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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:)	Case No. 2:05-14971-RJH
)	
)	Chapter 13 Proceedings
MICHAEL THOMAS HERZOG,)	
)	MOTION FOR EXTENSION OF
Debtor.)	TIME TO SUBMIT STIPULATED
)	ORDER CONFIRMING PLAN

Debtor, through his undersigned counsel, hereby moves that he be granted an extension of time to submit to the Chapter 13 Trustee a Stipulated Order Confirming his Chapter 13 Plan. Reasons supporting Debtor's Motion are delineated in the following Memorandum.

Respectfully submitted this 18th day of January, 2006.

/s/ Wade F. Waldrip
Wade F. Waldrip
Attorney for Debtor

Memorandum

Pursuant to the Trustee's pending "Evaluation and Recommendation," the Debtor must tender an Order Confirming to the Trustee on or before February 1, 2006, on pain of dismissal. Because of recent, significant changes to his economic, and personal, circumstances, Debtor will be unable to comply by the Trustee's February 1st deadline.

Debtor's wife, Lindsey, recently informed him that she intends to terminate their marriage. Debtor has three children living at home. Because of the abruptness of

Lindsey's announcement, Debtor has no idea whether the children will remain with him, or whether Lindsey will seek legal custody. If the latter, Debtor does not know the amount of any child support order(s) that may be forthcoming. Moreover, because Lindsey has been a homemaker for the preponderance of the marriage, it is likely she will request a temporary order of spousal maintenance, the amount of which is also presently unknown.

Exacerbating the foregoing circumstances is the fact that Debtor's income has declined appreciably since the fall of 2005. While Debtor possesses the economic where-with-all to tender his existing Plan payment, in the amount of \$1,591 per month, he lacks the financial ability to increase his payment to the extent proposed by the Trustee. Counsel requested, during the course of an office meeting with the Debtor today, that Debtor immediately complete an updated income and expense statement, thereby enabling counsel to ascertain Debtor's ability to increase monthly Plan funding.

Debtor informed counsel that, ultimately, he may be forced to sell his personal residence in an effort to reduce his living expenses. This is particularly true if, as he fears, Lindsey, seeks custody of the children.

In addition to the foregoing, Debtor informed counsel today that he estimates he will suffer a federal tax liability approaching \$30,000 for tax year 2005. Debtor intends to make provision for payment of this anticipated liability through his existing Chapter 13 Plan, but will be unable to definitively compute it until he receives his W-2's toward the end of January 2006.

Debtor specifically affirms the various failings delineated in the Trustee's Evaluation and Recommendation are readily surmountable, and that none will prove fatal

to his case. For example, the Trustee notes that proofs of claim filed by Saxon Mortgage, Onyx Acceptance, the IRS, and the Arizona Department of Revenue differ from the Plan's treatment of their respective claims. The disparity between the subject claims, and the Plan's treatment of them, is comparatively modest (indeed, the claim of the Department of Revenue is *less* than the amount scheduled for payment through the Debtor's Plan) and may be easily reconciled in the Stipulated Order Confirming the Debtor's Chapter 13 Plan.

In view of Debtor's current, unsettled circumstances, he respectfully requests that he be granted an extension of time, until March 3, 2006, to comply with the terms and conditions of the Trustee's Evaluation and Recommendation. In the interim, Debtor will file Amended Schedules "I" and "J", as appropriate. Debtor believes that, within the next few weeks, specific information regarding the economic impact of Lindsey's threatened divorce will emerge, which will enable him to tender to the Trustee the Stipulated Order Confirming his Chapter 13 Plan. Debtor's motion is made in good faith and not for purposes of delay.

Dated this 18th day of January, 2006.

/s/ Wade F. Waldrip
Wade F. Waldrip
Attorney for Debtor

Copy of the foregoing mailed
this 18th day of January, 2006, to:

Russell A. Brown, Trustee
P.O. Box 33970
Phoenix AZ 85067-3970

Michael Herzog
7206 W. Abraham Lane
Glendale AZ 85308

/s/ Chris J. Smith

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Upon motion by the Debtor and good cause appearing,

IT IS HEREBY ORDERED granting the Debtor until March 3, 2006, to
submit to the Chapter 13 Trustee a Stipulated Order Confirming her Chapter 13
Plan.

SO ORDERED.

DATED: _____

United States Bankruptcy Judge