

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA

IN RE:  
Jimmy Blutcher Britt

CASE NUMBER:  
05-01696-5-ATS

DEBTOR(S)

CHAPTER 13

MINUTES OF 341 MEETING AND  
MOTION FOR CONFIRMATION OF PLAN

NOW COMES the Trustee in the above referenced Chapter 13 case, moving the Court for an Order confirming the Plan in the case, and, in support of the Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on June 14, 2005 or has (have) supplied answers to written interrogatories;
2. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
3. That the Plan proposed by the debtor(s) provides for aggregate payments of **\$16,020.00** to be paid as follows: **\$445 per month for 36 months.**
4. That the analysis of this Plan has been performed by the Trustee, a copy of which is attached as exhibit A and the Trustee is of the opinion that the Plan meets the requirements of 11 U.S.C. §1325;
5. That the liens of creditors which will not be paid in full during the term of the Plan, or which are to be paid directly by the debtor(s), are not affected by the confirmation of this Plan, except as provided in ¶ 6, below;
6. That the claims of the following secured creditors shall be paid as secured claims to the extent of the value of the collateral as set out below. With respect to claims listed below for which the terms of repayment are listed as: "Direct" or "Outside" or similar language regarding the payment of a claim under this plan, such language means that the Debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties to the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief. With respect to claims for which the collateral is described as "Arrears," the amount thereby shown as pre-petition arrears shall be cured through plan payments made by the debtor(s) in the manner set forth under the heading "Repayment." The lien of each such creditor shall survive the discharge(s) of the debtor(s), provided that upon payment to the creditor of the allowed arrearage claim, shown below (or as changed by a timely filed and allowed claim or amendment to claim or order of this Court), the debtor(s) shall be deemed to be current under the terms of the debt as of the petition date.

<u>Creditor Rate/Term</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment</u>
1-General Motors Acceptance Corp.	2002 GMC	N/A	To be surrendered
2-State Employees Credit Union	Mortgage	N/A	To be paid direct

7. That the following creditors have filed secured proofs of claim but, due to the value placed on the collateral, the claims will be treated as unsecured and paid with other unsecured claims:

None

8. That the treatment of claims indicated in paragraphs 6 and 7 above is based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;

9. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
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None

10. That priority claims shall be paid in full over the term of the Plan;

11. That confirmation of this Plan will be without prejudice to pending Motions for Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;

12. That confirmation of the Plan vests all property of the estate in the debtor(s);

13. That the attorney for the debtor(s) is requesting fees in the amount of **\$ 1,600.00**. The Trustee recommends to the Court a fee of **\$ 1,600.00**. If the recommended fee is different from that requested, an explanation can be found in exhibit "A.";

Dated: July 1, 2005

/s/ John F. Logan  
 John F. Logan  
 Standing Chapter 13 Trustee  
 NC State Bar No. 12473  
 P.O. Box 61039  
 Raleigh, NC 27661-1039  
 Telephone: (919) 876-1355

**Exhibit "A"**

NAME OF DEBTOR(S): Jimmy Britt CASE NUMBER: 05-01696-5-ATS

EMPLOYMENT: Debtor: Retirement GROSS INCOME: \$ 2,623  
 Spouse: Social Security \$ 308

BUSINESS ( ) NON-BUSINESS (X)

Prior Bankruptcy cases: Yes ( ) No (X) If so, Chapter filed  
 Disposition:

Real Property: (Brief Description: Ex, H&L mobile home, etc.)  
 Description: House & Lot ( 1/2 interest)

FMV	\$ 110,000	Date Purchased	\$
Liens	\$ 77,698	Purchase Price	\$
Exemptions:	\$ 10,000	Improvements	\$
Equity	\$ 32,302 (6,151)	Insured For	\$
Rent	\$	Tax Value	\$

T by E: ( ) Yes ( ) No

COMMENTS:

Attorney Fees:

Requested: \$ 1,600 (excluding filing fee)  
 Paid: \$ 400 (excluding filing fee)  
 Balance: \$ 1200

Trustee's Recommendation: 1,600  
 Comments: Orcutt

<u>Plan Information:</u>	<u>After 341</u>	<u>Payout % After 341</u>	
Total Debts	\$ 90839	Pay-in \$ 16020	Priority 100%
Priority	\$ 82	Less 10% \$ 1602	Secured 0%
Secured	\$ 0	Requested	Unsecured 14%
Unsecured	\$ 90757	Atty Fee \$ 1200	Joint 0%
Joint Debts	\$ 0	Available \$13218	Co-Debts 0%
Co-Debtor	\$ 0		

Annual Review: Yes ( ) No (X)  
 Payroll Deduction: Yes ( ) No (X)

Objection to Confirmation: Yes ( ) No (X)

Pending:  
 Resolved:

Motions Filed: Yes ( ) No (X)  
 If so, indicated type and status:

Hearing Date:

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA**

**IN RE:**  
**Jimmy Blutcher Britt**

**CASE NUMBER:**  
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**DEBTOR(S)**

**CHAPTER 13**

**NOTICE OF MOTION FOR CONFIRMATION OF PLAN**

John F. Logan , Chapter 13 Trustee, has filed papers with the Court to confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion for Confirmation of the Plan, or if you want the court to consider your views on the motion, then on or before **August 4, 2005**, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

**U.S. Bankruptcy Court  
Eastern District of North Carolina  
PO Box 1441  
Raleigh, North Carolina 27602**

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney, and Trustee at the following addresses:

**John F. Logan  
Chapter 13 Trustee  
P.O. Box 61039  
Raleigh, NC 27661-1039**

**Jimmy B. Britt  
616 Wimberly Road  
Apex, NC 27523-6774**

**John T. Orcutt  
Attorney at Law  
6616-203 Six Forks Road  
Raleigh, NC 27615**

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set, and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order confirming the Plan.

DATED: July 1, 2005

/s/ John F. Logan  
John F. Logan, Chapter 13 Trustee  
PO Box 61039  
Raleigh, NC 27661-1039  
(919) 876-1355

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA

IN RE:  
Jimmy Blutcher Britt

CASE NUMBER:  
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DEBTOR(S)

CHAPTER 13

CERTIFICATE OF SERVICE

I, Anna M. Lassiter, P.O. Box 61039, Raleigh, NC 27661-1039, do certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and

That I have this day served copies of the Minutes of 341 Meeting and Motion for Confirmation and Notice for Confirmation of Plan on the parties listed below by depositing a copy of the same in the United States mail bearing sufficient postage.

**or, if such interested party is a Filing User, by serving such interested party by electronic transmission, pursuant to Local Rule 5005-4(9)(b).**

I certify under penalty of perjury that the forgoing is true and correct.

See Attached Mailing Matrix

Dated July 1, 2005

/s/ Anna M. Lassiter  
Anna M. Lassiter  
Case Administrator  
P.O. Box 61039  
Raleigh, NC 27661-1039  
Phone: (919) 876-1355

GENERAL MOTORS ACCEPTANCE CORP  
2740 ARTHUR STREET  
ROSEVILLE, MN 55113

STATE EMPLOYEE'S CREDIT UNION  
CO-LORI BARNES-LOSS MITIGATION  
PO BOX 25279  
RALEIGH, NC 27611

WAKE COUNTY REVENUE DEPARTMENT  
POST OFFICE BOX 2331  
RALEIGH, NC 27602

1ST PT  
CONSUMER CONTACT CENTER  
2840 ELECTRIC ROAD, STE 202  
ROANOKE, VA 24018

AMERICAN EXPRESS TRAVEL RELATE  
C/O BECKET & LEE LLP  
PO BOX 3001  
MALVERN, PA 19355-0701

UNITED RECOVERY SYSTEMS, INC.  
PO BOX 722929  
HOUSTON, TX 77272-2929

AMERICAN HONDA FINANCE CORP.  
PO BOX 650024  
DALLAS, TX 75265-0024

BANK OF AMERICA  
PO BOX 53132  
PHOENIX, AZ 85072-3132

BELK'S PAYMENT CENTER  
PO BOX 1099  
CHARLOTTE, NC 28201-1099

BP  
ATTN: MANAGING AGENT  
PROCESSING CENTER  
DES MOINES, IA 50360-6600

BANK OF AMERICA, N.A. (USA)  
P.O. BOX 2278  
NORFOLK, VA 23501-2278

HARLEY-DAVIDSON CREDIT  
ATTN; BK DEPT. SECOND FLOOR  
PO BOX 21850  
CARSON CITY, NV 89721

HOME DEPOT  
PROCESSING CENTER  
DES MOINES, IA 20364-0500

LOWES  
ATTN: MANAGING AGENT  
PO BOX 105980 DEPT 79  
ATLANTA, GA 30353-5980

MBNA AMERICA  
P.O. BOX 15026  
WILMINGTON, DE 19850-5026

RAY PRICE SVC. DEPT.  
1126 S. SAUNDERS ST.  
RALEIGH, NC 27603

REEDS JEWELERS  
PO BOX 659705  
SAN ANTONIO, TX 78265-9596

SEARS  
ATTN:MANAGING AGENT  
45 CONGRESS STREET  
SALEM, MA 01970

SHEFFIELD FINANCIAL CORP.  
PO BOX 890012  
CHARLOTTE, NC 28289-0012

WACHOVIA BANK, NA  
BK DEPT.  
PO BOX 3100  
WINTERVILLE, NC 28590-3100

WACHOVIA BANKCARD SERVICES  
POST OFFICE BOX 14009  
ATLANTA, GA 30324-4009

WFFNB/SNBC  
TAPE REPORTING  
WESTERVILLE, OH 43081

ECAST SETTLEMENT CORPORATION  
P. O. BOX 35480  
NEWARK, NJ 07193-5480

JIMMY BLUTCHER BRITT  
616 WIMBERLY RD.  
APEX, NC 27523-6774

JOHN T. ORCUTT  
LAW OFFICES OF JOHN T. ORCUTT  
6616-203 SIX FORKS RD.  
RALEIGH, NC 27615