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U.S. COURTS
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CAMELTON C. BURKE
CLERK IDAHO

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF IDAHO

In Re:)
)
SHELDON, PEGGY L.)
)
)
)
Debtor(s))
_____)

Case No.
99-01789
Chapter 13 Plan
and Related Motions

This plan is proposed by the debtor. It contains provisions that may significantly affect your rights. It contains matters, which if not objected to, may be accepted by the court as true. Creditors cannot vote on this plan. A creditor who wishes to oppose the plan and related motions may do so by timely filing a written objection. Any objection must be in writing and must be filed with the court and served upon debtor, debtor's attorney, and the chapter 13 trustee by the time set by the court for the first meeting of creditors, within five (5) days thereafter, or as otherwise allowed by law. Absent any such objection, the court may confirm this plan, accept the valuations and allegations herein, and grant the motions without further notice or hearing. If a creditor files a timely written objection, the creditor must appear at the hearing on confirmation of the plan to assert the objection, or it may be denied without further notice or hearing. The provisions of the confirmed plan will bind the debtor and each creditor.

1. **PAYMENTS TO TRUSTEE:** Such portion of the projected future earnings and income of the debtor as is necessary for the execution of the plan is submitted to the supervision and control of the Chapter 13 Trustee for the duration of this plan, to wit:
 - (a) **PERIODIC PAYMENTS:** Debtor will pay to the Trustee for a term, not exceeding 36 months the sum of \$75.00 monthly.
 - (b) **INCOME TAX REFUNDS**
 1. During the initial 36 months of the plan, the debtor will turn over to the trustee all income tax refunds except as provided below. At any time during the term of the plan, debtor shall be entitled to use a tax refund to pay taxes due any other taxing authority; however, the debtor shall remit any tax refund balance to the trustee. Upon the trustee's recommendation or upon notice and hearing, the Court may enter an order entitling the debtor to retain, in whole or in part, income tax refunds owing during the term of the plan to facilitate the terms of this plan or meet the other reasonable or necessary needs of the debtor.
 2. Debtor may retain that portion, if any, of the Federal refund which is designated as child credit or is Earned Income Credit.
 - (c) **EARLY PAYOFF:** This plan may not be paid in less than thirty-six (36) months by debtor with out notice to interested parties and an opportunity for hearing before the Court. The debtor is allowed, however, to pay off this plan without further court authorization after 36 months.

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- (d) **WAGE DEDUCTION ORDER:** Debtor acknowledges that if the debtor is ever more than thirty (30) days delinquent on any payment due under section 1 (a) of this plan, upon request of the trustee a wage deduction order to debtor's employer may immediately issue.
2. **DEFERAL OF PAYMENTS FOR CAUSE:** The trustee for cause may defer not more than two monthly payments per calendar year without further notice to parties or hearing before the Court.

3. **POST-CONFIRMATION RECOVERY OF PROPERTY.**

The trustee shall retain the right, post-confirmation, to recover monies, to recover property and avoid liens pursuant to 11 USC 541, et seq. Any such recovery or avoidance shall, when liquidated, be disbursed to creditors as additional disposable income, in accordance with 11 USC 1325(b)

4. **DISBURSEMENTS & PLAN TREATMENT BY TRUSTEE:** From the payments so received, the trustee shall make disbursements as follows:

(a) **PROVISIONS FOR PRIORITY CREDITORS:** Full payment of allowed claims entitled to priority under 11 USC 507 in deferred cash payments as follows:

(1) **Trustee:** Fees to the Trustees as provided by 28 USC 586

(2) **Attorney:** Fees to the debtors attorney in the total amount of \$1000.00 as follows: \$ 40.00 in 25 monthly payments.

NOTE: This amount may be increased without further notice to creditors provided any increase is approved by the court and the amount to be paid through the plan does not exceed \$1,500.00

(3) **Maintenance/Child Support: This section is not applicable.**

(4) **Taxes:** Unless the holder of the claim agrees otherwise, upon confirmation of the plan and the filing of an allowed claim, any allowed unsecured priority claims of governmental units shall be paid in full.

(b) **PROVISIONS FOR CREDITORS HOLDING SECURED CLAIMS.**

(1) **Modification of rights of holders of secured claims. This section is not applicable.**

(2) **Curing of Default in Long Term Secured Claims: This section is not applicable.**

C. **PROVISIONS FOR UNSECURED CLAIMS**

(1) **Classification of Unsecured Claims. This section does not apply.**

(2) **General Unsecured Claims.** Upon confirmation, and at times consistent with the other provisions of this plan, the Trustee will, from funds available after payment of priority and secured claims, pay pro-rata dividends to all creditors who have filed timely allowed unsecured claims.

5. **DISBURSEMENTS & PLAN TREATMENT BY DEBTOR.** Debtor shall make disbursements directly to creditors and provides to treat claims as follows:

(a) **Long Term Secured Claims Not in Default and Not included in this Plan. This section does not apply.**

(b) **Surrender of Collateral. This section does not apply.**

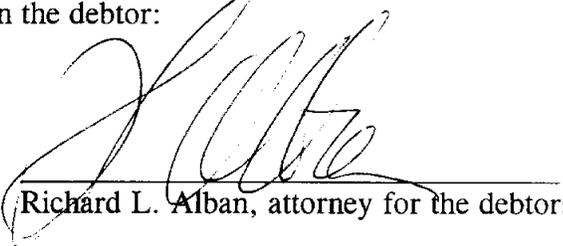
(c) **Assumption or Rejection of Unexpired Lease or Executory Contracts. This section is not applicable.**

(d) **Judicial Lien Avoidance. This section is not applicable.**

(e) **Other Lien Avoidance. This section is not applicable.**

6. Vesting of Property of the Estate: Subject only to the liens provided for in this plan and upon confirmation of this plan, all property of the estate shall vest in the debtor:

DATED: 7-13-99


Richard L. Alban, attorney for the debtors