

IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION

IN RE:

Case No. 8:06-bk-06867  
Chapter 13

**JOSE QUINTANA**  
**LILLIAM QUINTANA**  
DEBTORS

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**CHAPTER 13 PLAN**

You should read this Plan carefully and discuss it with your attorney. Confirmation of this Plan, as modified by the Bankruptcy Court, may modify your rights by providing for payment of less than the full amount of your claim, and/or by setting the value of the collateral securing your claim, and/or by setting the interest rate on your claim. The valuations shown below will be binding unless a timely objection to confirmation is filed. Secured claims will be allowed for the value of the collateral or the amount of the claim, whichever is less. The remaining balance of any partially-secured claim shall be unsecured. Payments distributed by the Trustee, as herein provided or as modified by the Court, are subject to the availability of funds.

All secured creditors, including mortgage creditors, must be paid through the plan as part of the plan payment to the Chapter 13 Trustee. The only exception will be; if a Debtor is current with a secured creditor, the Debtor may file a separate motion asking the court to allow them to make direct payments to that creditor. If the Debtor is allowed to make direct payments, the stay will lift as to that property and creditor, and that property will no longer have any bankruptcy court protection.

**PLAN PAYMENTS AND LENGTH OF PLAN:** The projected disposable income of Debtor(s) is submitted to the supervision and control of Trustee. Debtor(s) shall pay the Trustee by money order or cashier's check following the filing of this Chapter 13 Plan the sum of **\$4,300.00** for 36 months or longer to a maximum of 60 months. Each pre-confirmation plan payment shall include, other than regular ongoing mortgage payments, all adequate protection payments made pursuant to 11 U.S.C. 1326(a)(1)(C).

**CLAIMS GENERALLY:** The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief. Trustee shall only make payment to creditors with filed and allowed proof of claims. An allowed proof of claim will be controlling, unless the Court orders otherwise. Objections to claims must be filed in accordance with the Court's Order Establishing Duties.

**ADMINISTRATIVE CLAIMS:** Trustee will pay in full allowed administrative claims and expenses pursuant to 11 U.S.C. 507(a)(2) as set forth below, unless the holder of such claim or expense has agreed to different treatment of claim.

**TRUSTEE FEES:** Trustee shall receive a fee for each disbursement, the percentage of which is fixed periodically by the United States Trustee.

**ATTORNEYS FEES FOR DEBTOR'S COUNSEL PAID IN PLAN:**

Total Amount of Attorney Fees:	<b><u>\$ 2,500.00</u></b>
Amount of Attorney Fees paid pre-filing:	<b><u>\$ 2,500.00</u></b>
Amount of Attorney Fees Through Plan:	<b><u>\$ 00.00</u></b>

**PRIORITY CLAIMS:**

(A) Domestic Support Obligations: Debtor(s) is required to pay all post-petition domestic support obligations directly to the holder of the claim. Unless otherwise specified in this Plan, the following priority claims under 11 U.S.C. 507(a)(1), domestic support obligations, will be paid in full pursuant to 11 U.S.C. 1322(a)(2). These claims will be paid at the same time as claims secured by personal property, arrearage claims secured by real property, and arrearage claims for assumed leases or executory contracts.

Name of Creditor: **NONE**

Claimant: **NONE**

(B) Other Priority Claims (e.g., tax claims): These priority claims will be paid in full, but will not be funded until after all secured claims, lease arrearage claims, and domestic support claims are paid in full.

Name of Creditor: **NONE**

**SECURED CLAIMS:**

Pre-confirmation Adequate Protection Payments: No later than 30 days after the date of the filing of this Plan or the Order for Relief, whichever is earlier, the Debtor(s) shall make the following adequate protection payments to creditors pursuant to 11 U.S.C. 1326(a)(1)(C). If the Debtor(s) makes such adequate protection payments on allowed claims to the Trustee pending

confirmation of the Plan, the creditor shall have an administrative lien on such payment(s), subject to objection. If Debtor(s) elects to make such adequate protection payments directly to the creditor, and such creditor is not otherwise paid through the Plan, upon confirmation said claims shall be neither dealt with nor affected by the Plan as confirmed.

Name of Creditor: **NONE**

- (A) Claims Secured by Real Property which Debtor(s) Intends to Retain/Mortgage payments Paid Through the Plan: Debtor(s) will pay, in addition to all other sums due under the proposed Plan, all regular monthly post-petition mortgage payments to the Trustee as part of the plan. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter. Trustee shall pay the post-petition mortgage payments on the following mortgage claims.

Name of Creditor/Security: **CHASE- MTG- HOMESTEAD**  
Total Estimated Claim: **\$265,000.00**  
Monthly Adequate Protection Payment: **\$2,300.00.00**

- (B) Claims Secured by Real Property which Debtor(s) Intends to Retain/Arrearages Paid Through the Plan: In addition to the provisions in Paragraph A above requiring all post-petition mortgage payments to be paid to the Trustee as part of the Plan, the Trustee shall pay the pre-petition arrearages on the following mortgage claims:

Name of Creditor/Security: **CHASE- MTG- HOMESTEAD**  
Total Estimated Arrears: **\$5,000.00**  
Estimated Payment: **\$85.00**

Name of Creditor/Security: **H. RAY WALKER- PROP TAXES ON  
NON-HOMESTEAD PROPERTY**  
Total Estimated Claim: **\$2,000.00**  
Estimated Payment: **\$30.00**

(C) Claims to which 11 U.S.C. 506 Valuation is NOT Applicable: Debts secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within one year of filing. Upon confirmation of the Plan, the interest rate and value shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by Trustee are subject to the availability of funds. Upon timely written objection filed by a creditor, Debtor(s) may elect to surrender the property to

creditor in full satisfaction of the value of the collateral indicated in the creditor's claim.

Name of Creditor/Security- WFS/HYUNDAI  
Total Estimated Claim: **\$21,000.00 @ 10.25%**  
Total paid through Plan: **\$27,000.00**  
Adequate Protection Pymt: **450.00**

Name of Creditor/Security- GTE FCU/TOYOTA  
Total Estimated Claim: **\$24,000.00 @ 10.25%**  
Total paid through Plan: **\$30,700.00**  
Adequate Protection Pymt: **512.00**

(C) Claims to which 11 U.S.C. 506 Valuation is Applicable:

Name of Creditor/Security- **NONE**

(D) Secured Claims on Personal Property- Balance Including any Arrearage Paid through Plan: **NONE**

(E) Surrender of Collateral: Debtor(s) will surrender the following collateral no later than thirty (30) days from the filing of the petition unless specified otherwise in the Plan. Upon Confirmation, the automatic stay will be deemed lifted for the collateral identified below for surrender and the creditor need not file a Motion to Lift the Stay in order to repossess, foreclose upon or sell the collateral. The collateral will be surrendered in full satisfaction of the Creditor's claim. Nothing herein is intended to lift any applicable co-debtor stay, or to abrogate Debtors state law contract rights.

Name of Creditor- **NONE**

**SECURED- LIENS TO BE AVOIDED:**

**NONE**

**LEASES/EXECUTORY CONTRACTS:**

Name of Creditor/Security- **NONE**

**OTHER CREDITORS PAID IN FULL THROUGH PLAN:**

Name of Creditor/Description- **NONE**

**UNSECURED CREDITORS:** Unsecured creditors with allowed claims shall receive a pro rata share of the balance of any funds remaining after payments to the above referenced creditors or shall otherwise be paid pursuant to the provisions of a subsequent Order Confirming Plan. The estimated amount to be paid to unsecured creditors is \$50,000.00

**OTHER PROVISIONS:**

1. Secured creditors, whether or not dealt with under the Plan, shall retain the liens securing such claims.
2. Payments made to any creditor shall be in the amount allowed in a proof of claim filed by the creditor or other amount as may be allowed by a specific Order of the Bankruptcy Court.
3. Property of the estate shall not vest in Debtor(s) until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise.

**PLAN SUMMARY**

The following summary is intended to provide an estimate of anticipated distributions pursuant to the proposed Chapter 13 Plan. The actual distributions may vary based upon the claims filed and valuations of collateral.

<u>CREDITORS</u>	<u>AMOUNT TO BE PAID UNDER PLAN</u>
1. Priority	
a. Attorney's Fees	\$ 00.00
2. Secured Creditors	
a. CHASE MTG- HOMESTEAD ARREARS	\$ 5,000.00
A.P. \$2,300.00 x 60	\$ 138,000.00
b. H.RAY WALKER- PROPERTY TAXES CURE ARREARS	\$ 2,000.00

c.	WFS- HYUNDAI		
	Bal of 21,000.00 @ 10.25%	\$	27,000.00
d.	GTE- TOYOTA		
	Bal of 24,000 @ 10.25%	\$	30,700.00
3.	Executory Contracts		
	REJECT LEASE- VOLVO	\$	00.00
4.	Unsecured Creditors	\$	50,000.00
	SUBTOTAL	\$	242,700.00
5.	Trustee's fee @ 6%	\$	15,162.00
	<b>TOTAL AMOUNT</b>	\$	<b>257,862.00</b>
	<b>60 Months X \$4,300.00 per month</b>	\$	<b>258,000.00</b>
	<b>Pre-confirmation: Chapter 13 Trustee</b>	\$	<b>4,300.00</b>

**DECLARATION**

WE, JOSE AND LILLIAM QUINTANA, Debtors in the above styled case, declare under penalty of perjury that we have read the foregoing Chapter 13 Plan, and that it is true and correct to the best of our knowledge, information, and belief.

12-1-06	/s/ Jose Quintana
Date: _____	_____
	JOSE QUINTANA
12-1-06	/S/ Lilliam Quintana
Date: _____	_____
	LILLIAM QUINTANA