditor.*

Creditor

Property Being Surrendered

USAA

2007 Toyota Camry

(F) **Attorney Application for Payment of Attorney Fees.** Counsel for the Debtor has received a prepetition retainer of \$1,526.00, to be applied against fees and costs incurred. Fees and costs exceeding the retainer shall be paid from funds held by the Chapter 13 Trustee as an administrative expense. Counsel will be paid as selected in paragraph (1) or (2) below:

(1) **Flat Fee.** Counsel for the Debtor has agreed to a total sum of \$4,000.00 to represent the Debtor. Counsel has agreed to perform the following services through confirmation of the plan:

- All of the below, except Additional Services.
- Review of financial documents and information.
- Consultation, planning, and advice, including office visits and telephone communications.
- Preparation of Petition, Schedules, Statement of Financial Affairs, Master Mailing List.
- Preparation and filing of Chapter 13 Plan, Plan Analysis, and any necessary amendments.
- Attendance at the § 341 meeting of creditors.
- Resolution of creditor objections and Trustee recommendations, and attendance at hearings.
- Reviewing and analyzing creditor claims for potential objections, and attendance at hearings.
- Responding to motions to dismiss, and attendance at hearings.
- Responding to motions for relief from the automatic stay, and attendance at hearings.
- Drafting and mailing of any necessary correspondence.
- Preparation of proposed order confirming the plan.
- Representation in any adversary proceedings.
- Representation regarding the pre-filing credit briefing and post-filing education course.

Additional Services. Counsel for the Debtor has agreed to charge a flat fee for the following additional services provided to the Debtor after confirmation of the plan:

- Preparation and filing of Modified Plan \$ _____.
- Preparation and filing of motion for moratorium \$ _____.
- Responding to motion to dismiss, and attendance at hearings \$ _____.
- Defending motion for relief from the automatic stay or adversary proceeding \$ _____.
- Preparation and filing of any motion to sell property \$ _____.
- Other _____.

All other additional services will be billed at the rate of \$ _____ per hour for attorney time and \$ _____ per hour for paralegal time. Counsel will file and notice a separate fee application detailing the additional fees and costs requested. Counsel will include *all* time expended in the case in the separate fee application.

See Section (J), Varying Provisions.

(2) **Hourly Fees.** For hourly fees to be paid as an administrative expense, counsel must file and notice a separate fee application detailing the additional fees and costs requested. The application must include all time expended in the case.

Counsel has agreed to represent the Debtor for all services related to the Chapter 13 bankruptcy to be billed at the rate of \$200.00 per hour for attorney time and \$95.00 per hour for paralegal time.

See Section (J), Varying Provisions.

(G) **Vesting.** Property of the estate shall vest in the Debtor upon confirmation of the Plan. The following property shall not revert in the Debtor upon confirmation: *[Describe or state none]*

See Section (J), Varying Provisions.

(H) **Tax Returns.** While the case is pending, the Debtor shall provide to the Trustee a copy of any post-petition tax return within thirty days after filing the return with the tax agency. The Debtor has filed all tax returns for all taxable periods during the four-year period ending on the petition date, except: *[Describe unfiled returns or state not applicable]*.

(I) **Funding Shortfall.** Debtor will cure any funding shortfall before the Plan is deemed completed.

(J) **Varying Provisions.** The Debtor submits the following provisions that vary from the Local Plan Form, Sections (A) through (H):

(1) *NONE*

[(2) State the varying provision with reference to relevant paragraph.]

(K) **Plan Payment Summary.** If there is a discrepancy between paragraphs (A) - (J) and paragraphs (K) - (M), then the provisions of paragraphs (A) - (J) and the confirmed plan control.

(1) Trustee's compensation (10% of plan payments)	<u>\$12,151.00</u>
(2) Ongoing post-petition mortgage payments.....	<u>\$0.00</u>
(3) Administrative expenses and claims	<u>\$2,474.00</u>

(4) Priority claims.....	<u>\$93,000.00</u>
(5) Prepetition mortgage or lease arrears, or amount to cure defaults, including interest	<u>\$0.00</u>
(6) Secured personal property claims, including interest	<u>\$26,040.00</u>
(7) Amount to unsecured nonpriority claims	<u>\$0.00</u>
Total of plan payments.....	<u>\$133,665.00</u>

(L) **Section 1325 Analysis.**

(1) *Best Interest of Creditors Test:*

(a) Value of Debtor's interest in nonexempt property	<u>\$0.00</u>
(b) Plus: Value of property recoverable under avoiding powers	<u>\$0.00</u>
(c) Less: Estimated Chapter 7 administrative expenses	<u>\$1,500.00</u>
(d) Less: Amount to unsecured priority creditors	<u>\$0.00</u>
(e) Equals: Estimated amount payable to unsecured nonpriority claims if Debtor filed Chapter 7	<u>\$0.00</u>

Paragraph (2) to be completed by debtors whose current monthly income exceeds the state's median income.

(2) *Section 1325(b) Analysis:*

(a) Monthly disposable income under § 1325(b)(2), Form B22C, Statement of Current Monthly Income.....	<u>\$0.00</u>
(b) Applicable commitment period.....	x 60
(c) Section 1325(b)(2) monthly disposable income amount multiplied by 60.....	<u>\$0.00</u>

(M) **Estimated Amount to Unsecured Nonpriority Creditors Under Plan**..... \$0.00

Dated: January 13, 2011.

/s/ Memie C. Burton
 Memie C. Burton
 Debtor

/s/ Dean W. O'Connor
 Dean W. O'Connor
 Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:10-bk-34288-GBN

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Debtor(s)

**NOTICE OF DATE TO FILE OBJECTION TO CHAPTER 13 PLAN
OR MOTION FOR MORATORIUM ON PLAN PAYMENTS**

Notice is hereby given that the Debtor(s) have filed the enclosed or attached Chapter 13 Plan or Motion for Moratorium on Plan Payments. Pursuant to Local Rules 2084-9 and 2084-10, plan or motion confirmation is governed by the following procedures:

1. Any objection by a creditor to the Plan or Motion must be in writing and filed with the Bankruptcy Court, and copies served on the following parties no later than 14 days after the date set for the meeting of creditors or 28 days after service, whichever is later:

Address of the Bankruptcy Clerk's Office

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727

Address of Trustee

EDWARD J. MANEY
P.O. BOX 10434
PHOENIX, AZ 85064-0434

Address of Debtor(s)

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028

Address of Debtor(s) Attorney

DEAN WILLIAM O'CONNOR
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 E MISSOURI AVE #B-125
PHOENIX, AZ 85014

--- NOTICE CONTINUES ON NEXT PAGE ---

2. The Trustee is to file a Recommendation within 28 days after the above date for creditor objections.
3. If creditors file no objections and the Trustee recommends confirmation or approval, the Court may confirm the Plan or grant the Motion without a hearing.
4. If a creditor files an objection and/or the Trustee does not recommend confirmation or approval, the Court may confirm a plan without a hearing, provided the Trustee and all objecting creditors agree to a stipulated confirmation order. If unable to so agree and stipulate, the Trustee or objecting creditor shall set the matter for hearing and provide notice to the Debtor(s) and each objecting party.
5. **For an original plan, the failure of a party in interest to timely file an objection to confirmation of the Plan or the granting of a motion for a moratorium shall constitute acceptance of the Plan pursuant to 11 U.S.C. Section 1325(a)(5)(A), and a waiver of the requirement under Section 1324 that the Court hold a confirmation hearing within 45 days after the date of the meeting of creditors.**

Date: January 13, 2011

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

Clerk of the Bankruptcy Court:

Brian D. Karth

Notice Recipients

District/Off: 0970-2
Case: 2:10-bk-34288-GBN

User: cantrellp
Form ID: nch13pln

Date Created: 1/13/2011
Total: 29

Recipients submitted to the BNC (Bankruptcy Noticing Center) without an address:

cr MARISCAL, WEEKS, McINTYRE &FRIEDLANDER, P.A.

TOTAL: 1

Recipients of Notice of Electronic Filing:

tr EDWARD J. MANEY courtecf@maney13trustee.com
aty DEAN WILLIAM O'CONNOR dean@sd-law.com
aty JAMES 1 SHIVELY shively@poliball.com
aty WILLIAM NOVOTNY william.novotny@mwmf.com

TOTAL: 4

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db MEMIE C. BURTON, JR. 10214 N. 44TH ST. PHOENIX, AZ 85028
cr USAA FEDERAL SAVINGS BANK POLI &BALL, PLC 2999 N. 44TH ST., #500 PHOENIX, AZ
85018
smg AZ DEPARTMENT OF REVENUE BANKRUPTCY &LITIGATION 1600 W. MONROE, 7TH
FL. PHOENIX, AZ 85007-2650
9826750 ARIZONA DEPARTMENT OF REVENUE SPECIAL OPERATIONS UNIT 1600 W. MONROE 7TH
FLOOR PHOENIX, AZ 85007
9792721 CITI PO BOX 6241 SIOUX FALLS
9792722 CITI BANK PO BOX 6241 SIOUX FALLS, SD 57117
9792723 CITI CARD PO BOX 6241 SIOUX FALLS, SD 57117
9792724 CITY OF GLENDALE 5850 WEST GLENDALE AVE GLENDALE, AZ 85301
9961641 Citibank South Dakota NA Payment Center 4740 121st St Urbandale, IA 50323
9792725 DUSKIN AND DUSKIN 2126 W. INDIANSCHOOL RD. PHOENIX, AZ 85015
9792726 FIFTH THIRD BANK FIFTH THIRD CENTER CINCINNATI, OH 45623
9849664 Fifth Third Bank PO BOX 829009 Dallas, TX 75382
9792727 INDY MAC 6900 BEATRICE DRIVE KALAMAZOO, MI 49003
9792728 IRS 4041 N. CENTRAL AVENUE PHOENIX, AZ 85012
9792729 LONNIE WILLIAMS ONE RENAISSANCE SQUARE TWO CENTRAL AVENUE PHONEIX,
AZ 85004-2391
9930716 MARISCAL, WEEKS, McINTYRE &FRIEDLANDER, P.A. c/o William Novotny 2901 North Central
Avenue, Suite 200 Phoenix AZ 85012
10015227 OneWest Bank, FSB 2900 Esperanza Crossing Austin, TX 78758
9792730 TIM THOPSON 2901 N. CENTRAL, SUITE 200 PHOENIX, AZ 85012-2705
9792731 USAA 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288
9933909 USAA POST OFFICE BOX 829009 DALLAS, TEXAS 75382
9934867 USAA POST OFFICE BOX 829009 DALLAS, TEXAS 75382
9792732 USAA BANK 10750 INTERSTATE HWY. 10 SAN ANTONIO, TX 78288
9931069 USAA FEDERAL SAVINGS BANK POLI &BALL, PLC 2999 N. 44TH ST., #500 PHOENIX, AZ
85018
10022572 eCAST Settlement Corporation, assignee of Citibank (South Dakota), N.A. POB 29262 New York,
NY 10087-9262

TOTAL: 24

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:10-bk-34288-GBN

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028
SSAN: xxx-xx-8417
EIN:

Chapter: 13

Debtor(s)

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OR MOTION FOR MORATORIUM ON PLAN PAYMENTS**

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Phoenix, AZ 85003-1727

Address of Trustee

EDWARD J. MANEY
P.O. BOX 10434
PHOENIX, AZ 85064-0434

Address of Debtor(s)

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028

Address of Debtor(s) Attorney

DEAN WILLIAM O'CONNOR
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 E MISSOURI AVE #B-125
PHOENIX, AZ 85014

--- NOTICE CONTINUES ON NEXT PAGE ---

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Date: January 13, 2011

Address of the Bankruptcy Clerk's Office:
U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

Clerk of the Bankruptcy Court:

Brian D. Karth

CERTIFICATE OF NOTICE

District/off: 0970-2
Case: 10-34288

User: cantrellp
Form ID: nchl3pln

Page 1 of 1
Total Noticed: 21

Date Rcvd: Jan 13, 2011

The following entities were noticed by first class mail on Jan 15, 2011.

db	+MEMIE C. BURTON, JR., 10214 N. 44TH ST., PHOENIX, AZ 85028-4138
smg	AZ DEPARTMENT OF REVENUE, BANKRUPTCY & LITIGATION, 1600 W. MONROE, 7TH FL., PHOENIX, AZ 85007-2650
9826750	+ARIZONA DEPARTMENT OF REVENUE, SPECIAL OPERATIONS UNIT, 1600 W. MONROE 7TH FLOOR, PHOENIX, AZ 85007-2612
9792722	+CITI BANK, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792723	+CITI CARD, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792724	+CITY OF GLENDALE, 5850 WEST GLENDALE AVE, GLENDALE, AZ 85301-2599
9961641	+Citibank South Dakota NA, Payment Center, 4740 121st St, Urbandale, IA 50323-2402
9792725	+DUSKIN AND DUSKIN, 2126 W. INDIANSCHOOL RD., PHOENIX, AZ 85015-4907
9792726	FIFTH THIRD BANK, FIFTH THIRD CENTER, CINCINNATI, OH 45623
9849664	+Fifth Third Bank, PO BOX 829009, Dallas, TX 75382-9009
9792727	+INDY MAC, 6900 BEATRICE DRIVE, KALAMAZOO, MI 49009-9559
9792728	++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346 (address filed with court: IRS, 4041 N. CENTRAL AVENUE, PHOENIX, AZ 85012)
9792729	+LONNIE WILLIAMS, ONE RENAISSANCE SQUARE, TWO CENTRAL AVENUE, PHOENIX, AZ 85004-2322
9930716	+MARISCAL, WEEKS, McINTYRE & FRIEDLANDER, P.A., c/o William Novotny, 2901 North Central Avenue, Suite 200, Phoenix AZ 85012-2797
10015227	+OneWest Bank, FSB, 2900 Esperanza Crossing, Austin, TX 78758-3658
9792730	TIM THOPSON, 2901 N. CENTRAL, SUITE 200, PHOENIX, AZ 85012-2705
9933909	+USAA, POST OFFICE BOX 829009, DALLAS, TEXAS 75382-9009
9792731	+USAA, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001
9792732	+USAA BANK, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001
9931069	+USAA FEDERAL SAVINGS BANK, POLI & BALL, PLC, 2999 N. 44TH ST, #500, PHOENIX, AZ 85018-7252
10022572	eCAST Settlement Corporation, assignee, of Citibank (South Dakota), N.A., POB 29262, New York, NY 10087-9262

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	MARISCAL, WEEKS, McINTYRE & FRIEDLANDER, P.A.
9792721	CITI, PO BOX 6241, SIOUX FALLS
cr*	+USAA FEDERAL SAVINGS BANK, POLI & BALL, PLC, 2999 N. 44TH ST., #500, PHOENIX, AZ 85018-7252
9934867*	+USAA, POST OFFICE BOX 829009, DALLAS, TEXAS 75382-9009

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

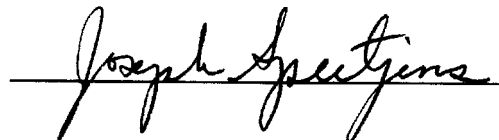
Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 15, 2011

Signature: _____



SALLQUIST, DRUMMOND & O'CONNOR, P.C.

1430 East Missouri Avenue, Suite B-125
Phoenix, Arizona 85014
(602) 224-9222 – Telephone
(602) 224-9366 – Facsimile

Dean W. O'Connor, Esq. Bar#011941
Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re

MEMIE C. BURTON JR,

Debtor.

SSN xxx-xx-8417 SSN xxx-xx-_____
[Debtor address]

Case No. 2:10-bk-34288 GBN

**CHAPTER 13 PLAN AND APPLICATION FOR PAYMENT OF
ADMINISTRATIVE EXPENSES**

- Original
- First, Amended
- [state if First, Second] Modified
- Plan payments include post-petition mortgage payments

This Plan may affect creditor rights. **If you object to the treatment of your claim as proposed in this Plan, you must file a written objection by the deadline set forth in a Notice of Date to File Objections to Plan served on parties in interest.** If this is a joint case, then "Debtor" means both Debtors. This plan does not allow claims or affect the timeliness of any claim. To receive payment on your claim, you must file a proof of claim with the Bankruptcy Court, even if this Plan provides for your debt. The applicable deadlines to file a proof of claim were specified in the Notice of Commencement of Case. Except as provided in § 1323(c), a creditor who disagrees with the proposed treatment of its debt in this Plan must timely file an objection to the Plan.

If this is an Amended or Modified Plan, the reasons for filing this Amended or Modified Plan are: [state reasons].

(A) Plan Payments and Property to be Submitted to the Plan.

(1) Plan payments start on 11/24/10. The Debtor shall pay the Trustee as follows:

- \$0.00 each month for month 1 through month 2. Moratorium.
- \$1,500.00 each month for month 3 through month 36.
- \$2,340.00 each month for month 36 through month 60.

The proposed plan duration is 60 months. The applicable commitment period is 60 months. Section 1325(b)(4).

(2) In addition to the plan payments, Debtor will submit the following property to the Trustee: *NONE*.

(B) Trustee's Percentage Fee. Pursuant to 28 U.S.C. § 586(e), the Trustee may collect the percentage fee from all payments and property received, not to exceed 10%.

(C) Treatment of Administrative Expenses, Post-Petition Mortgage Payments and Claims. Except adequate protection payments under (C)(1), post-petition mortgage payments under (C)(4), or as otherwise ordered by the Court, the Trustee will make disbursements to creditors after the Court confirms this Plan. Unless otherwise provided in Section (J), disbursements by the Trustee shall be pro rata by class (except adequate protection payments) and made in the following order:

(1) ***Adequate protection payments.*** Section 1326(a)(1)(C) requires adequate protection payments to be made to creditors secured by personal property. Pursuant to Local Bankruptcy Rule 2084-6, the Trustee is authorized to make preconfirmation

adequate protection payments to the certain secured creditors without a Court order, provided the claim is properly listed on Schedule D, the creditor files a secured proof of claim that includes documentation evidencing a perfected security agreement, and the debtor or creditor sends a letter to the Trustee requesting payment of preconfirmation adequate protection payments. The Trustee will apply adequate protection payments to the creditor's secured claim. After confirmation, unless the Court orders otherwise, adequate protection payments will continue in the same amount until claims to be paid before these claimants are paid in full, unless the confirmed plan or a court order specifies a different amount. **If a secured creditor disagrees with the amount of the proposed adequate protection payments or the plan fails to provide for such payments, the creditor may file an objection to confirmation of this plan, file a motion pursuant to §§ 362, 363, or do both.**

<u>Creditor</u>	<u>Property Description</u>	<u>Monthly Amount</u>
USAA BANK	Lincoln Navigator	\$210.00

See Section (J), Varying Provisions.

(2) **Administrative expenses.** Section 507(a)(2).

(a) Attorney fees. Debtor's attorney received \$1,526.00 before filing. The balance of \$2,474.00 or an amount approved by the Court upon application shall be paid by the Trustee. See Section (F) for any fee application.

(b) Other Administrative Expenses. *NONE*

See Section (J), Varying Provisions.

(3) **Leases and Unexpired Executory Contracts.** Pursuant to § 1322(b), the Debtor assumes or rejects the following lease or unexpired executory contract. For a lease or executory contract with an arrearage to cure, the arrearage will be cured in the plan payments with regular monthly payments to be paid direct by the Debtor. The arrearage amount to be adjusted to the amount in the creditor's allowed proof of claim.

(a) Assumed:

<u>Creditor & Property Description</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
<i>None</i>	\$0.00	

(b) Rejected:

<u>Creditor</u>	<u>Property Description</u>
<i>NONE</i>	

See Section (J), Varying Provisions.

(4) **Claims Secured Solely by Security Interest in Real Property.** A creditor identified in this paragraph may mail the Debtor all correspondence, notices, statements, payment coupons, escrow notices, and default notices concerning any change to the monthly payment or interest rate without such being a violation of the automatic stay. Unless stated below, Debtor is to pay post-petition payments direct to the creditor and prepetition arrearages shall be cured through the Trustee. No interest will be paid on the prepetition arrearage or debt unless otherwise stated. The arrearage amount is to be adjusted to the amount in the creditor's allowed proof of claim. Except as provided in Local Bankruptcy Rule 2084-23, if a creditor gets unconditional stay relief the actual cure amount to be paid shall be adjusted by the Trustee pursuant to the creditor's **allowed** proof of claim. If the Debtor is surrendering an interest in real property, such provision is in paragraph (E). The Debtor is retaining real property and provides for each such debt as follows:

<u>Creditor/Servicing Agent & Property Description</u>	<u>Collateral Value & Valuation Method</u>	<u>Post-Petition Mortgage Payments</u>	<u>Estimated Arrearage</u>	<u>Arrearage Through Date</u>
INDY MAC 10214 N. 44 TH ST. RESIDENCE	\$840,000.00	\$0.00 <input checked="" type="checkbox"/> Debtor will pay direct to creditor; or <input type="checkbox"/> Trustee will pay creditor.	\$0.00	[Date]

See Section (J), Varying Provisions.

(5) **Claims Secured by Personal Property or a Combination of Real and Personal Property.** Pursuant to § 1325(a), a secured creditor listed below shall be paid the amount shown as the Amount to be Paid on Secured Claim, with such amount included in the Plan payments. However, if the creditor's proof of claim amount is less than the Amount to be Paid on Secured Claim, then only the proof of claim amount will be paid. Any adequate protection payments are as provided in Section (C)(1) above. If a creditor fails to file a secured claim or files a wholly unsecured claim, the debtor may delete the proposed payment of a secured claim in the order confirming plan.

<u>Creditor and Property Description</u>	<u>Debt Amount</u>	<u>Value of Collateral and Valuation Method</u>	<u>Amount to be Paid on Secured Claim</u>	<u>Interest Rate</u>
2005 Lincoln Navigator	\$23,168.84	KELLY BLUE BOOK \$23,000.00	\$23,168.34	4.99 % UNLESS CONTRACT RATE IS LESS

See Section (J), Varying Provisions.

(6) **Priority Unsecured Claims.** All allowed claims entitled to priority treatment under § 507 shall be paid in full pro rata.

(a) **Unsecured Domestic Support Obligations.** The Debtor shall remain current on such obligations that come due after filing the petition. Unpaid obligations before the petition date are to be cured in the plan payments.

<u>Creditor</u>	<u>Estimated Arrearage Amount</u>	<u>Arrearage Through Date</u>
NONE	[\$Amount owed]	[Petition date or other date]

(b) Other unsecured priority claims.

<u>Creditor</u>	<u>Type of Priority Debt</u>	<u>Estimated Amount</u>
NONE	[Describe]	[\$Amount]

See Section (J), Varying Provisions.

(7) **Codebtor Claims.** The following codebtor claim is to be paid per the allowed claim, pro rata before other unsecured nonpriority claims.

<u>Creditor</u>	<u>Codebtor Name</u>	<u>Estimated Debt Amount</u>
IRS	941	\$93,000.00

See Section (J), Varying Provisions.

(8) **Unsecured Nonpriority Claims.** Allowed unsecured nonpriority claims shall be paid pro rata the balance of payments under the Plan.

NONE

See Section (J), Varying Provisions.

(D) **Lien Retention.** Secured creditors shall retain their liens until payment of the underlying debt determined under nonbankruptcy law or upon discharge, whichever occurs first. Federal tax liens shall continue to attach to property excluded from the bankruptcy estate under 11 U.S.C. § 541(c)(2) until the Internal Revenue Service is required to release the liens in accordance with non bankruptcy law.

See Section (J), Varying Provisions.

(E) **Surrendered Property.** Debtor surrenders the following property to the secured creditor. Upon confirmation of this Plan or except as otherwise ordered by the Court, bankruptcy stays are lifted as to the collateral to be surrendered. Any secured claim filed by such creditor shall receive no distribution until the creditor files an allowed unsecured claim or an amended proof of claim that reflects any deficiency balance remaining on the claim. *Should the creditor fail to file an amended unsecured claim consistent with this provision, the Trustee need not make any distributions to that creditor.*

Creditor

Property Being Surrendered

USAA

2007 Toyota Camry

(F) **Attorney Application for Payment of Attorney Fees.** Counsel for the Debtor has received a prepetition retainer of \$1,526.00, to be applied against fees and costs incurred. Fees and costs exceeding the retainer shall be paid from funds held by the Chapter 13 Trustee as an administrative expense. Counsel will be paid as selected in paragraph (1) or (2) below:

(1) **Flat Fee.** Counsel for the Debtor has agreed to a total sum of \$4,000.00 to represent the Debtor. Counsel has agreed to perform the following services through confirmation of the plan:

- All of the below, except Additional Services.
- Review of financial documents and information.
- Consultation, planning, and advice, including office visits and telephone communications.
- Preparation of Petition, Schedules, Statement of Financial Affairs, Master Mailing List.
- Preparation and filing of Chapter 13 Plan, Plan Analysis, and any necessary amendments.
- Attendance at the § 341 meeting of creditors.
- Resolution of creditor objections and Trustee recommendations, and attendance at hearings.
- Reviewing and analyzing creditor claims for potential objections, and attendance at hearings.
- Responding to motions to dismiss, and attendance at hearings.
- Responding to motions for relief from the automatic stay, and attendance at hearings.
- Drafting and mailing of any necessary correspondence.
- Preparation of proposed order confirming the plan.
- Representation in any adversary proceedings.
- Representation regarding the pre-filing credit briefing and post-filing education course.

Additional Services. Counsel for the Debtor has agreed to charge a flat fee for the following additional services provided to the Debtor after confirmation of the plan:

- Preparation and filing of Modified Plan \$_____.
- Preparation and filing of motion for moratorium \$_____.
- Responding to motion to dismiss, and attendance at hearings \$_____.
- Defending motion for relief from the automatic stay or adversary proceeding \$_____.
- Preparation and filing of any motion to sell property \$_____.
- Other _____.

All other additional services will be billed at the rate of \$_____ per hour for attorney time and \$_____ per hour for paralegal time. Counsel will file and notice a separate fee application detailing the additional fees and costs requested. Counsel will include *all* time expended in the case in the separate fee application.

See Section (J), Varying Provisions.

(2) **Hourly Fees.** For hourly fees to be paid as an administrative expense, counsel must file and notice a separate fee application detailing the additional fees and costs requested. The application must include all time expended in the case.

Counsel has agreed to represent the Debtor for all services related to the Chapter 13 bankruptcy to be billed at the rate of \$200.00 per hour for attorney time and \$95.00 per hour for paralegal time.

See Section (J), Varying Provisions.

(G) **Vesting.** Property of the estate shall vest in the Debtor upon confirmation of the Plan. The following property shall not revest in the Debtor upon confirmation: *[Describe or state none]*

See Section (J), Varying Provisions.

(H) **Tax Returns.** While the case is pending, the Debtor shall provide to the Trustee a copy of any post-petition tax return within thirty days after filing the return with the tax agency. The Debtor has filed all tax returns for all taxable periods during the four-year period ending on the petition date, except: *[Describe unfiled returns or state not applicable].*

(I) **Funding Shortfall.** Debtor will cure any funding shortfall before the Plan is deemed completed.

(J) **Varying Provisions.** The Debtor submits the following provisions that vary from the Local Plan Form, Sections (A) through (H):

(1) *NONE*

[(2) State the varying provision with reference to relevant paragraph.]

(K) **Plan Payment Summary.** If there is a discrepancy between paragraphs (A) - (J) and paragraphs (K) - (M), then the provisions of paragraphs (A) - (J) and the confirmed plan control.

(1) Trustee's compensation (10% of plan payments)	<u>\$12,151.00</u>
(2) Ongoing post-petition mortgage payments.....	<u>\$0.00</u>
(3) Administrative expenses and claims	<u>\$2,474.00</u>

(4) Priority claims.....	\$93,000.00
(5) Prepetition mortgage or lease arrears, or amount to cure defaults, including interest	\$0.00
(6) Secured personal property claims, including interest	\$26,040.00
(7) Amount to unsecured nonpriority claims	\$0.00
Total of plan payments.....	\$133,665.00

(L) **Section 1325 Analysis.**

(1) *Best Interest of Creditors Test:*

(a) Value of Debtor's interest in nonexempt property	\$0.00
(b) Plus: Value of property recoverable under avoiding powers	\$0.00
(c) Less: Estimated Chapter 7 administrative expenses	\$1,500.00
(d) Less: Amount to unsecured priority creditors	\$0.00
(e) Equals: Estimated amount payable to unsecured nonpriority claims if Debtor filed Chapter 7	\$0.00

Paragraph (2) to be completed by debtors whose current monthly income exceeds the state's median income.

(2) *Section 1325(b) Analysis:*

(a) Monthly disposable income under § 1325(b)(2), Form B22C, Statement of Current Monthly Income.....	\$0.00
(b) Applicable commitment period.....	x 60
(c) Section 1325(b)(2) monthly disposable income amount multiplied by 60.....	\$0.00

(M) **Estimated Amount to Unsecured Nonpriority Creditors Under Plan**.....\$0.00

Dated: January 13, 2011.

/s/ Memie C. Burton
 Memie C. Burton
 Debtor

/s// Dean W. O'Connor
 Dean W. O'Connor
 Attorney for Debtor

CERTIFICATE OF NOTICE

District/off: 0970-2
Case: 10-34288

User: cantrellp
Form ID: pdf010

Page 1 of 1
Total Noticed: 21

Date Rcvd: Jan 13, 2011

The following entities were noticed by first class mail on Jan 15, 2011.

db	+MEMIE C. BURTON, JR., 10214 N. 44TH ST., PHOENIX, AZ 85028-4138
smg	AZ DEPARTMENT OF REVENUE, BANKRUPTCY & LITIGATION, 1600 W. MONROE, 7TH FL., PHOENIX, AZ 85007-2650
9826750	+ARIZONA DEPARTMENT OF REVENUE, SPECIAL OPERATIONS UNIT, 1600 W. MONROE 7TH FLOOR, PHOENIX, AZ 85007-2612
9792722	+CITI BANK, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792723	+CITI CARD, PO BOX 6241, SIOUX FALLS, SD 57117-6241
9792724	+CITY OF GLENDALE, 5850 WEST GLENDALE AVE, GLENDALE, AZ 85301-2599
9961641	+Citibank South Dakota NA, Payment Center, 4740 121st St, Urbandale, IA 50323-2402
9792725	+DUSKIN AND DUSKIN, 2126 W. INDIANSCHOOL RD., PHOENIX, AZ 85015-4907
9792726	FIFTH THIRD BANK, FIFTH THIRD CENTER, CINCINNATI, OH 45623
9849664	+Fifth Third Bank, PO BOX 829009, Dallas, TX 75382-9009
9792727	+INDY MAC, 6900 BEATRICE DRIVE, KALAMAZOO, MI 49009-9559
9792728	++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346 (address filed with court: IRS, 4041 N. CENTRAL AVENUE, PHOENIX, AZ 85012)
9792729	+LONNIE WILLIAMS, ONE RENAISSANCE SQUARE, TWO CENTRAL AVENUE, PHOENIX, AZ 85004-2322
9930716	+MARISCAL, WEEKS, McINTYRE & FRIEDLANDER, P.A., c/o William Novotny, 2901 North Central Avenue, Suite 200, Phoenix AZ 85012-2797
10015227	+OneWest Bank, FSB, 2900 Esperanza Crossing, Austin, TX 78758-3658
9792730	TIM THOPSON, 2901 N. CENTRAL, SUITE 200, PHOENIX, AZ 85012-2705
9933909	+USAA, POST OFFICE BOX 829009, DALLAS, TEXAS 75382-9009
9792731	+USAA, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001
9792732	+USAA BANK, 10750 INTERSTATE HWY. 10, SAN ANTONIO, TX 78288-0001
9931069	+USAA FEDERAL SAVINGS BANK, POLI & BALL, PLC, 2999 N. 44TH ST, #500, PHOENIX, AZ 85018-7252
10022572	eCAST Settlement Corporation, assignee, of Citibank (South Dakota), N.A., POB 29262, New York, NY 10087-9262

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	MARISCAL, WEEKS, McINTYRE & FRIEDLANDER, P.A.
9792721	CITI, PO BOX 6241, SIOUX FALLS
cr*	+USAA FEDERAL SAVINGS BANK, POLI & BALL, PLC, 2999 N. 44TH ST., #500, PHOENIX, AZ 85018-7252
9934867*	+USAA, POST OFFICE BOX 829009, DALLAS, TEXAS 75382-9009

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

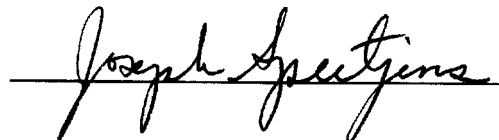
Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 15, 2011

Signature:



1 **SALLQUIST, DRUMMOND & O'CONNOR, P.C.**

1430 East Missouri Avenue, Suite B-125

2 Phoenix, Arizona 85014

(602) 224-9222 – Telephone

3 (602) 224-9366 – Facsimile

Dean@sd-law.com-Email

4 Dean W. O'Connor, Esq. Bar #011941

5 Counsel for the Debtor

6 **IN THE UNITED STATES BANKRUPTCY COURT**
7 **IN AND FOR THE DISTRICT OF ARIZONA**

8 **In re:**

9 **MEMIE C. BURTON**

10 **Debtor.**

Chapter 13 Proceeding

Case No: 2:10-bk-34288-PHX-GBN

**RESPONSE AND OBJECTION TO
PROPOSED DISMISSAL ORDER**

13 **COMES NOW**, Memie Burton Jr. by and through undersigned counsel and makes this
14 objection and Response to the Dismissal Order Lodged by the Chapter 13 Trustee Edward Maney
15 on or about January 20, 2011.

16 1. The Debtor initiated this proceeding by filing for relief, as Voluntary Petition
under Chapter 13 of the United States Bankruptcy Code on or about October 25, 2010.

17 2. Under the applicable rules, the first plan payment was due on or about November
18 25, 2010.

19 3. Though the original plan of Chapter 13 Plan provided for a payment, as a first
20 payment, the Amended Chapter 13 Plan was filed on or about January 13, 2011. The Amended
21 Plan provides for a Moratorium for the first two plan payments, meaning the payments due in
November and December of 2010 are subject to a requested Moratorium.

22 4. The Trustee has logged a form of Order prior to the fist payment coming and due
23 under the amended plan which would come due January 24, 2011.

1 **CERTIFICATE OF MAILING**

2 **ORIGINAL** of the foregoing filed ECF on this 26th day of January, 2010 with:

3 The United States Bankruptcy Court
4 230 North First Avenue
5 Phoenix, AZ 85003

6 **COPIES** of the foregoing sent via US Postal Service on the 26th day of January, 2010 to:

7 **EDWARD MANEY**
8 P.O BOX 10434
9 Phoenix, AZ 85064

10 **U.S. TRUSTEE**
11 OFFICE OF THE U.S. TRUSTEE
12 230 NORTH FIRST AVENUE
13 SUITE 204
14 PHOENIX, AZ 85003

15 *Everyone attached hereto the master mailing list.

16 By: /s/ Jason N. Carthen
17 Jason Carthen
18
19
20
21
22
23

Label Matrix for local noticing
0970-2
Case 2:10-bk-34288-GBN
District of Arizona
Phoenix
Wed Jan 26 16:30:32 MST 2011

ARIZONA DEPARTMENT OF REVENUE
SPECIAL OPERATIONS UNIT
1600 W. MONROE 7TH FLOOR
PHOENIX, AZ 85007-2612

CITY OF GLENDALE
5850 WEST GLENDALE AVE
GLENDALE, AZ 85301-2599

FIFTH THIRD BANK
FIFTH THIRD CENTER
CINCINNATI, OH 45623

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

OneWest Bank, FSB
2900 Esperanza Crossing
Austin, TX 78758-3658

USAA
10750 INTERSTATE HWY. 10
SAN ANTONIO, TX 78288-0001

eCAST Settlement Corporation, assignee
of Citibank (South Dakota), N.A.
POB 29262
New York, NY 10087-9262

MEMIE C. BURTON JR.
10214 N. 44TH ST.
PHOENIX, AZ 85028-4138

USAA FEDERAL SAVINGS BANK
POLI & BALL, PLC
2999 N. 44TH ST., #500
PHOENIX, AZ 85018-7252

CITI BANK
PO BOX 6241
SIOUX FALLS, SD 57117-6241

Citibank South Dakota NA
Payment Center
4740 121st St
Urbandale, IA 50323-2402

Fifth Third Bank
PO BOX 829009
Dallas, TX 75382-9009

LONNIE WILLIAMS
ONE RENAISSANCE SQUARE
TWO CENTRAL AVENUE
PHOENIX, AZ 85004-2322

TIM THOPSON
2901 N. CENTRAL, SUITE 200
PHOENIX, AZ 85012-2705

USAA
POST OFFICE BOX 829009
DALLAS, TEXAS 75382-9009

DEAN WILLIAM O'CONNOR
SALLQUIST, DRUMMOND & O'CONNOR PC
1430 E MISSOURI AVE #B-125
PHOENIX, AZ 85014-2478

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-0608

CITI CARD
PO BOX 6241
SIOUX FALLS, SD 57117-6241

DUSKIN AND DUSKIN
2126 W. INDIANSCHOOL RD.
PHOENIX, AZ 85015-4907

INDY MAC
6900 BEATRICE DRIVE
KALAMAZOO, MI 49009-9559

MARISCAL, WEEKS, McINTYRE & FRIEDLANDER, P.A
c/o William Novotny
2901 North Central Avenue, Suite 200
Phoenix AZ 85012-2797

U.S. TRUSTEE
OFFICE OF THE U.S. TRUSTEE
230 NORTH FIRST AVENUE
SUITE 204
PHOENIX, AZ 85003-1725

USAA BANK
10750 INTERSTATE HWY. 10
SAN ANTONIO, TX 78288-0001

EDWARD J. MANEY
P.O. BOX 10434
PHOENIX, AZ 85064-0434

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

IRS
4041 N. CENTRAL AVENUE
PHOENIX, AZ 85012

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)MARISCAL, WEEKS, McINTYRE & FRIEDLANDER, P

(u)CITI
PO BOX 6241
SIOUX FALLS

(d)USAA FEDERAL SAVINGS BANK
POLI & BALL, PLC
2999 N. 44TH ST, #500
PHOENIX, AZ 85018-7252

End of Label Matrix	
Mailable recipients	24
Bypassed recipients	3
Total	27