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U.S. COURTS  
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REC'D FILED  
CAMERON S. BURKE  
CLERK, IDAHO

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF IDAHO

In re: ) Case No. 00-21327  
)  
JOEY LEE JAMES, and ) MOTION TO MODIFY CHAPTER 13  
KIM RICHELE JAMES, ) PLAN AND NOTICE OF RIGHT  
fka Kim Covill, ) TO OBJECT  
fka Kim James, )  
husband and wife, )  
Debtors. )

COMES NOW THE UNDERSIGNED, attorney for debtors above-named, who respectfully moves the court for an order modifying the confirmed chapter 13 plan herein in the following respects:

1. The term of the Chapter 13 Plan should remain at 36 months, exclusive of any 'skip months' authorized and deferred.
2. During the first 3 months of the plan the debtors paid \$1,841 to the trustee. Debtors' monthly payments to the trustee for the remaining 33 months should be decreased from \$727 to \$632. Student loans should continue to receive \$198 per month inside the plan with the non-dischargeable balance to be treated as a general unsecured creditor for purposes of the trustee's distribution of funds.

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3. Attorney fees and costs previously allowed debtor's attorney (\$405) should be increased by an amount to be proven and allowed by the court but not to exceed \$750 to cover the fees and costs incurred in bringing this modification and in other post-petition work generally.

4. Any arrearages in monthly or other payments due the trustee as of the date of the trustee's motion to dismiss, if any, should be deemed cured.

5. Effective date of modifications, if this motion is granted, should be the 1st day of April 2001.

6. Debtors used past heating bills to project estimated costs and due to the increase in energy costs, their heating, cooling and transportation bills have increased significantly. This has reduced the amount available as disposable income.

All other provisions in the confirmed plan presently in force should be continued unchanged.

#### NOTICE OF RIGHT TO OBJECT

TO: ALL PARTIES IN INTEREST.

PLEASE TAKE NOTICE that if no party in interest objects by the 26 day of April, 2001, the undersigned will soon thereafter request that the court execute and enter an order granting this motion without further notice to any party. Any objection to this motion

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must be in writing and the party objecting must schedule a hearing on said objection with the court's calendar clerk with due notice to the undersigned and all other parties in interest.

DATED this 21th day of March, 2001.

  
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Kenneth L. Anderson  
Attorney for Debtor(s)