

ORIGINAL

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

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In re  
  
NORMA IRIS PENAFLORE

Case No. 6:03-bk-10774-KSJ

*undocked* COMMISSION CLERK

Debtor(s)

ORDER CONFIRMING CHAPTER 13 PLAN

This case came on for a Confirmation Hearing on April 13, 2004. It having been determined that the Debtor's Plan as modified at the hearing, docket number 29, complies with the section 1325 and other applicable sections of the Bankruptcy Code, it is herewith Ordered as follows:

1. The Debtor's Chapter 13 Plan is confirmed.
2. Payments by the debtor of (see Exhibit "A") per month by money order or cashier check for 44 consecutive months commencing on October 28, 2003 are to be made to Laurie K. Weatherford - Trustee, P.O. Box 1103, Memphis, TN 38101-1103.
3. The debtor is prohibited from incurring any post-confirmation debt during the term of this plan without prior approval of the Court or the Trustee.
4. Claims are allowed and security surrendered to creditors as set forth in Exhibit "A" attached hereto, and by reference made a part hereof.
5. Distribution by the Trustee shall commence and continue on a monthly basis following this confirmation in the following order:

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 OPC \_\_\_\_\_  
 MMS \_\_\_\_\_  
 RCA \_\_\_\_\_  
 SCR \_\_\_\_\_  
 SEC 1  
 OTH Kim

- a. Trustee percentage fee as allowed by the U.S. Trustee.
  - b. Attorney fees and expenses are allowed in the amount of \$ 1,500.00 to the debtor's attorney.
  - c. Creditors' claims in accordance with Exhibit "A".
6. Provisions for treatment of adjustable rate mortgage payments and escrow account adjustments are as follows:
    - a. Debtors shall forward any notice of change of mortgage payment or escrow amount to the Trustee as soon as they are received.
    - b. Upon receipt of the Notice, the Trustee shall take the following action:

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- (1) If the new payment amount is less than the current payment, the Trustee shall reduce the payment to the creditor in accordance with the notice, and apply the difference to unsecured distribution.
  - (2) If the new payment amount is greater than the current payment, the Trustee shall compute the additional sum required to be paid by the debtor and advise the debtor of the new monthly payment amount. The payment to the creditors will be adjusted to provide the sum stated in the notice.
- c. These provisions are in effect a modification to a confirmed plan which is requested by the Trustee in 11 U.S.C. Section 1329. Notice and hearing are waived inasmuch as no creditor will be adversely affected by such change.
7. Provisions for both pre-petition and post-petition arrearages are included in the plan. After the completion of all payments under the plan and discharge of Debtor, the mortgage will be cured and reinstated. All post-petition late fees and charges incurred incident to the plan are discharged.
  8. Provisions for creditors' liens that are being avoided are as follows:
    - a. Claim of creditor whose liens are being avoided by debtors are treated in debtor's plan as unsecured claims, and a statement of this treatment is included in the plan.
    - b. If the case is dismissed, those payments received by the creditor apply to the debt, but the lien is not avoided by this order.
  9. All objections to Confirmation of the Plan were resolved at the Confirmation Hearing or are resolved by this Order.

ORDERED, ADJUDGED, AND DECREED this 29th day of April, 2004.



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Karen S. Jennemann  
United States Bankruptcy Judge

Copies furnished to:

Debtor, 1003 BALTIMORE DR., ORLANDO, FL. 32810  
Debtors' Attorney, RICHARD A. HELLER,  
2507 EDGEWATER DRIVE, ORLANDO FL 32804  
Chapter Thirteen Trustee, P.O. Box 3450, Winter Park, FL 32790  
All Creditors and Interested Parties.

Exhibit "A" to Case No. 6:03-bk-10774-KSJ

Claim No.	Creditor Name	Claim Type	Claim Amount	Claim Allowed	Notes	Monthly Payments
0001	HOUSEHOLD RECEIVABLE ACQUIS.	General Un	268.62	268.62		01-44/Pro Rata
0002	FLORIDA HOSPITAL	General Un	386.14	386.14		01-44/Pro Rata
0003	CITY OF WINTER PARK UTILITIES	General Un	256.21	256.21		01-44/Pro Rata
0004	COOK DANA H FAMILY PRTRNSP.LTD	Secured	1,270.86	1,272.57 ( 1)	01-12/	\$106.25
0005	AMERIQUEST MORTGAGE COMPANY	Ongoing	91,138.57	91,138.57	01-44/	\$716.87
0006	AMERICREDIT	Secured	8,000.00	9,110.91 ( 2)	01-30/ 31-31/	\$293.90 \$293.91
0007	ECAST SETTLEMENT CORP.ASSIGNEE	General Un	2,976.28	2,976.28		01-44/Pro Rata
0105	AMERIQUEST MORTGAGE COMPANY	Secured Ar	12,874.17	12,874.17	01-12/ 13-31/ 32-44/	\$136.00 \$243.00 \$509.63
0205	AMERIQUEST MORTGAGE COMPANY	Gap Pay	716.87	716.87 ( 3)	01-30/ 31-31/ 32-40/ 41-41/	\$0.00 \$47.00 \$71.00 \$30.87
0506	AMERICREDIT	General Un	8,853.67	8,853.67 ( 4)	01-44/Pro Rata	
AT	RICHARD A. HELLER	Admin.	1,500.00	1,500.00	01-03/ 04-30/ 31-31/	\$49.00 \$50.00 \$3.00

Note ( 1): CLAIM PAID WITH .25% INTEREST.

Note ( 2): CREDITOR FILED A CLAIM IN THE AMOUNT OF \$16,853.67. PURSUANT TO ORDER DATED 1/20/2004, CLAIM VALUED IN THE AMOUNT OF \$8,000.00 PLUS 10% INTEREST. THE BALANCE IN THE AMOUNT OF \$8,853.67 IS ALLOWED AS A GENERAL UNSECURED CLAIM.

Note ( 3): CLAIM REPRESENTS ONE GAP PAYMENT.

Note ( 4): SEE NOTE ON CLAIM NO. 6.

DEBTOR PAYMENTS TO THE TRUSTEE

MONTHS	AMOUNT
01-44	\$1,387.00

ONLY TIMELY FILED UNSECURED CREDITORS SHALL BE PAID PRO RATA FROM FUNDS AVAILABLE AFTER PAYMENT OF PRIORITY AND SECURED CLAIMS.

Variations in distributions between the debtor's plan and this Order shall be resolved in favor of this Order.

NOTICE TO ALL CREDITORS LISTED ABOVE: In an effort to disburse all funds held by the Trustee on a monthly basis, it is possible that you may on occasion receive partial payment. However, the Claim Allowed by this Court will be paid in full by the end of the Debtor's Plan. All undesignated funds will be distributed to unsecured creditors.

All tax returns must be provided to the Trustee annually by April 30. All future refunds from the Internal Revenue Service shall be turned over to the Chapter 13 Standing Trustee for distribution to the unsecured creditors.

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Richard A. Heller  
2507 Edgewater Drive  
Orlando, FL 32804

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