UNITED STATES BANKRUPTCY COURT

District of Arizona

Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines The debtor(s) listed below filed a chapter 13 bankruptcy case on August 16, 2005.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) and address): MICHAEL THOMAS HERZOG 7206 W Abraham Lane

Glendale, AZ 85308

	Social Security/Taxpayer ID Nos.: xxx-xx-1384
Attorney for Debtor(s) (name and address):	Bankruptcy Trustee (name and add

Bankruptcy Trustee (name and address): RUSSELL A. BROWN WADE F WALDRIP **CHAPTER 13 TRUSTEE** 2301 W. Dunlap Ave, Ste. 103 Phoenix, AZ 85021 P.O. BOX 33970

Telephone number: 602 997-7717 PHOENIX, AZ 85067-3970 Telephone number: 602-277-8996

Meeting of Creditors:

Time: 02:00 PM Date: September 28, 2005 Location: US Trustee Meeting Room, 230 N. First Avenue, Suite 102, Phoenix, AZ

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim

For all creditors (except a governmental unit): December 27, 2005 For a governmental unit: February 12, 2006

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collections and other actions against the debtor, debtor's property, and certain codebtors. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

Address of the Bankruptcy Clerk's Office: U.S. Bankruptcy Court, Arizona 230 North First Avenue, Suite 101 Phoenix, AZ 85003–1727 Telephone number: (602) 682–4000	For the Court: Clerk of the Bankruptcy Court: Terrence S. Miller
Hours Open: Monday – Friday 9:00 AM – 4:00 PM	Date: August 30, 2005

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on the front of this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.				
Creditors May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.				
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee, and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.				
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Local Bankruptcy Rule 2083–10 requires you to send a copy of a secured or priority claim to the trustee.				
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor.				
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.				
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed at the bankruptcy clerk's office. The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.				
Administrative Expenses If this case converted to a Chapter 7, a request for payment of an administrative expense, incurred before in a Converted Case conversion, under 11 USC §503(a) must be filed within 90 days after the date set for the meeting of creditors. A governmental unit must file such a request within 180 days after the date of the conversion.					
Refer to Other Side for Important Deadlines and Notices					
Dismissal of Case	This case shall be dismissed if the debtor(s) fail to appear at the meeting of creditors or fail to timely file all required schedules and statements.				
All individual debtors must provide photo identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.					

UNITED STATES BANKRUPTCY COURT DISTRICT OF ARIZONA

GENERAL ORDER NO. 83

PROCEDURES GOVERNING THE CONFIRMATION OF PLANS, AMENDED OR MODIFIED PLANS, MORATORIUMS AND DISMISSALS IN CHAPTER 13 CASES.

The following procedures shall apply to all proceedings for confirmation of a plan, amended plan or modified plan, motions for moratorium, and trustee motions to dismiss filed in connection with all Chapter 13 cases in this district. These procedures have governed Chapter 13 proceedings in this district since June 30, 1997, by the entry of an order setting forth these procedures in each Chapter 13 case filed. That order was mailed to the debtor, attorney for debtor and the trustee. The entry of this General Order which applies to all Chapter 13 cases filed in this district will eliminate the necessity of entering and docketing an order in each Chapter 13 case. It will also permit the clerk to include this General Order with the Notice of the Chapter 13 Meeting of Creditors which will give Notice of these Chapter 13 procedures to all creditors.

A. PURPOSE

The purpose and intention of this order and directed procedures are to reduce and eliminate confirmation hearings when there are no objections or when any objections of creditors or concerns of the trustee can be resolved without judicial intervention. The court's time will then be allocated to only those chapter 13 confirmation issues where the parties are not in agreement or have other issues which need to be heard and decided by the court. Those provisions of The Local Rules of Bankruptcy Procedure that are inconsistent with these procedures are modified so that these requirements control the proceedings in this case.

B. **NOTICING**

- 1. The debtor shall serve on all creditors the plan (original, amended or modified) and plan analysis or motion for moratorium and a notice containing the appropriate deadlines set forth below.
- 2. After the debtor makes service of the plan or motion for moratorium, the debtor shall file a certificate of service within five days. A copy of the plan or motion that was mailed, the mailing list used, and the notice mailed shall be attached to the certificate of service. The debtor shall serve a copy of the certificate of service with all attachments on the trustee.
- 3. An amended plan filed prior to confirmation may be served only on the trustee and those creditors adversely affected thereby.
- 4. Deadline for Service of Plan or Motion for Moratorium and Notice:
 - a. For original plans, the plan must be served within 30 days after the filing of the petition.
 - b. Service of amended or modified plans or motion for moratorium must be made within 15 days after filing.
 - c. If service of any plan or motion for moratorium is not timely made and a certificate of service filed, the trustee may lodge an order dismissing the case.

C. OBJECTIONS TO PLANS OR MOTION FOR MORATORIUM

- 1. The failure of a party in interest to timely file an objection to confirmation of a plan or the granting of a motion for moratorium shall constitute acceptance of the plan or motion pursuant to 11 U.S.C.§ 1325(a) (5) (A).
- 2. For an original plan, the deadline for the filing of an objection is 60 days after the date first set for the meeting of creditors.
- 3. For an amended plan, a modified plan or a motion for moratorium, the deadline for the filing of an objection is 25 days from the date of service or 60 days after the date first set for the first meeting of creditors, whichever is later.

D. TAX RETURNS

The debtor shall file any due but unfiled tax returns within 60 days after the date first set for the meeting of creditors. If not timely filed, the trustee may lodge an order dismissing the case.

E. TRUSTEE'S RECOMMENDATION/OBJECTION

- 1. Time for Filing
 - a. For an original plan, the trustee's recommendation/objection shall be filed no later than 90 days after the date first set for the meeting of creditors.
 - b. For amended or modified plans, or motions for moratorium, the trustee's recommendation/objection shall be filed no later than 45 days after service or 90 days after the date first set for the meeting of creditors, whichever is later.
- 2. The debtor shall comply with any requirements stated in the trustee's recommendation/objection requesting documentation or information, or to pay any delinquent plan payments. The debtor shall comply with the trustee's requests within 30 days after the recommendation/objection is filed. If the debtor does not timely comply, the trustee may lodge an order dismissing the case.
- 3. Rather than prepare a recommendation/objection, if the debtor makes no plan payments by the deadline for creditor objections set by C(2) above, the trustee may lodge an order dismissing the case.

F. CONFIRMATION OF PLAN OR GRANTING OF MOTION FOR MORATORIUM

The original, amended or modified plan may be confirmed or a motion for moratorium granted without a hearing provided:

- 1. There are no timely objections filed by creditors and the trustee recommends confirmation or approval; or
- 2. The trustee and all objecting creditors agree to a stipulated order.

G. HEARINGS ON OBJECTIONS

- 1. If there is an objection to confirmation of any plan or a motion for moratorium which is unresolved by 30 days after the trustee's recommendation is filed, and the debtor is represented by an attorney, the attorney for the debtor shall obtain a hearing on the objection.
- 2. If there is an objection to confirmation of a plan, or a motion for moratorium which is unresolved by 30 days after the trustee's recommendation is filed, a debtor that is not represented by an attorney shall so notify the trustee in writing and the trustee shall obtain a hearing on the objection.
- 3. The debtor, trustee or creditor may request the court to set a confirmation hearing rather than a hearing on an objection.

H. TRUSTEE MOTION TO DISMISS

- 1. A motion to dismiss filed by the trustee on the grounds that the debtor is delinquent in one or more plan payments may provide for dismissal of the case unless the debtor does one of the following within 30 days of the mailing of the motion.
 - a. Makes payment to the trustee of the amounts stated as delinquent in the motion;
 - b. Files with the court, and serves a copy on the trustee, a notice of conversion to Chapter 7; or
 - c. Files with the court, and serves a copy on the trustee, a motion for moratorium of the delinquent plan payments.
- 2. If the debtor fails to timely do one of the above, the trustee may lodge an order dismissing the case.

I. DEBTORS NOT REPRESENTED BY AN ATTORNEY

Debtors not represented by an attorney must contact the vendor, selected and authorized by the trustee, to arrange for the mailing of their plan or motion for moratorium. Debtors are also responsible for the cost of the noticing services.

J. REINSTATEMENT OF DISMISSED CASES

If this case is dismissed on motion of the trustee, a motion to reinstate the case may be granted, without a hearing, if the trustee has approved the proposed reinstatement order. If the trustee does not approve the order, the matter may be set for hearing upon debtor's request. The Court may set a hearing on the motion to reinstate on request of an interested party who had joined the trustee's dismissal motion.

ENTERED BY THE COURT

	TES BANKRUPTCY COURT DISTRICT O	PROOF OF CLAIM			
Name of Debtor MICHAEL THO	DMAS HERZOG	Case Number: 2:05-14971-RJH Chapter: 13			
NOTE: If of your claim to arising after the pursuant to 11 U.	the case is Chapter 13 and your claim is a secured or p the Chapter 13 trustee. This form should not be used t commencement of the case. A "request" for paymen S.C. §503.	riority claim, you are required to send a copy o make a claim for an administrative expense it of an administrative expense may be filed			
Name of Credito owes money or	or (The person or other entity to whom the debtor property):	☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.			
Name and Addr	ess where notices should be sent:	☐ Check box if you have never received any notices from the bankruptcy court in this case. ☐ Check box if the address differs from the address on the envelope sent to you by the court.			
Telephone Num	ber:		THIS SPACE IS FOR COURT USE ONLY		
Account or othe	r number by which creditor identifies debtor:	Check here if □ replaces this claim a previously □ amends	filed claim, dated:		
1. Basis for Cl Goods sold Services pe Money load Personal in Taxes Other	erformed	Retiree benefits as defined in 11 U.S.C. Wages, salaries, and compensation (fil Last four digits of SS #: Unpaid compensation for services perform to	l out below) formed		
2. Date debt wa	s incurred:	3. If court judgment, date obtained:			
If all or part ☐ Check this b	of your claim is secured or entitled to priority, also ox if claim includes interest or other charges in additional charges.	(secured) (priority) complete Item 5 or 7 below. lition to the principal amount of the claim.	(Total) Attach itemized statement of all		
5. Secured Claim. Check this box if your claim is secured by collateral (including a right of setoff).		7. Unsecured Priority Claim. ☐ Check this box if you have an unsecured priority claim Amount entitled to priority \$			
☐ Real Esta	ption of Collateral: ate	Specify the priority of the claim: Wages, salaries, or commissions (up to before filing of the bankruptcy petition business, whichever is earlier - 11 U.S.	or cessation of the debtor's C. § 507(a)(3).		
Value of Collateral: \$ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$		☐ Contributions to an employee benefit plan - 11 U.S.C. §507(a)(4). ☐ Up to \$ 2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or			
6. Unsecured Nonpriority Claim \$ Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		child - 11 U.S.C. § 507(a)(7). □ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). □ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(). *Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. \$10,000 and 180-day limits apply to cases filed on or after 4/20/05. Pub. L. 109-8.			
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. 10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.					
Date	Sign and print the name and title, if any, of the cre this claim (attach copy of power of attorney, if an				

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

---- DEFINITIONS ----

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

Items to be completed in Proof of Claim form (if not already filled in)

Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money *or* property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in the last four digits of your social security number and the dates of work for which you were not paid.

2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor.

3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

4. Total Amount of Claim at Time Case Filed:

Fill in the applicable amounts, including the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

6. Unsecured Nonpriority Claim:

Check the appropriate place if you have an unsecured nonpriority claim, sometimes referred to as a "general unsecured claim". (See DEFINITIONS, above). If your claim is partly secured and partly unsecured, state here the amount that is unsecured. If part of your claim is entitled to priority, state here the amount **not** entitled to priority.

7. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

8. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

9. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

BAE SYSTEMS

Enterprise Systems Incorporated 11487 Sunset Hills Road Reston, Virginia 20190-5234

Enterprise Systems Incorporated CERTIFICATE OF SERVICE

District/off: 0970-2 User: lewisd Page 1 of 1 Date Rcvd: Aug 30, 2005 Case: 05-14971 Form ID: b9i Total Served: 15

The following entities were served by first class mail on Sep 01, 2005. db +MICHAEL THOMAS HERZOG, 7206 W Abraham Lane, Glendale, AZ +MICHAEL THOMAS HERZOG, 7206 W Abraham Lane, Glendale, AZ 85308-9544 +WADE F WALDRIP, 2301 W. Dunlap Ave, Ste. 103, Phoenix, AZ 85021-284 RUSSELL A. BROWN, CHAPTER 13 TRUSTEE, P.O. BOX 33970, PHOENIX, AZ +U.S. TRUSTEE, OFFICE OF THE U.S. TRUSTEE, 230 NORTH FIRST AVENUE, Phoenix, AZ 85021-2845 0X 33970, PHOENIX, AZ 85067-3970 aty tr ust PHOENIX, AZ 85003-1725 6181248 Direct Merchants Bank, PO Box 21638, Tulsa OK 74121-1638 +Onyx Acceptance Corp, 27051 Towne Center Drive, Foothill Ranch CA 92610-2819 +Premier Inspectors, 8340 E Raintree Dr., Suite B1, Scottsdale AZ 85260-2536 +Realty Executives/Tim Zielinski, 4667 S Lakeshore Dr., Tempe AZ 85282-7168 6181251 6181252 6181253 Saxon Mortgage Co, PO Box 961105, Fort Worth TX 76161-0105 6181254 +ValPak, 1530 N Country Club Dr., STe 15, +WFS Financial, Box 25341, Santa Ana CA 6181255 Mesa AZ 85201-2570 Santa Ana CA 92799-5341 6181256 The following entities were served by electronic transmission on Aug 31, 2005 and receipt of the transmission was confirmed on: +EDI: AZDEPREV.COM Aug 31 2005 01:22:00 AZ DEPARTMENT OF REVENUE, BANKRUPTCY & LITIGATION, smq 1600 W. MONROE, 7TH FL., PHOENIX, EDI: AZDEPREV.COM Aug 31 2005 01:22:00 Phoenix AZ 85038-9070 PHOENIX, AZ 85007-2612 6181247 Arizona Department of Revenue, PO Box 29070, 6181249 EDI: TSYS.COM Aug 31 2005 01:21:00 GE Money Bank, GE Consumer Finance, PO Box 960061, Orlando FL 32896-0061 6181250 EDI: IRS.COM Aug 31 2005 01:22:00 Fresno CA 93888-0030 Internal Revenue Service, ***** BYPASSED RECIPIENTS ***** NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 01, 2005

Signature

Case 2:05-bk-14971-RJH Doc 9 Filed 08/30/05 Entered 09/01/05 23:10:15 Desc Imaged Certificate of Service Page 7 of 7