

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Case Number: 03-34571

Judge: George R. Hodges

Dated: August 7, 2004

In Re:

MICHAEL LOVELL
3111 SRETAW DRIVE
CHARLOTTE NC 28210
SSN (1):XXX-XX-1029

GAIL L LOVELL

SSN (2):XXX-XX-6292

**MOTION OF TRUSTEE FOR ALLOWANCE OF CLAIMS DETERMINATION
AND DESIGNATION OF UNSECURED PERCENTAGE DIVIDEND**

Pursuant to general administrative order of the court and the order confirming plan entered in the above-referenced Chapter 13 case, the undersigned Trustee represents that he has examined the Proofs of Claim in said case and hereby moves that said claims should be deemed allowed as reported below. To the extent that any claim as reported differs from the claim as scheduled or filed, the Trustee **OBJECTS** to that claim and classifies it as he believes proper under applicable law.

The claims as reported herein contain those Proofs of Claim known by the Trustee to have been filed with the Trustee pursuant to Federal Rule of Bankruptcy Procedure 3004, and to have been filed with the Trustee within the time period as set forth in that rule.

The Trustee further moves that the percentage that must be paid under the plan to the general unsecured creditors in the case be set at a minimum of 100.00 percent (100.00%).

Dated: August 7, 2004

/s/ *Warren L. Tadlock*
Warren L. Tadlock
Standing Chapter 13 Trustee
PO Box 30097
Charlotte, NC 28230-0097

WACHOVIA BANK NA BANKRUPTCY UNIT-VA7359 PO BOX 13765 ROANOKE VA 24037	Creditor # 011763 Claim # 0020 Level 80 Claim Amt. \$3,700.30	Claim Type UNSECURED Comment Acct # XXXXXXXXXXXXXXX9939
BRANCH BANKING & TRUST BANKRUPTCY SECTION PO BOX 1847 WILSON NC 27894-1847	Creditor # 021463 Claim # 0011 Level 80 Claim Amt. \$6,371.47	Claim Type UNSECURED Comment Acct # XXXXXXXXXXXXXXX2567
BRANCH BANKING & TRUST BANKRUPTCY SECTION PO BOX 1847 WILSON NC 27894-1847	Creditor # 021463 Claim # 0003 Level 50 Claim Amt. \$16,392.89	Claim Type SECURED-PRO-RATA Comment XXXXXXXXXXXX5RL* Acct # XXXXXXXXXXXX9002

BRANCH BANKING & TRUST BANKRUPTCY SECTION PO BOX 1847 WILSON NC 27894-1847	Creditor # 021463 Claim # 0025 Level 98 Claim Amt. PAY OUTSIDE	Claim Type MORTGAGE/LEASE Comment XXXXXXXXXXXXXSIDE Acct # XXXXXXXXXXXXX0016
CITY COUNTY TAX COLLECTOR PO BOX 31457 CHARLOTTE NC 28231	Creditor # 034162 Claim # 0006 Level 50 Claim Amt. NOT FILED	Claim Type SECURED-PRO-RATA Comment XXXXXXXXXXXXX TAX Acct #
DISCOVER BANK DISCOVER FINANCIAL SERVICES PO BOX 8003 HILLIARD OH 43026	Creditor # 043076 Claim # 0014 Level 80 Claim Amt. \$7,322.68	Claim Type UNSECURED Comment XXXXXXNT** Acct # XXXXXXXXXXXXX1363
INTERNAL REVENUE SERVICE 320 FEDERAL PLACE GREENSBORO NC 27401	Creditor # 090490 Claim # 0021 Level 70 Claim Amt. STOP PAY	Claim Type PRIORITY Comment XXXXXXXXXXXXXILED Acct # XXXXXXXX1029
INTERNAL REVENUE SERVICE 320 FEDERAL PLACE GREENSBORO NC 27401	Creditor # 090490 Claim # 0026 Level 80 Claim Amt. STOP PAY	Claim Type UNSECURED Comment XXXXXXXXXXXXXILED Acct # XXXXXXXX1029
ECAST SETTLEMENT CORP PO BOX 35480 NEWARK NJ 07193	Creditor # 103557 Claim # 0009 Level 80 Claim Amt. \$1,647.03	Claim Type UNSECURED Comment XXXXXENT* Acct # XXXXXXXXXXXXX3020
NC DEPARTMENT OF REVENUE BANKRUPTCY UNIT PO BOX 1168 RALEIGH NC 27602-1168	Creditor # 140046 Claim # 0022 Level 70 Claim Amt. STOP PAY	Claim Type PRIORITY Comment XXXXXXXXXXXXX TAX Acct # XXXXXXXX1029
NC DEPARTMENT OF REVENUE BANKRUPTCY UNIT PO BOX 1168 RALEIGH NC 27602-1168	Creditor # 140046 Claim # 0027 Level 80 Claim Amt. STOP PAY	Claim Type UNSECURED Comment XXXALTY Acct # XXXXXXXX1029
BANK OF AMERICA C/O FREDERICK J HANNA & ASSOC 1655 ENTERPRISE WAY MARIETTA GA 30067	Creditor # 174211 Claim # 0010 Level 80 Claim Amt. NOT FILED	Claim Type UNSECURED Comment Acct # XXXXXXXXXXXXX4710
MITCHELL & RALLINGS 1800 CARILLON 227 WEST TRADE ST CHARLOTTE NC 28202	Creditor # 180839 Claim # 0001 Level 20 Claim Amt. \$700.00	Claim Type BASE ATTORNEY FEES Comment XXXXXXXXXXXXXOUNT Acct # XXXXXXXXXXXXX FEE
MITCHELL & RALLINGS 1800 CARILLON 227 WEST TRADE ST CHARLOTTE NC 28202	Creditor # 180839 Claim # 0002 Level 50 Claim Amt. \$100.00	Claim Type BASE ATTORNEY FEES Comment XXXXXXXXXXXXXSIDE Acct # XXXXXXXXXXXXX FEE
ATLANTIC CREDIT & FINANCE INC PO BOX 13386 ROANOKE VA 24033	Creditor # 191427 Claim # 0017 Level 80 Claim Amt. \$3,915.61	Claim Type UNSECURED Comment Acct # XX5129
CITGO PO BOX 9095 DES MOINES IA 50368	Creditor # 229941 Claim # 0012 Level 80 Claim Amt. NOT FILED	Claim Type UNSECURED Comment Acct # XXXXXXXX6502

MBNA BANKRUPTCY DEPT PO BOX 15027 WILMINGTON DE 19850	Creditor # 233306 Claim # 0018 Level 80 Claim Amt. NOT FILED	Claim Type UNSECURED Comment Acct # XXXXXXXXXXXX1611
FAIRBANKS CAPITAL CORP LOAN SERVICING CENTER PO BOX 65450 SALT LAKE CITY UT 84165	Creditor # 314694 Claim # 0007 Level 50 Claim Amt. \$19,973.34	Claim Type MORTGAGE/LEASE ARREARS Comment XXXXXXXXXXXXXXXARS* Acct # XXXXXXX4957
FAIRBANKS CAPITAL CORP LOAN SERVICING CENTER PO BOX 65450 SALT LAKE CITY UT 84165	Creditor # 314694 Claim # 0008 Level 98 Claim Amt. PAY OUTSIDE	Claim Type MORTGAGE/LEASE Comment XXXXXXXXXXXXXXXIDE* Acct # XXXXXXX4957
EXXON C/O NCO FINANCIAL SYSTEM 507 PRUDENTIAL ROAD HORSHAM PA 19044	Creditor # 316677 Claim # 0015 Level 80 Claim Amt. NOT FILED	Claim Type UNSECURED Comment Acct # XXXXXXX8062
THEODORE A NODELL JR NODELL GLASS & HASKELL LLP PO BOX 1989 RALEIGH NC 27602	Creditor # 361519 Claim # 0023 Level 99 Claim Amt. NOT FILED	Claim Type NOTICE ONLY Comment XXXXXXXXXXXXXXX & 8 Acct # XXXXXXXXXXXXXXXL CO
DILLARD'S C/O NCC BUSINESS SERVICE PO BOX 24739 JACKSONVILLE FL 32241	Creditor # 392013 Claim # 0013 Level 80 Claim Amt. NOT FILED	Claim Type UNSECURED Comment Acct # XXXXXXXXXXXXXXX4646
FAIRBANKS CAPITAL C/O PHILLIP A GLASS PO BOX 1989 RALEIGHNC 27602	Creditor # 418594 Claim # 0016 Level 99 Claim Amt. NOT FILED	Claim Type NOTICE ONLY Comment Acct #
SAM'S CLUB/MCC C/O CTI COLLECTION SERVICE PO BOX 4783 CHICAGO IL 60680	Creditor # 452959 Claim # 0019 Level 80 Claim Amt. NOT FILED	Claim Type UNSECURED Comment Acct # XXXXXXXXXXXXXXX3272
BENEFICIAL FINANCE CORP ATTN BANKRUPTCY 961 WEIGEL DRIVE ELMHURST IL 60126	Creditor # 638583 Claim # 0004 Level 50 Claim Amt. \$509.89	Claim Type MORTGAGE/LEASE ARREARS Comment XXXXXXXXXXXXXXXEARS Acct # XXXXXXXXXXXXXXX1197
BENEFICIAL FINANCE CORP ATTN BANKRUPTCY 961 WEIGEL DRIVE ELMHURST IL 60126	Creditor # 638583 Claim # 0005 Level 98 Claim Amt. PAY OUTSIDE	Claim Type MORTGAGE/LEASE Comment XXXXXXXXXXXXXXXSIDE Acct # XXXXXXXXXXXXXXX1197
BENEFICIAL FINANCE CORPORATION 961 WEIGEL DRIVE PO BOX 8603 ELMHURST IL 60126	Creditor # 720975 Claim # 0024 Level 98 Claim Amt. PAY OUTSIDE	Claim Type MORTGAGE/LEASE Comment XXXXXXXXE #5 Acct # XXXXXXXXXXXXXXX1197
MITCHELL & RALLINGS 1800 CARILLON 227 WEST TRADE ST CHARLOTTE NC 28202	Creditor # 180839 Claim # Level Claim Amt. \$0.00	Claim Type Attorney of Record Comment Acct #
MICHAEL LOVELL 3111 SRETAW DRIVE CHARLOTTE NC 28210	Creditor # Claim # Level Claim Amt. \$0.00	Claim Type Debtor Comment Acct #

Case No:03-34571

Debtor: MICHAEL LOVELL

Jt. Debtor: GAIL L LOVELL

GAIL L LOVELL	Creditor # Claim # Level Claim Amt.	Claim Type Jt.Debtor Comment Acct #
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NOTICE OF MOTION OF TRUSTEE FOR ALLOWANCE OF CLAIMS DETERMINATION AND DESIGNATION OF UNSECURED PERCENTAGE DIVIDEND

The Chapter 13 Trustee has filed papers in the bankruptcy case for the debtor(s) named above to allow claims and designate an unsecured percentage dividend.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested by the Trustee in the Motion, or if you want the court to consider your views on the Motion, then you or your attorney must file with the court a written response to the Motion and a request for a hearing within thirty (30) days of the date of this notice at the following address:

CLERK, U.S. BANKRUPTCY COURT
401 W TRADE ST, ROOM 111
PO BOX 34189
CHARLOTTE, NC 28234-4189

If you MAIL your response to the court for filing, you must mail it early enough for the court to RECEIVE it on or before the deadline stated above.

You must serve a copy of your response on the Trustee at the following mailing address:

Warren L. Tadlock
Standing Chapter 13 Trustee
PO Box 30097
Charlotte, NC 28230-0097

If you file a response, then a hearing on the Trustee's Motion will be scheduled. The date, time and location of the hearing will be provided by separate notice.

NO HEARING WILL BE HELD UNLESS A RESPONSE IS FILED.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated: August 7, 2004

Warren L. Tadlock
Standing Chapter 13 Trustee
By: Lori Mack