

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES COURTS
DISTRICT OF IDAHO

In Re:
CLYDE V. HALE

Chapter 13 _____ M. REC'D _____
Case #99-42056 .ODGED _____ FILED _____
TRUSTEE'S FINDINGS
AND RECOMMENDATIONS

Debtor(s)

Trustee: L.D. Fitzgerald
Debtor's Attorney: Paula Brown Sinclair
Date of Hearing: May 22, 2000
Trustee Findings and Recommendations

- yes (1) The plan complies with the requirements of Chapter 13 Title 11 USC.
- Yes (2) Required fees have been paid.
- yes (3) Plan is proposed in good faith.
- _____ (4) Value of the property to be distributed to unsecured creditors is \$103250.00. The amount that would be paid to unsecured creditors in a Chapter 7 is \$ 100,000.00.
- yes (5) Section 1325(a) (5) of the Bankruptcy Code is satisfied.
- yes (6) Debtor will be able to make payments and comply with the Plan.
- _____ (7) Trustee's recommendations as to Confirmation
_____ Yes _____ No.

MATTERS IN ISSUE: On March 23, 2000, the creditor Conseco Withdrew its objection to the Plan Confirmation.

All tax returns have now been filed and the State of Idaho indicates no claim.

The plan provides the trustee with the right to recover and avoid liens on property. It is believed the trustee will avoid liens and transfers on a 2000 Volvo Truck Tractor and two 1997 Reefer Trailers. At a minimum I believe the value at auction of these items is \$100,000.00.

It is my understanding that Mr. Hale is now married to the woman who has the diamond ring with the lien to Jensen Jewelers. This ring is used as the wedding ring. The claim of Jensen Jewelers now becomes a secured claim against the debtor. In an effort to confirm the plan and protect the interests of the unsecured creditors, the plan now has a provision that in the event, after

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sale of the recovered equipment, the Best Interest of Creditors is not met, the debtor will increase the plan to pay an additional \$3000.00 to the unsecured creditors. By having this provision I do not believe the unsecured creditors can be adversely effected.

Will require the plan payments be increased to \$234.00 to fund the plan.

Debtors Plan Payments are current.

Dated: May 19, 2000.



L.D. Fitzgerald, Trustee