

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

In Re:

**Kenny Dee Fogleman
1263 Ernest Brown Rd
Lillington, NC 27546**

Case No. _____

Chapter **13**

SS# **xxx-xx-5923**

SS# _____

Debtor(s)

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on November 21, 2012 .

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$558.00** per month for a period of **36** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs

1. Attorney fees.

☒ The attorney for the Debtor will be paid the base fee of \$3,500.00. The Attorney has received **\$0.00** from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.

☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

2. Trustee costs.

The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses

III. Priority Claims

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

a. ☒ None

b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.

d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Harnett County Tax Office	\$0.00
Internal Revenue Service	\$0.00
NC Department of Revenue	\$0.00

IV. Secured Claims**1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Gmac Mortgage	HOME+ LAND 1263 ERNEST BROWN RD LILLINGTON, NC 27546 RESIDENCE	R	N	\$324.92	\$324.92	T

2. Personal Property Secured Claimsa. ☒ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 4 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☐ None
- b. Other classes of unsecured claims and treatment

c. Other Special Terms

Payment listed estimates the percentage pay-out to unsecured creditors based on a computation of disposable income under B22c or liquidation of non-exempt value of property of the debtor(s). The proposed payment to unsecured is limited to pay only enough on allowed unsecured claims to meet these tests.

Regarding any vehicle debt, if it is found to be a 910 claim, it is to be paid as a fully secured claim.

In accordance with the court ruling in *In re Tracy Leigh Ediger*, Case No. 0820207, the debtor proposes to classify the debt obligations incurred on behalf of student loans and also known as a nondischargeable debt pursuant to 11 USC 523(a)(8), as a special class debt to be paid available funds, after payment of administrative, secured, priority, arrearage, and pay-through-plan claims. Creditors holding claims that are student loans and also known as a nondischargeable under 11 USC 523 (a)(8) shall apply all payments received from Debtor or Trustee during duration of the plan to principal only due and owing in compliance with 11 USC 1322(b)(10). Under no circumstances shall interest, expenses, fees or any administrative claims be paid with funds from the Debtor or Trustee during duration of the plan.

Date: November 21, 2012

/s/ A.B. Harrington, III 1913

A.B. Harrington, III 1913

Attorney for the Debtor

Address: **Post Office Box 1072
311 North Horner Boulevard
Sanford, NC 27331-1072**

Telephone: **(919) 775-3447**

State Bar No. **1913**

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

In Re:

Kenny Dee FoglemanSS# xxx-xx-5923

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Debtor(s)

**NOTICE TO CREDITORS
AND
PROPOSED PLAN**

Case No. _____

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

**Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402**

**Richard M. Hutson, II
Chapter 13 Trustee
Durham Division
Post Office Box 3613
Durham, NC 27702-3613**

**Amerifinancial Solutio
Po Box 602570
Charlotte, NC 28260**

**Bullcity Financial Sol
1107 W Main St Ste 201
Durham, NC 27701**

**Cap One
Po Box 5253
Carol Stream, IL 60197**

**Capital One, N.a.
Capital One Bank (USA) N.A.
Po Box 30285
Salt Lake City, UT 84130**

**Central Carolina Hospital
PO BOX 740778
Atlanta, GA 30374-0778**

**Central Emergency Physicians
PO Box 281161
Atlanta, GA 30384-1161**

**Central Finl Control
Po Box 66051
Anaheim, CA 92816**

**Chase
Po Box 15298
Wilmington, DE 19850**

**Citibank Usa
Citicorp Credit Services/Attn: Centraliz
Po Box 20363
Kansas City, MO 64195**

Credit Bureau
Attn: Managing Agent
Post Office Box 26140
Greensboro, NC 27402

Dell Financial Services
1 Dell Way
Round Rock, TX 78682

Enhanced Recovery Corp
Attention: Client Services
8014 Bayberry Rd
Jacksonville, FL 32256

Ford Cred
Ford Credit
Po Box 6275
Deerborn, MI 48121

Gecrb/ktm
C/o P.o. Box 965036
Orlando, FL 32896

Gmac Mortgage
Po Box 4622
Waterloo, IA 50704

Harnett County Tax Office
Attn:Wanda Spivey, Collections
305 W. Cornelius Harnett Blvd., Suite 10
Lillington, NC 27546

Reginald S. Hinton
Process Agent for NC Depart. of Revenue
Post Office Box 2500
Raleigh, NC 27640-5000

Hsbc/ymaha
Attn: Bankruptcy
Po Box 5263
Carol Stream, IL 60197

Hyundai Finc
Attn: Bankruptcy
Pob 20809
Fountain Valley, CA 92708

Internal Revenue Service
Attn: Special Procedures Staff
Po Box 7346
Philadelphia, PA 19101-7346

Lowes / MBGA / GEMB
Attention: Bankruptcy Department
Po Box 103104
Roswell, GA 30076

Merrick Bk
Attn: Bankruptcy
P.O. Box 9201
Old Bethpage, NY 11804

Mid-Carolina Radiology
Attn: Managing Agent
P.O. Box 120590
Newport News, VA 23612

NC Department of Revenue
Office Services Division
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

NC Employment Security Commission
P.O. Box 26504

Raleigh, NC 27611
Online Collections
Attn: Tracy
Po Box 1489
Winterville, NC 28590

PNC Bank
PO BOX 856177
Louisville, KY 40285

Pnc Bank, N.a.
1 Financial Pkwy
Kalamazoo, MI 49009

Rbc Bank Usa

S L M Financial Corp/Sallie Mae
Sallie Mae
Po Box 9500
Wilkes-Barre, PA 18773

UNC Hospital
Attn: Managing Agent
Patient Account Services/Bky Coordinator
211 Friday Center Drive
Chapel Hill, NC 27517

UNC Physicians & Associates ☐☐
Attn: Bankrutpcy Coordinator ☐☐
Post Office Box 168
Chapel Hill, NC 27514

US Attorney's Office
Middle District
P.O. Box 1858
Greensboro, NC 27402-1858

Date: November 21, 2012

/s/ A.B. Harrington, III 1913
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