

MESSAGE FROM YOUR BANKRUPTCY JUDGE

I commend you on having proposed a plan of payment of your debts under a Chapter 13 bankruptcy. Upon confirmation of this plan, your creditors will receive a distribution from your Chapter 13 Trustee every 30 days until the plan is completed.

Your confirmed plan of payment continues to be under the supervision and protection of this Court. By following the suggestions in this booklet, you will aid the Court and assist yourself in the successful completion of your plan.



United States Bankruptcy Judge

Confirmation Hearing

**You are not required to attend your Court confirmation hearing (Thursdays at 1:30 PM).
For attendance at other hearings, please consult your attorney.**

WHAT YOU SHOULD KNOW ABOUT YOUR CHAPTER 13 CASE

Name _____ Attorney _____

Your Chapter 13 Case Number _____ Phone _____

This booklet is intended to answer some common questions that arise for people in a Chapter 13 bankruptcy plan. This booklet should be read in full at the beginning of your case and referred to throughout the case as the need arises.

It is important that your name and case number appear on all payments or correspondence sent to the Trustee.

Your Trustee's name, address and office telephone number is:

For correspondence: Keith L. Rucinski
Chapter 13 Trustee
One Cascade Plaza, Suite 2020
Akron, OH 44308
Phone: (330) 762-6335
Fax: (330) 762-7072

For payments: Chapter 13 Trustee
P.O. Box #73984-N
Cleveland, OH 44193-1194

VISIT OUR WEB SITE:

www.chapter13info.com

CASE NUMBER. Your Chapter 13 case number is very important. Keep it handy. You will need your case number when you make a plan payment to the Trustee. Your name and case number must appear on your cashier's check or money order. Your case number should also appear on any letters that you send to the Trustee's office.

THINGS TO KNOW UNDER THE BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

1. To successfully complete your Chapter 13 plan, you must take a financial management course. This is in addition to the credit counseling you took in order to file bankruptcy. (See next page for directions on locating a financial management class.)
2. If your household income is higher than the average income for Ohio, you must make payments into your Chapter 13 plan for 60 months. You may only complete earlier if you are paying all creditors 100 percent of their claims.
3. If your household income is less than the average income for Ohio, you must make payments into your plan for a minimum of 36 months. You may only complete earlier if you are paying all creditors 100 percent of their claims.
4. Failure to timely make all child support and alimony payments (Domestic Support Obligations) can result in dismissal of your case or conversion to a Chapter 7 bankruptcy.
5. Failure to timely file all tax returns can result in dismissal or conversion to a Chapter 7 bankruptcy.
6. If your case is dismissed and you attempt to file a new bankruptcy case, you may not be able to stop foreclosure on your home. This case may be your only opportunity to save your home.
7. The U.S. Department of Justice - United States Trustee Program is required to randomly audit cases to verify that the disclosures on the bankruptcy petition and schedules are complete and accurate.

UNDERSTAND YOUR PLAN. It is imperative that you fully understand your Chapter 13 plan. You have an opportunity to amend or modify your Chapter 13 plan subsequent to the 341 meeting and prior to a confirmation hearing on your case. If you do not understand any aspect of your Chapter 13 plan you should make an appointment with your attorney to go over your plan as it is essentially a financial blueprint for what you have to live by for the next 3–5 years.

SERIAL FILINGS OF CHAPTER 13 PLANS. Please be advised that the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 limits the number of times that a Chapter 13 plan should be undertaken.

In the past, some people have felt that should they not be able to finish this Chapter 13 plan that they will simply file a new plan. There are several procedural issues with filing a second Chapter 13 plan which could cause a successive plan to be dismissed or not allow you to save your home as the second bankruptcy may not protect your house from foreclosure actions in state court. You should work with your attorney to make every effort to complete your current Chapter 13 plan successfully.

ATTENTION ALL CHAPTER 13 INDIVIDUALS

The following are requirements of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005:

1. In order to file a Chapter 13 bankruptcy, you were required to take a credit counseling course.
2. In order to earn a discharge, you must take a financial management course (this is in addition to the credit counseling). You should plan on taking the course within a year of the Court approving your plan. Even if you make all payments under the plan, you will not earn a discharge until the completion of a financial management course. Without a discharge your creditors could pursue you for additional money after the conclusion of your Chapter 13 plan. A discharge prohibits your creditors from pursuing additional money if the debt has been scheduled and paid through the Chapter 13 plan.

APPROVED DEBTOR EDUCATION PLACES

To locate an approved financial management course please take the following steps:

1. Log on to the Trustees' web page www.chapter13info.com.
2. Click on the "Links" tab.
3. You will see a link to the United States Trustee Program web page. Click on this link and it takes you to the United States Trustee Program web page.
4. Under the "Bankruptcy Reform" section, click on the "Credit Counseling and Debtor Education" link.
5. In the box titled "Personal Financial Management Instructional Courses for Debtors (Debtor Education)" click on the "Approved Debtor Education Providers" link.
6. Choose the State of Ohio.
7. After this you will see the name of the business and contact information.

Only courses approved by the United States Trustee will allow you to earn a discharge in your case.

NOTICE

Organizations providing credit counseling and financial management courses are not part of the Chapter 13 Trustee's office. The Chapter 13 Trustee is not responsible for the actions of these organizations.

KEEP THE TRUSTEE AWARE OF ANY ADDRESS CHANGE. It is important to keep the Trustee aware of any changes in your address. It is common for Chapter 13 debtors to accumulate additional funds at the end of their Chapter 13 case. Said funds are returned to you once the Trustee has performed a final audit in your case to ensure that all creditors have been properly paid. Some debtors have lost thousands of dollars in funds because they have moved and not provided a forwarding address to the Trustee. Please find enclosed in the back cover a convenient change of address card. Should you move, please fill out the card and place in the mail (you must provide your own stamp).

CALLING THE TRUSTEE'S OFFICE. The Chapter 13 office phone number is 330-762-6335. The office is open five days a week from 8:00 a.m. to 4:00 p.m., Monday through Friday. Do not feel that you must talk personally with the Trustee; the staff is well qualified to answer your questions or discuss any problems that may arise while you are in a Chapter 13.

APPOINTMENTS. The Chapter 13 staff is available to talk with you in person if you feel that your concerns cannot be properly addressed on the telephone or by letter. Feel free to set up an appointment during office hours with any of the staff members. The Chapter 13 office phone number is 330-762-6335.

IF YOUR CREDITORS CALL YOU. If any creditors listed in your Chapter 13 plan seek to call you, you should keep a log of said creditor's name and the time that they called you. You should also provide said creditors with the name of your attorney and your Chapter 13 case number. The creditor may ask you what district you filed your Chapter 13 case. Your case has been filed in the Northern District of Ohio.

WAGE DEDUCTIONS. If you are making your plan payments through wage deductions, your employer will be served with a court order instructing the employer to deduct your Chapter 13 payment from each paycheck in accordance with your plan. It is important for you to save your pay stubs so that in the event of a problem, you can prove that the deductions were actually taken.

As a Chapter 13 participant, your wages are under the jurisdiction of the U.S. Bankruptcy Court and cannot be attached for any debts other than your plan payment, child support, alimony, and repayment of a loan from your retirement account.

DIRECT PAYMENTS. If a wage deduction is not possible or has not begun yet, send your payments as specified in your plan directly to the Trustee. All payments must be in the form of a money order or cashier's check made payable to:

Chapter 13 Trustee

Send all payments to the following address:

**P.O. Box #73984-N
Cleveland, OH 44193-1194**


**Payments must be
mailed by the 20th
of each month.**

Include your name and case number on all payments (in clear writing) to insure that the funds will be properly credited to your account. **DO NOT SEND CASH.**

ADJUSTMENTS OF PAYS. It is extremely important for you to let both your attorney and the Chapter 13 Trustee know if something interrupts your employment or otherwise makes it impossible for you to make your payments to the Trustee. On a limited basis, you may be able to suspend your plan payments.

In some cases, depending on how long your plan has been going and the kind of creditors being paid under your plan, you may be able to modify or amend your plan. You should contact your attorney to discuss your options.

If you stop paying and do not contact your attorney or the Trustee, the U.S. Bankruptcy Court can dismiss your case. Should the Bankruptcy Court dismiss your case, all the creditors under your plan can seek full payment plus interest and penalties from you under applicable state law.



NEW DEBTS. Obtaining credit without permission from the Court is not only a violation of the Court's orders; it is subject to disapproval by the Court and may be grounds for dismissal of the plan. When you have major repairs that are needed to your home or car, large medical bills, or other costly unexpected items, you should always discuss this with your Attorney and the Trustee.

BEWARE OF PAY DAY LENDERS. Many people use the services of pay day lenders. These lenders often will advance funds and hold your personal check until pay day. It is not unusual for the fees charged in these pay day loans to average around 400 percent. These costs are often hidden and hard to calculate. While you are in a Chapter 13 plan, please be advised that you cannot take out pay day loans without Court permissions. It is in your long term financial interest never to use the services of a pay day lender again.

DISPOSING OF PROPERTY. While under Chapter 13 bankruptcy protection you are not permitted to sell real estate, vehicles, or other personal property (valued at \$1,500 or more) without permission of the Bankruptcy Court. You should contact your Attorney to seek Court permission before disposing of any property.

INCOME TAX RETURNS AND PAYMENT OF POST-PETITION TAXES. While under Chapter 13 bankruptcy protection, you are required to timely file all local, state and federal income tax returns during the duration of your Chapter 13 plan. You are also responsible to see that all applicable post-petition taxes are paid and kept current while you are in a Chapter 13. This includes not only local, state and federal income taxes, but also local property taxes. Should you fail to keep your tax payments current to the respective tax agency, said agency may ask the Court to dismiss your Chapter 13 plan. The Trustee reserves the right to review tax returns. You must supply the Trustee a copy of your tax returns upon request.

TAX REFUNDS. If you receive a tax refund in excess of \$1500.00, you must consult your Attorney. In most cases, the Trustee requires refunds in excess of \$1500.00 to be paid into your Chapter 13 plan for the benefit of creditors. You are permitted to keep all earned income credits and child care credits.

TAX REFUND ANTICIPATION LOANS. Before using a tax refund anticipation loan and losing a large portion of your refunds, please ask yourself why you cannot wait thirty (30) days for the funds and keep the entire refund yourself!

REPORT OF CLAIMS. Creditors have 90 days from the first date set for the Section 341 meeting to file their claims. Any claim not filed within the time limit is a late claim and may be disallowed and therefore not paid. Tax claims and secured claims are usually the exception to this time limit.

If you have an objection to any claim, which has been filed in your case, or feel that a claim has been filed incorrectly, you should contact your Attorney immediately so that he or she can advise you of your options. Please note that it is your responsibility to review the annual ledger that the Trustee sends you to see that all the creditors listed are accurate.

OBTAINING INFORMATION FROM YOUR TRUSTEE. In addition to having 24/7 access to your case through the National Data Center (please see inside front cover for detailed information), once a year the Chapter 13 Trustee will send you a complete history of your account, all payments received and all creditors paid under your plan. The Trustee generally mails these ledgers to you in January. If you do not have access to a computer and need a ledger on your case, you may call the Chapter 13 office at 330-762-6335, and a ledger will be mailed to you.

It is imperative that you keep your address current with the Trustee and the Clerk of the Bankruptcy Court so that you receive not only these documents but also important court documents throughout the duration of your Chapter 13 plan.

The ledger sent to you will allow you to calculate your approximate payoff balance on your plan and will include an explanation sheet on how to use the ledger. Please, be advised, that the Trustee's office is not permitted to give individual legal advice, but can provide information to you on the administration of your case. Your request for such information must be in writing and submitted to the Trustee. Please note that due to the volume of cases, it may take up to 30 days to get a response. If the information is of an urgent nature due to some type of court litigation, you should work through your Attorney who will advise the Trustee accordingly on the urgency of such request. If you believe a creditor listed on the ledger is not your creditor or has claimed an amount greater than you owe them, contact your attorney immediately so that an objection to the claim can be filed. If you remain silent, you will pay all claims as filed. ***All information concerning your plan, including the payoff balance, is subject to review and audit by the Trustee.***

REFINANCING. Many debtors refinance their home during their Chapter 13 plan. Please be advised that Court approval is necessary for any type of refinancing and you must contact your Attorney to seek such Court approval. The Trustee will not release any information to any title company or lender until such order to refinance has been approved by the Court.

SMALL BUSINESS CHAPTER 13. Debtors engaged in their own sole proprietorship business may, unless the Court orders otherwise, operate that business and incur trade credit in the production of income.

With regard to personal finances, debtors engaged in business are subject to the same requirements, restraints, and jurisdiction as individuals with only personal debts.

Small business debtors are required to file semi-annually with the Trustee a statement of financial affairs which can include current profit and loss statements, bank account statements, a request for balance sheets and income statements, proof of insurance, and proof that quarterly payroll tax returns and sales tax returns are paid. The Trustee may also require annual tax returns from you concerning both your individual and business finances.

If you are a small business debtor, the Trustee will send a letter to you in January and July of each year requesting said information. Failure to supply the Trustee with this information in a timely manner can result in dismissal of your Chapter 13 plan.

TRUSTEE ADMINISTRATION FEE. A maximum of 10 percent of all funds disbursed to creditors through your plan can be charged for trustee fees and expenses. This figure can fluctuate each year but cannot exceed 10 percent. The operating funds for the Trustee are not paid through any taxes. The Chapter 13 program is solely funded by people like yourself who are attempting a financial reorganization to repay their debt. The Trustee only earns a fee when a payment is made to your creditors.

PAYMENT OF UNSECURED CLAIMS. A Chapter 13 plan must provide for payment of all your creditors, including unsecured creditors. Unsecured creditors are creditors such as credit cards. Upon the filing of your Chapter 13 case, unsecured creditors must cease adding finance charges and other interest charges to your account. Said unsecured creditors must file a total account balance that you owe them upon the date of the filing of your Chapter 13 plan. Upon the successful completion of your plan, said unsecured creditors cannot seek payment from you for any additional finance charges and interest charges based on a claim which has been paid through your plan. However, please be advised that should you fail to complete your Chapter 13 plan, all the interest and other charges which would have accrued under your account except for the Chapter 13 plan can be charged against your account and said creditors can seek collection under applicable state law. It is to your benefit and very important that you make every effort to complete your Chapter 13 plan or you could find yourself in a worse financial situation than when you started your Chapter 13 plan.

DROPPING OF PLAN. If your financial situation is drastically altered and payment of the plan is no longer practical, contact your Attorney as soon as possible. He or she may be able to find a solution in spite of the difficult circumstances, since there are a number of options to consider.

Be aware that a dismissal of your case would reactivate all disputed debts and all interest and charges not allowed by the Bankruptcy Code while your case is pending.

You will find yourself, again, dealing with the remaining creditors on their terms, not yours or those provided under the Bankruptcy Code.

CREDIT RATING. Your credit rating during and after completion of Chapter 13 will be, as it is now and was in the past, the personal opinion of any credit grantor who looks at your record. A credit rating is not A, B or C, or 1, 2, or 3. It is a record of all your past credit performances. This record is made available to a credit grantor who reaches its own conclusions, by its own standards, as to whether or not it wants to grant credit to you.

Any credit record that has been blemished by a problem must be gradually rebuilt. By law, the Credit Bureau cannot report your Bankruptcy after ten years has passed. See inside cover for information on how to obtain your credit report.

SIGN UP FOR THE DO NOT CALL LIST. An important first step to avoid the use of costly credit advances in the future would be to sign up for the national do not call list at 1-888-382-1222. You may also opt out of pre-approved credit offers by calling 1-888-567-8688.

CAR TITLES. Please note that the Trustee does not take possession of your car title during the Chapter 13 plan. Should you pay off a car loan through the Chapter 13 plan, the creditor will send the title directly to you. Should you not receive this title in a timely fashion, you should contact your Attorney for assistance.

INSURANCE. Under Ohio law you are required to have automobile insurance at all times. You must maintain homeowner's insurance on your property throughout the Chapter 13 plan. The Trustee may randomly audit your case and request proof of insurance. Failure to provide proof of insurance can result in dismissal of your Chapter 13 plan.

UNEXPECTED INCOME. Should you receive unexpected income (inheritance, lottery winnings, etc.) you are not permitted to spend these funds until you have informed your Attorney and Trustee. You may be required to pay these funds into your Plan for the benefit of your creditors. Failure to report these funds to your Attorney and the Trustee may result in dismissal of your case, the Court may impose contempt charges and sanctions against you, and your case may be referred to the U. S. Department of Justice - United States Trustee program.

ATTORNEY FEES. Attorney fees in Akron, Ohio are governed by Administrative Order No. 08-04. A copy of this order is available at the Chapter 13 website www.chapter13info.com (under links) "*Court Order Regarding Attorney Fees in Akron, Ohio*". If you do not have access to the internet, you may write the Trustee at:

**Office of Chapter 13 Trustee
One Cascade Plaza
Suite 2020
Akron, Ohio 44308**

and a copy will be sent to you without charge.

This order outlines your responsibility as a Chapter 13 participant and provides a guideline of attorney fees you may expect as issues arise in your case. The attorney fees listed are a guide and your actual attorney fees may be greater or less depending on the retainer letter you signed with your attorney.

Your attorney remains your attorney throughout the duration of your Chapter 13 plan (3 to 5 years). Your attorney is there to help you with the bankruptcy process. Please contact your attorney if you have legal questions about your Chapter 13 plan.

RECORD OF MORTGAGE PAYMENTS. The debtor usually pays current mortgage payments in a Chapter 13 plan in this jurisdiction, and therefore are in addition to your plan payments, which may include amounts for mortgage arrearages that existed when you filed. Attached to this booklet is an envelope. It is advisable that you keep all mortgage receipts which can include canceled checks, copies of money order receipts, or other types of remittance. On the following page is a form for you to list the dates, the amount, and the remittance number of your mortgage payment. The form also allows you to keep a record of where payments were sent and to whom your payment was made payable. Many times in a Chapter 13 plan, as in non-bankruptcy cases, mortgage companies sell loans and do not always advise people to whom they should direct their payments. To avoid this problem, you should keep a record of all notices that you receive from your mortgage companies that tell you where you should send your payment. These notices should also be kept in the envelope attached to this booklet.

Should you have any problem with your mortgage payment, or if questions about your mortgage payments arise during your Chapter 13 plan, the information that you keep, such as a listing of the payments that you have made and the remittance copies, will greatly assist you and your Attorney in resolving any problems that may arise.

CAR PAYMENTS. As with mortgage payments, it is advisable that you keep track of all your car payments and remittances while in a Chapter 13 plan. On the following page is a form for you to list the dates, the amount and the remittance number of your car payment.

FINALIZING AND CLOSING YOUR CASE. Six months is not an unusual amount of time to require the Trustee to prepare the final report and accounting of your case and file it with the Court. The exact closing date of your case is effected by the following: the Trustee writes checks to your creditors every 30 days. Closing of your case will depend on the date monies are received and disbursed, when creditors cash their checks, and whether there are additional problems.

Once your employer receives the stop payment order, the deductions will cease. If your employer has a computerized payroll system, an additional deduction or two may occur. This money will be refunded to you when your account is finalized.

Be sure to maintain all documents concerning the finalization and discharging of your case. The Trustee's office only keeps closed files for a short time and you may need your final report in the future when you try to obtain credit.

DISMISSAL VS. DISCHARGE. The terms dismissal and discharge in a bankruptcy case are two different terms which have two completely different meanings.

DISMISSAL. If the Chapter 13 plan is dismissed, creditors may immediately initiate or continue with state court litigation pursuant to applicable state law to foreclose on the petitioner's property or garnish their income. If a bankruptcy case is dismissed, the legal effect is that the bankruptcy is deemed void.

For example - If when filing a Chapter 13 petition, the petitioner owes the IRS \$10,000.00 and manages to pay the IRS \$9,000.00 before the case is dismissed, this does not necessarily mean that only \$1,000.00 is remaining to be paid to the IRS outside the plan. During a Chapter 13 plan, many creditors (including credit card companies) hold interest and penalty charges in abeyance. If a Chapter 13 plan is successfully completed, the interest and penalty charges are void and collection is not sought from the petitioner. However, if the case is dismissed, all money paid under a Chapter 13 bankruptcy may be applied toward interest and penalties; and therefore, petitioners may find themselves still owing a large balance to creditors. In the above example with the IRS, it cannot be assumed that there is only a \$1,000.00 balance owed, as the IRS would be allowed to collect interest and penalties which were held in abeyance during the Chapter 13 plan.

A dismissal of a Chapter 13 case in which a petitioner has made substantial compliance is a serious matter. The petitioner is urged at all times to keep in contact with their attorney to determine their best course of options should the petitioner discover that it is not possible to continue with the monthly Chapter 13 plan payments as proposed in the plan.

DISCHARGE. If a Chapter 13 plan is completed successfully, the petitioner will earn a discharge. Discharge means that all debt listed in the Chapter 13 plan is satisfied; and therefore, creditors may not pursue additional collection actions pursuant to applicable state law. If a debt has been discharged in a bankruptcy, and a creditor seeks further collection from the petitioner, the petitioner should immediately contact their attorney regarding the efforts to collect by a creditor who has had their claim discharged in bankruptcy.

For more information, go to www.chapter13info.com.

Automobile Payment Information

Make of car _____

It is in your best interest to use the attached envelope to keep copies or carbons of your Money Orders and Checks when making automobile payments.

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Mortgage Payment Information

It is in your best interest to use the attached envelope to keep copies or carbons of your Money Orders and Checks when making mortgage payments. If there are any changes in who you make your payment to, be sure and note the new name and/or address of the lender. Lenders often sell mortgages which can result in some confusion when they record your payments. By following these instructions you will have an efficient way to track your payments. This information will assist you and your Attorney in resolving problems which may arise with your mortgage lender.

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