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on Behalf of the Wind Down Estates*

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:
In re	: Chapter 11
	:
DITECH HOLDING CORPORATION, et al.,	: Case No. 19-10412 (JLG)
	:
Debtors.¹	: (Jointly Administered)
	: Related Docket No. 2694
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**JOINT REPLY OF PLAN ADMINISTRATOR AND CONSUMER CLAIMS TRUSTEE
IN SUPPORT OF THE SIXTIETH OMNIBUS OBJECTION TO PROOFS OF
CLAIM (NO BASIS CONSUMER CREDITOR CLAIMS) WITH RESPECT
TO CLAIM OF ELIZABETH OTT (CLAIM NO. 2214)**

¹ On September 26, 2019, the Court entered the Order Confirming Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors (ECF No. 1404) (the "Confirmation Order"), which created the Wind Down Estates. On February 22, 2022, the Court entered the Order Granting Entry of Final Decree (I) Closing Subsidiary Cases; and (II) Granting Related Relief (ECF No. 3903) (the "Closing Order"). Pursuant to the Closing Order, the chapter 11 cases of the following Wind Down Estates were closed effective as of February 22, 2022: DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Mortgage Asset Systems, LLC (8148); REO Management Solutions, LLC (7787); Reverse Mortgage Solutions, Inc. (2274); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). Pursuant to the Closing Order, the chapter 11 case of Ditech Holding Corporation (the "Remaining Wind Down Estate") (Case No. 19-10412 (JLG)) shall remain open and, as of February 22, 2022, all motions, notices and other pleadings relating to any of the Wind Down Estates shall be filed in the case of the Remaining Wind Down Estate. The last four digits of the Remaining Wind Down Estate's federal tax identification number is (0486). The Remaining Wind Down Estate's principal offices are located at 2600 South Shore Blvd., Suite 300, League City, TX 77573.

TO THE HONORABLE JAMES L. GARRITY JR.,
UNITED STATES BANKRUPTCY JUDGE:

The Plan Administrator,² on behalf of Ditech Holding Corporation (f/k/a Walter Investment Management Corp.) and its debtor affiliates (excluding Reorganized RMS) (collectively, the “**Wind Down Estates**”), and the Consumer Claims Trustee submit this joint reply (the “**Reply**”) in support of the *Sixtieth Omnibus Objection to Proofs of Claim (No Basis Consumer Creditor Claims)* (ECF No. 2694) (the “**Sixtieth Omnibus Objection**”), and in response to an email by Ms. Ott which the Wind Down Estates have treated as an informal response to the Sixtieth Omnibus Objection (the “**Response**”) attached hereto as **Exhibit A**.

The Plan Administrator and Consumer Claims Trustee respectfully represent as follows:

Preliminary Statement

1. Ms. Ott filed proof of claim number 2214 (the “**Claim**”), asserting a number of vague grievances against the Debtors relating to the servicing of her mortgage loan. The Claim seeks reimbursement of funds that Ms. Ott allegedly paid in October 2010 to GMAC Mortgage LLC d/b/a ditech.com (“**GMAC**”) that she claims was not properly credited to her mortgage loan balance. The Claim is barred for three independently sufficient reasons. First, Ms. Ott has already had a full and fair opportunity to litigate the exact same claim in her chapter 13 bankruptcy proceeding, and the Texas bankruptcy court already adjudicated the merits of this claim. Accordingly, the Claim is barred by *res judicata*. Second, the Claim is also barred by judicial estoppel as Ms. Ott is now asserting a legal position with respect to the mortgage loan that is entirely inconsistent with the position taken in her personal bankruptcy that led to her successfully

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Confirmation Order, the *Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors* (ECF No. 1404, Ex. A) (the “**Plan**”), or the Sixtieth Omnibus Objection (defined herein), as applicable.

obtaining a discharge from certain unsecured debts. Third, even if the Claim was not barred by *res judicata* or judicial estoppel, the Claim is time-barred by the applicable statutes of limitation as the claim relates to actions taken more than 10 years ago. To the extent the Court finds the Claim is not barred in its entirety, the Court should, at the very least, reclassify the Claim as a Consumer Creditor Claim.

Background

A. The Claim

2. On June 7, 2019, Ms. Ott filed the Claim,³ contending that the Claim is a secured claim for \$51,000.00. Claim at 2; Response at 1. The basis for the Claim states “[m]oney sent to catch up never credited to account.” Claim at 2.

3. Although Ms. Ott asserts she sent \$51,000.00 to “Ditech Mortgage Company” in October 2010 (Response at 1), based on the documents Ms. Ott attached to the Claim, a non-debtor entity, GMAC, was her mortgage servicer in 2010, not Ditech Financial LLC (“Ditech”) or any other Debtor. Claim at 11-13. In 2013, the servicing of Ms. Ott’s mortgage loan was transferred from GMAC to Green Tree Servicing LLC. Thus, any mortgage payment Ms. Ott allegedly sent in October 2010 would not have been sent to any of the Debtors.

4. Ms. Ott attaches a handwritten note to her proof of claim form in which she states that her mortgage servicer “never credited the \$51,000 that [Ms. Ott] sent. Instead they kept all of it, and kept on going forward with foreclosure.” Claim at 5. Ms. Ott does not attach documentation showing that this payment was made to her mortgage servicer. Rather, she attaches

³ Ms. Ott filed the Claim on June 7, 2019, four days after the June 3, 2019 Extended Bar Date, as set by the *Order Further Extending General Bar Date for Filing Proofs of Claim for Consumer Borrowers Nunc Pro Tunc* (ECF No. 496). Nothing in the Claim or the Response explains Ms. Ott’s delay in filing. Indeed, Ms. Ott attached a copy of the *Notice of Extended Deadline for Consumer Borrowers to File Proofs of Claim* to her Claim. Claim at 14.

several account statements from GMAC, and a copy of her and her late husband's Form 1099-R from 2010. Claim at 4-16. Although not entirely clear, it seems Ms. Ott alleges that when she and her husband paid the money to GMAC in 2010, she believes the funds were not properly applied. *See* Claim at 6 (“[T]he full amount [Mr. and Ms. Ott] sent was absorbed into a multitude of ‘fees and charges.’”).

5. On July 17, 2020, the Plan Administrator and the Consumer Claims Trustee jointly filed the Sixtieth Omnibus Objection objecting to, among others, Ms. Ott's Claim on the grounds that the Claim has no merit. Sixtieth Omnibus Objection at 24.

6. On August 14, 2020, Ditech received the Response by email from Ms. Ott. Response at 1. In the Response, Ms. Ott restates some of the allegations made in the Claim, asserting that in October 2010 she and her husband withdrew \$51,000.00 from their retirement accounts “and sent the full amount to Ditech Mortgage Company.” Response at 1. She also contends that Ditech's actions forced them to file for bankruptcy protection in 2011 so they could keep their home. Response at 1. The Response does not attach any additional documentation, and does not identify a cause of action.

B. The Ott Bankruptcy

7. On April 29, 2011, Ms. Ott and her husband, through counsel, filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code (the “**Ott Bankruptcy**”). *See In re Ott*, No. 11-11079, Petition, Dkt. 1 (Bankr. W.D. Tex. Apr. 29, 2011), attached as **Exhibit B**.⁴

⁴ The Court can properly take judicial notice of matters of public record. *See Sutton ex rel. Rose v. Wachovia Sec., LLC*, 208 F. App'x. 27, 30 (2d Cir. 2006) (holding that filings and orders in other courts “are undisputably matters of public record”). *See also Kaplan v. Lebanese Canadian Bank, SAL*, 999 F.3d 842, 854 (2d Cir. 2021) (“[Courts] must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of

8. On their schedules of assets and liabilities (the “**Schedules**”), signed under penalty of perjury, Mr. and Ms. Ott listed as an asset their property located at 2553 Highway 290 East, McDade, Texas, 78650 (the “**Property**”). See Schedules attached as **Exhibit C**. The Schedules also identified GMAC as a secured creditor with a claim of \$94,192.00. See *id.* at 10. The debt to GMAC was not disputed. *Id.* GMAC filed a proof of claim in the Ott Bankruptcy in the amount of \$92,269.12 based on Mr. and Ms. Ott’s mortgage loan. See GMAC Proof of Claim attached as **Exhibit D**. Ms. Ott did not file an objection to or otherwise contest the validity of GMAC’s proof of claim during the chapter 13 case. See generally Ott Bankruptcy Docket attached as **Exhibit E**.

9. On August 15, 2011, Mr. and Ms. Ott filed their Second Amended Chapter 13 Plan (the “**Chapter 13 Plan**”). See Chapter 13 Plan attached as **Exhibit F**. On October 21, 2011, the Bankruptcy Court for the Western District of Texas entered an order confirming the Chapter 13 Plan. See Confirmation Order, attached as **Exhibit G**. The confirmed Chapter 13 Plan listed GMAC as the holder of an allowed secured claim, and provided that Mr. and Ms. Ott would pay \$13,568.29 to GMAC in pre-petition mortgage arrearages and that the Ott’s would make post-petition monthly mortgage payments. Exhibit F at 3. The confirmed Chapter 13 Plan also provided that there were \$73,198.00 in unsecured claims, and that approximately 12% of the allowed unsecured claims would be paid. Exhibit F at 1, 4. On July 27, 2016, Mr. and Ms. Ott received a

which a court may take judicial notice.”); *Ferrari v. County of Suffolk*, 790 F. Supp. 2d 34, 38 n.4 (E.D.N.Y. 2011) (“In the Rule 12(b)(6) context, a court may take judicial notice of prior pleadings, orders, judgments, and other related documents that appear in the court records of prior litigation and that relate to the case *sub judice*.”); *Chestnut v. Wells Fargo Bank, N.A.*, 2011 WL 838914, at *1 n.1 (E.D.N.Y. Mar. 2, 2011) (holding, in the context of a breach of contract action arising from a mortgage, that the “Complaint, however, contains limited factual material relating to Plaintiffs’ contractual dispute with Wells Fargo . . . Consequently, the Court largely constructs this section from documents that it can take judicial notice of, such as the underlying mortgage documents, the state court records, and the related bankruptcy proceeding”).

standard discharge pursuant to 11 U.S.C. § 1328(a). Order of Discharge, *In re Ott*, No. 11-11078, Dkt. 66 (Bankr. W.D. Tex. July 27, 2016), attached hereto as **Exhibit H**.

10. On February 20, 2013, GMAC’s allowed proof of claim in the Ott Bankruptcy was transferred to Green Tree Servicing LLC, which subsequently became Ditech in August 2015. *See* Notice of Claim Transfer, *In re Ott*, No. 11-11078, Dkt. 44 (Bankr. W.D. Tex. Feb. 20, 2013), attached hereto as **Exhibit I**.

Jurisdiction

11. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Reply

A. Rule 12(b)(6) of the Federal Rules of Civil Procedure Is the Applicable Pleading Standard

12. A filed proof of claim is “deemed allowed, unless a party in interest ... objects.” 11 U.S.C. §502(a). If an objection refuting at least one of the claim’s essential allegations is asserted, the claimant bears the burden to demonstrate the validity of the claim. *See Residential Capital, LLC*, 2016 WL 796860, at *9 (S.D.N.Y. 2016); *In re Motors Liquidation Co.*, 2012 WL 1886755, at *3 (S.D.N.Y. 2012).

13. Additionally, section 502(b)(1) of the Bankruptcy Code provides, in relevant part, that a claim may not be allowed to the extent that “such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law....” 11 U.S.C. § 502(b)(1). Whether a claim is allowable “generally is determined by applicable nonbankruptcy law.” *In re W.R. Grace & Co.*, 346 B.R. 672, 674 (Bankr. D. Del. 2006). Determining what “claims of creditors are valid ... is a question which, in the absence of overruling federal law, is

to be determined by reference to state law.” *In re Hess*, 404 B.R. 747, 749 (Bankr. S.D.N.Y. 2009) (quoting *Vanston Bondholders Protective Comm. v. Green*, 329 U.S. 156, 161 (1946)). “Property interests are created and defined by state law.” *In re Canney*, 284 F.3d 362, 370 (2d Cir. 2002) (citing *Butner v. United States*, 440 U.S. 48, 55 (1979)).

14. “In applying Rule 12(b)(6) to the Claim, the Court assesses the sufficiency of the facts alleged in support of the Claim in light of the pleading requirements under Rule 8(a) of the Federal Rules of Civil Procedure,” which is “incorporated [] pursuant to Bankruptcy Rule 7008.” *Memorandum Decision and Order Sustaining the Sixty-Seventh Omnibus Objection (No Basis Consumer Creditor Claims) With Respect to Claim of Kenneth Ellison and Angela Ellison* (ECF No. 3400) at 10. This requires a claimant to allege “enough facts to state a claim for relief that is plausible on its face.” *Vaughn v. Air Line Pilots Ass’n, Int’l*, 604 F.3d 703, 709 (2d Cir. 2010) (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). Plausibility requires “more than a sheer possibility” that the claim is valid. *Ashcroft*, 556 U.S. at 678.

15. Under Rule 12(b)(6) of the Federal Rules of Civil Procedure, a claim may be dismissed due to a “failure to state a claim upon which relief can be granted.” FED. R. CIV. P. 12(b)(6); *see also* FED. R. BANKR. P. 7012 (incorporating Rule 12(b)(6)). The adequacy of a claim should be analyzed in accordance with the standards established under Rule 12(b)(6), which requires the claimants to allege “enough facts to state a claim for relief that is plausible on its face.” *Vaughn*, 604 F.3d at 709 (citing *Ashcroft*, 556 U.S. at 678); *see also Owens v. Textron Financial Corp.*, 2014 WL 3887181, at *4 (S.D.N.Y. 2014) (“Moreover, because plaintiff has not identified any cognizable legal theory applicable here, the Court cannot reasonably infer defendant is liable under any such theory.”).

16. In reviewing a complaint under Rule 12(b)(6), all allegations of material fact are taken as true and all reasonable inferences are drawn in the non-moving party's favor. *See ATSI Comm'ns, Inc. v. Shaar Fund, Ltd.*, 493 F.3d 87, 98 (2d Cir. 2007). The Court, however, "need not accord 'legal conclusions, deductions or opinions that are couched as factual allegations . . . a presumption of truthfulness.'" *Hunt v. Enzo Biochem, Inc.*, 530 F. Supp. 2d 580, 591 (S.D.N.Y. 2008) (quoting *In re NYSE Specialists Sec. Litig.*, 503 F.3d 89, 95 (2d Cir. 2007)).

17. Although claims submitted by pro se claimants are construed liberally, "the complaint must contain sufficient factual allegations to meet the plausibility standard" and must be supported by specific and detailed factual allegations that provide a fair understanding for the basis of the claim and the legal grounds for recovery against a debtor. *Rosendale v. Brusie*, 374 F. App'x 195, 196 (2d Cir. 2010); *In re Residential Capital, LLC*, 489 B.R. 489, 494 (Bankr. S.D.N.Y. 2013) (citing *Iwachiw v. New York City Bd. of Elections*, 126 Fed. Appx. 27, 29 (2d Cir. 2005)). As such, "[c]onclusory allegations, unwarranted factual deductions or legal conclusions masquerading as facts will not prevent dismissal." *Davila v. Delta Air Lines, Inc.*, 326 F.3d 1183, 1185 (11th Cir. 2003).

18. Here, even the most generous reading of the Claim and the Response does not support any viable claim for recovery by Ms. Ott against the Debtors or Consumer Creditor Reserve as a matter of law.

B. The Claim is Barred by *Res Judicata*

19. Ms. Ott had a full and fair opportunity to litigate the issues raised in the Claim in the Ott Bankruptcy. The amount asserted in the Claim is based entirely on Ms. Ott's allegation that she and her husband made a payment to GMAC of \$51,000 in October 2010 that was not properly credited on their mortgage loan balance. Claim at 5; Response at 1. However,

the balance of her mortgage loan was conclusively determined in the Ott Bankruptcy. Ms. Ott never objected to GMAC's proof of claim and she never disclosed any causes of action related to the mortgage loan on her Schedules, despite asserting in her Claim that her filing for chapter 13 bankruptcy protection stemmed from this mortgage loan. *See* Claim at 6. Thus, *res judicata* bars Ms. Ott from asserting a claim concerning the proper amount owed on the mortgage loan.

20. It is "well settled that a court may dismiss a claim on *res judicata* or collateral estoppel grounds on a Rule 12(b)(6) motion." *Bd. of Managers of 195 Hudson St. Condo. v. Jeffrey M. Brown Assocs., Inc.*, 652 F. Supp. 2d 463, 470 (S.D.N.Y. 2009). This Court has previously done so under almost identical circumstances. *See, e.g., Order Granting the Consumer Claims Trustee's Twenty-Ninth Omnibus Objection to Proofs of Claim (Insufficient Legal Basis Unsecured Consumer Creditor Claims) With Respect to the Claim of Tyrone Agar (Claim No. 21303)* (ECF No. 4200).

21. A federal bankruptcy court rendered the order and judgment at issue and accordingly, this Court must apply federal *res judicata* principles to determine the preclusive effect of that judgment. *Taylor v. Sturgell*, 553 U.S. 880, 891 (2008) ("[T]he preclusive effect of a federal court judgment is determined by federal common law."); *see also Marvel Characters, Inc. v. Simon*, 310 F.3d 280, 286 (2d Cir. 2002).

22. Under federal law, "*res judicata*, or claim preclusion, holds that a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action." *Monahan v. N.Y.C. Dep't of Corr.*, 214 F.3d 275, 284 (2d Cir. 2000) (internal quotations omitted). Thus, *res judicata* will bar a claim when the following elements are met: "1) the previous action involved an adjudication on the merits; 2) the previous action involved the plaintiffs or those in privity with them; and 3) the claims asserted in the subsequent action were, or could have been, raised in the prior action." *Id.* at 285.

23. With respect to the first prong, the Texas bankruptcy court's ruling on the validity of the debt stated in GMAC's proof of claim constitutes a final adjudication on the merits. *EDP Medical Comp. Sys., Inc. v. United States*, 480 F.3d 621, 626 (2d Cir. 2007) (holding that allowance of a proof of claim, even without contested objection, constitutes final judgment on the merits that can be a predicate for *res judicata*). Moreover, the Chapter 13 Plan proposed by Mr. and Ms. Ott stated that the amount they proposed to pay GMAC would "cure pre-petition arrearage claims." Exhibit F at 3. At no point in her chapter 13 proceedings did Ms. Ott assert that there was a prior accounting error on her loan balance, much less one then totaling more than half of her mortgage principal balance. The Texas bankruptcy court confirmed the Chapter 13 Plan, thereby making a final determination of Ms. Ott's mortgage debt to GMAC. *Celli v. First Nat'l Bank*, 460 F.3d 289, 294 (2d Cir. 2006) (holding that for purposes of *res judicata*, "an order confirming a Chapter 13 bankruptcy plan does constitute a final judgment on the merits").

24. The second prong is satisfied because, as the ultimate assignee of GMAC's proof of claim and the mortgage loan, Ditech is in privity with GMAC. For purposes of *res judicata*, privity between parties can exist when "the party in the second action was adequately represented in the first action by another vested with the authority of representation" or when "there are successors to a property interest." *In re WorldCom, Inc.*, 401 B.R. 637, 649 (Bankr. S.D.N.Y. 2009). Here, privity exists between GMAC and Ditech under either of those standards. As the original claimant in the Ott Bankruptcy, GMAC represented what became Ditech's interest in the mortgage in the proof of claim process. GMAC's claim was transferred to Green Tree, which subsequently became Ditech. Exhibit I.

25. The third prong is also satisfied. Ms. Ott did not dispute GMAC's proof of claim in the Ott Bankruptcy, nor did she list any claims concerning her mortgage loan on the

Schedules, despite having a full and fair opportunity to do so. *See* Exhibit C; Exhibit E. The allowance of GMAC’s proof of claim in the Ott Bankruptcy resolved any question about Ms. Ott’s mortgage balance. Notably, GMAC’s proof of claim included a calculation of total mortgage arrears, to which Ms. Ott never objected. Exhibit D at 3. Ms. Ott allowed GMAC’s proof of claim to go through without objection, and the doctrine of *res judicata* bars Ms. Ott from now claiming that the amount claimed by GMAC was somehow incorrect. *EDP Medical Comp. Sys., Inc.*, 480 F.3d at 626-27 (“*Res judicata* does not require the precluded claim to actually have been litigated; its concern, rather, is that the party against whom the doctrine is asserted had a full and fair opportunity to litigate the claim . . . EDP was possessed of sufficient facts to object during the bankruptcy proceeding but chose not to.”). Ms. Ott’s allegations in the Claim indisputably predate her personal bankruptcy and when Ms. Ott filed for bankruptcy, all of her “legal or equitable interests” became part of the bankruptcy estate. 11 U.S.C. § 541(a)(1). Such interests include all causes of action that can be brought by a debtor. *In re Residential Capital, LLC*, 519 B.R. 890, 906 (Bankr. S.D.N.Y. 2014) (“[E]very conceivable interest of the debtor, future, nonpossessory, contingent, speculative, and derivative, is within reach of §541.” (citations omitted)). “[F]ull disclosure by debtors is essential to the proper functioning of the bankruptcy system.” *Chartschlas v. Nationwide Mut. Ins. Co.*, 538 F.3d 116, 122 (2d Cir. 2008). Like all bankruptcy debtors, Ms. Ott was required by 11 U.S.C. § 521(1) to disclose all tangible and intangible assets, including potential causes of action. *Kassner v. 2nd Ave Delicatessen*, 2005 WL 1018187, at *2 (S.D.N.Y. Apr. 27, 2005) (“Pre-petition causes of action belonging to the debtor are included among the estate’s assets.”).

26. The issue of the validity of Ms. Ott’s mortgage debt was resolved through the proof of claim process in the Ott Bankruptcy, but Ms. Ott is now improperly attempting to

relitigate that issue through the Claim. *Res judicata* will bar a claim that was or *could have been* raised in the prior action. *Monahan*, 214 F.3d at 285; *see also In re Residential Capital, LLC*, 519 B.R. at 906 (holding pro se claimant’s claims barred by *res judicata* for failure to list claims in claimant’s own chapter 7 bankruptcy). Accordingly, the Claim is barred by *res judicata* and should be expunged on that basis.

C. The Claim is Barred by Judicial Estoppel

27. The Claim is also barred by the doctrine of judicial estoppel. Ms. Ott is barred by judicial estoppel from raising the issue whether GMAC failed in 2010 to properly credit her mortgage balance in the claims process. *BPP Illinois, LLC v. Royal Bank of Scotland Group PLC*, 859 F.3d 188, 192 (2d Cir. 2017) (citations omitted) (“Judicial estoppel will ‘prevent a party who failed to disclose a claim in bankruptcy proceedings from asserting that claim after emerging from bankruptcy.’”).

28. In the Second Circuit, the factors considered in applying judicial estoppel are: “(1) the party against whom it is asserted must have advanced an inconsistent position in a prior proceeding, and (2) the inconsistent position must have been adopted by the court in some matter.” *Peralta v. Vasquez*, 467 F.3d 98, 105 (2d Cir. 2006) (citing *Bates v. Long Island R.R. Co.*, 997 F.2d 1028, 1038 (2d Cir. 1993)). Courts in this circuit have applied judicial estoppel in the bankruptcy context to dismiss previously undisclosed claims. *See Jackson v. ResCap Borrower Claims Trust*, 519 B.R. 606, 610-11 (S.D.N.Y. 2014) (finding judicial estoppel barred proof of claim that was inconsistent with claimant’s prior factual representation made to the Alabama bankruptcy court); *Kunica v. St. Jean Fin., Inc.*, 233 B.R. 46, 58 (S.D.N.Y. 1999) (collecting cases).

29. As this Court previously stated in *McChristian v. Ditech Holding Corporation, et al.*, 2021 WL 5048131, at *13 (Bankr. S.D.N.Y. Oct. 29, 2021):

When considering whether to apply judicial estoppel, courts inquire whether the party to be estopped has succeeded in persuading a court to accept that party's earlier position, so that "judicial acceptance of an inconsistent position in a later proceeding would create the perception that either the first or the second court was misled.... Absent success in a prior proceeding, a party's later inconsistent position introduces no risk of inconsistent court determinations, ... and thus poses little threat to judicial integrity." *Gottlieb v. Kest*, 141 Cal. App. 4th 110, 139, 46 Cal. Rptr. 3d 7, 26 (2006) (internal citations and quotation marks omitted).

There also must be judicial "acceptance" or some form of reliance by the court on the alleged omission or inconsistent position/statement. In the bankruptcy context, such acceptance may be evidenced in the form of a discharge granted to the debtor, a confirmed plan, or some other judicial relief that was granted to the debtor in reliance upon the purported inconsistency or omission. *See, e.g., State Farm*, 270 F.3d at 784 (stating "[w]e now hold that Hamilton is precluded from pursuing claims about which he had knowledge, but did not disclose, during his bankruptcy proceedings, and that a discharge of debt by a bankruptcy court, under these circumstances, is sufficient acceptance to provide a basis for judicial estoppel, even if the discharge is later vacated. Our holding does not imply that the bankruptcy court must actually discharge debts before the judicial acceptance prong may be satisfied. The bankruptcy court may 'accept' the debtor's assertions by relying on the debtor's nondisclosure of potential claims in many other ways.").

30. Judicial estoppel applies here because Ms. Ott accepted that GMAC's mortgage constituted a secured claim and she herself proposed a bankruptcy plan that accounted for her pre-petition mortgage debt. Ms. Ott identified GMAC as the holder of an undisputed secured claim in the Schedules. Exhibit C at 10. Ms. Ott did not identify any claims or causes of action related to her mortgage loan, and she did not object to GMAC's proof of claim. The terms of the confirmed Chapter 13 Plan—proposed to the court by Mr. and Ms. Ott—plainly encompassed the mortgage loan, including the payment of arrearages. Exhibit F at 2. Thus, the

position Ms. Ott took in the Ott Bankruptcy is entirely inconsistent with the position she now takes in the Claim.

31. The second element of judicial estoppel is also met because the Texas bankruptcy court confirmed the Chapter 13 Plan proposed by Ms. Ott. Exhibit G. *Jackson*, 519 B.R. at 611-12 (confirmation of a debtor's Chapter 11 or 13 plan qualifies as acceptance for judicial estoppel purposes). Judicial estoppel will bar a claim that is inconsistent with the party's former position when "the party's former position has been adopted in some way by the court in the earlier proceeding." *In re Adelpia Recovery Trust*, 634 F.3d 678, 695-96 (2d Cir. 2011). "[A]doption' in judicial estoppel 'is usually fulfilled . . . when the bankruptcy court confirms a plan pursuant to which creditors release their claims against the debtor.'" *Adelpia Recovery Trust v. Goldman, Sachs & Co.*, 748 F.3d 110, 118 (2d Cir. 2014) (quoting *Galín v. United States*, 2008 WL 5378387, at *10 (E.D.N.Y. Dec. 23, 2008)). Ms. Ott proposed the Chapter 13 Plan, which conceded that she owed \$13,568.29 in pre-petition mortgage arrears and did not disclose that she had any causes of action related to her mortgage loan. Exhibit F at 2. Accordingly, the Texas bankruptcy court "adopted" Ms. Ott's position that she had no claims against Ditech when the bankruptcy court confirmed the plan. Ms. Ott ultimately obtained a discharge order in the Ott Bankruptcy. Exhibit H.

32. Even though Ms. Ott never objected to GMAC's proof of claim or indicated that she had any causes of action related to her mortgage loan, Ms. Ott now asserts that she is entitled to the return of \$51,000 she allegedly paid to GMAC in 2010. Pursuant to the Chapter 13 Plan, there were \$73,198.00 in unsecured claims, of which the Chapter 13 Plan proposed to pay Ms. Ott's unsecured creditors approximately 12%. Exhibit F at 1, 5. Thus, even if Ms. Ott had a meritorious claim against the Debtors, it would be Ms. Ott's unsecured creditors in her chapter 13

proceedings that would have been entitled to recover the proceeds, not Ms. Ott nearly a decade later. Allowing a debtor to fail to disclose a claim during her bankruptcy proceedings, only to assert that claim nearly a decade later in order to keep the money from creditors in her Bankruptcy, is precisely the type of conduct judicial estoppel is intended to foreclose.

33. Through the Claim and the Response, Ms. Ott has taken a clearly inconsistent position than the position she took in the Ott Bankruptcy and the Texas bankruptcy court adopted Ms. Ott's position in confirming the Chapter 13 Plan. Therefore, Ms. Ott should be judicially estopped from raising the Claim now.

D. The Claim is Barred by Statute of Limitations

34. The Claim is also time-barred by the applicable statutes of limitation. Although it is unclear based on the Claim and Response what cause of action Ms. Ott is attempting to assert against Ditech, the Claim appears to allege that the mortgage was breached by the failure of the servicer at that time to apply a payment to pay down the mortgage. Yet, regardless of the nature of the claim, it is time-barred. To determine which state's statute of limitations would apply to Ms. Ott's Claim, the Bankruptcy Court "must apply New York's choice of law rules." *In re Dewey & Leboeuf LLP*, 2014 WL 201586, at *3 (Bankr. S.D.N.Y. 2014) ("To determine which state's statute of limitation applies, the Court applies New York state choice of law rules."); *see also In re Coudert Bros. LLP*, 673 F.3d 180, 188-91 (2d Cir. 2012) (holding that bankruptcy courts should generally apply choice of law of forum state). Because none of Ms. Ott's allegations occurred in New York, the Court must then look to New York's borrowing statute to decide which state's statute of limitations will apply to the Claim. N.Y. C.P.L.R. § 202 (for causes of action accruing outside of New York). Pursuant to New York's borrowing statute, "[w]hen a nonresident sues on a cause of action accruing outside New York . . . the cause of action [must] be timely under

the limitation periods of both New York and the jurisdiction where the cause of action accrued.” *Global Fin. Corp. v. Triarc Corp.*, 93 N.Y.2d 525, 528 (N.Y. 1999) (citing N.Y. C.P.L.R. § 202); *see also In re Residential Capital, LLC*, 524 B.R. 563, 586-87 (Bankr. S.D.N.Y. 2015) (“A cause of action accrues where the applicable injury occurs.”). The alleged conduct occurred more than eight years prior to the petition date, when Ms. Ott allegedly paid her mortgage servicer \$51,000 towards a mortgage on property located in McDade, Texas. The Ott Bankruptcy was also filed in the Western District of Texas. New York’s borrowing statute “mandates application of the shorter of New York’s statute of limitations and the applicable statute of limitations of the state where the claim accrued.” *In re Residential Capital, LLC*, 524 B.R. at 587-88. New York has a six-year statute of limitations for breach of contract claims, N.Y. C.P.L.R. § 213(2), and the Texas statute of limitations for breach of contract is four years, Tex. Civ. Prac. & Rem. Code § 16.051. Therefore, the Claim is barred because the four-year statute of limitations under Texas law is applicable under New York’s borrowing statute. Moreover, the Claim would also be barred even under New York’s longer limitations period. All of Ms. Ott’s allegations in the Claim and Response occurred prior to her personal bankruptcy in April 2011, almost eight years prior to the February 11, 2019 petition date. Therefore, any breach of contract claim against Ditech would long ago have been barred under the statute of limitations.⁵

35. Accordingly, the Claim should be disallowed and expunged.

⁵ Even if the alleged claim could somehow be viewed a tort, it would still be time-barred. Tort and personal injury claims are subject to a two-year statute of limitations under Texas law, Tex. Civ. Prac. & Rem. Code § 16.003(a), and a three-year statute of limitations under New York law, N.Y. C.P.L.R. § 214(5). Thus, any tort claim Ms. Ott may be asserting would also be time-barred.

E. The Claim Fails to Assert Facts Sufficient to State a Plausible Claim Under Rule 12(b)(6)

36. Should the Court determine that the Claim is not barred for the above-stated reasons, the Claim should nonetheless be disallowed as it fails to state a claim for relief. The Claim and the Response do not set forth any cognizable theory of recovery against the Debtors. Ms. Ott raised a number of vague allegations—namely, that GMAC made an accounting error in 2010, that GMAC improperly pursued a foreclosure action, that she was assigned her homeowner’s insurance from a “closely related company,” and that this alleged wrongdoing has left her with long-lasting health issues. Claim at 5-6; Response at 1. Ms. Ott does not allege facts regarding how GMAC failed to properly credit her account, but rather she states that the money sent to GMAC was “absorbed into a multitude of ‘fees and charges’” which are themselves unspecified. Claim at 6. This is insufficient to state a claim for relief under the Rule 12(b)(6) standard. Neither the Claim nor the Response provide “even threadbare recitals of the elements of a cause of action.” *Ashcroft*, 556 U.S. at 679. Rule 8(a) “demands more than an unadorned, the defendant-unlawfully-harmed-me accusation.” *Id.* at 678 (citation omitted). Importantly, none of the allegations state any potential wrongdoing against Ditech which was not the servicer at the time Ms. Ott alleges that the servicer failed to properly apply a payment.

37. Ms. Ott provides no further factual allegations or supporting documentation to support a claim against Ditech. These unsupported conclusory statements are insufficient to establish a valid legal claim against the Debtors. *In re Ditech Holding Corporation*, Case No. 19-10412 (JLG), Hr’g Tr. 29:6-13 (Bankr. S.D.N.Y. Nov. 17, 2022) (“Mere conclusory statements of wrongdoing are not sufficient to meet even the lighter . . . standard afforded to pro se claimants.”). In the bankruptcy context, a claimant must allege facts or provide documentation sufficient to support the claim. *In re Benjamin*, 587 B.R. 243, 250 (Bankr. S.D.N.Y. 2018), on reconsideration,

596 B.R. 789 (Bankr. S.D.N.Y. 2019), *aff'd*, No. 17-12677-MG, 2020 WL 2832815 (S.D.N.Y. June 1, 2020) (“This Court agrees with the rationale . . . that in certain circumstances claims can be disallowed for failure to support the claim with sufficient evidence, even if this is not a specifically enumerated reason for disallowance under 11 U.S.C. § 502(b), because absent adequate documentation, the proof of claim is not sufficient for the objector to concede the validity of a claim.”). Ms. Ott has not attached any documentation showing a \$51,000 payment, much less that Ditech committed some kind of accounting error or improperly applied the payment in October 2010, as Ditech was not the servicer at that time. At bottom, Ms. Ott has not provided a basis for the Claim and the legal grounds for recovery against the Debtors.

38. Accordingly, the Claim should be disallowed and expunged.

F. The Claim is Not Secured

39. In the event the Court does not dismiss the Claim in its entirety, it should, at the very least, be reclassified as an unsecured Consumer Creditor Claim, subject to further objection, and, if necessary, subject to further determination of its status as a 363(o) or non-363(o) claim. The Claim asserts a secured claim in the amount of \$51,000.00. Claim at 2.

40. A secured claim “means a Claim (a) secured by a Lien on collateral to the extent of the value of such collateral as (i) set forth in the Plan, (ii) agreed to by the holder of such Claim and the Debtors, or (iii) determined by a Final Order in accordance with section 506(a) of the Bankruptcy Code; or (b) secured by the amount of any right of setoff of the holder thereof in accordance with section 553 of the Bankruptcy Code.” *See* Third Amended Plan, § 1.166. Moreover, Bankruptcy Rule 3001(d) provides that “[i]f a security interest in property of the debtor is claimed, the proof of claim shall be accompanied by evidence that the security interest has been perfected.” Fed. R. Bankr. P. 3001(d). A claimant that asserts a priority bears the burden of

establishing their entitlement to such priority. *See, e.g., In re Bethlehem Steel Corp.*, 479 F.3d 167, 172 (2d Cir. 2007) (“The burden of proving entitlement to priority payment . . . rests with the party requesting it”); *In re Drexel Burnham Lambert Grp. Inc.*, 134 B.R. 482, 489 (Bankr. S.D.N.Y. 1991) (“The burden of establishing entitlement to priority rests with the claimant and should only be granted under extraordinary circumstances.”) (quotation omitted). If a claimant is unable to demonstrate that its claim is secured by a lien or other security interest in the property of the debtor’s estate, the claim should be reclassified as an unsecured claim. *See, e.g., In re Dairy Mart Convenience Stores, Inc.*, 351 F.3d 86, 91 (2d Cir. 2003) (finding that a creditor that is a beneficiary of a letter of credit is only an unsecured creditor vis-à-vis the bankruptcy estate without a direct security interest); *In re WorldCom, Inc.*, 362 B.R. 96, 120 (Bankr. S.D.N.Y. 2007) (reclassifying a purportedly secured claim as unsecured because it was based on a lapsed lien).

41. The Claim purports to be secured by an interest in real estate, but Ms. Ott has not alleged (nor produced any evidence to sufficiently demonstrate) a security interest in any assets or property of the Debtors’ estate. *See* Claim at 2. To the extent Ms. Ott is asserting the Claim is secured by her interest in the Property, Ms. Ott misconstrues the meaning of a secured claim. Ms. Ott’s interest in her own property does not represent a security interest or lien on any assets of the Debtors. As such, the Claim is not secured and to the extent it is allowed, it should be reclassified as a general unsecured claim.

Reservation of Rights

42. The Plan Administrator and the Consumer Claims Trustee hereby reserve the right to amend, modify, or supplement this Reply.

Conclusion

43. The Claim is barred by the doctrines of *res judicata* and judicial estoppel and the application of the statute of limitations. In addition, nothing in the Claim or the Response sets forth a plausible factual or legal basis for a claim as a matter of law against the Wind Down Estates or the Consumer Creditor Reserve. Consequently, the allegations raised by Ms. Ott fail to articulate any claim that would entitle her to any recovery.

[Remainder of Page Intentionally Left Blank]

WHEREFORE the Plan Administrator, on behalf of the Wind Down Estates, and the Consumer Claims Trustee respectfully request entry of an order granting the Objection with respect to the Claim, and granting such other or further relief as is just.

Dated: February 9, 2023
New York, New York

/s/ Richard W. Slack
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Ray C. Schrock, P.C.
Richard W. Slack
Sunny Singh
Natasha S. Hwangpo
David F. Hill, IV

*Attorneys for Plan Administrator
on Behalf of the Wind Down Estates*

/s/ Richard Levin
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New York, New York 10036
Telephone: (212) 891-1600
Facsimile: (212) 891-1699
Email: rlevin@jenner.com
Richard Levin

Attorneys for Consumer Claims Trustee

Exhibit A

From: **Liz Ott** <ladyrebyl@gmail.com>
Date: Fri, Aug 14, 2020 at 11:50 AM
Subject: Chapter 11 Case No. 19-10412 (JLG) and Claim No. 2214 Error
To: <info@ditech-settlement.com>, <claire.wasserman@weil.co>

My name is Elizabeth Annette Ott and I have filed a claim against Ditech Mortgage Company for the amount of \$51,000.00 but I see on this most recent notification that it is listed erroneously as a mere \$51.00. As I am sure that you can understand why this is a very important mistake that should be corrected immediately.

I sent all of the paperwork in with my original claim against the company. It shows that my late husband and I took a combined total from our retirement accounts and sent it directly to Ditech, who never credited the money to our mortgage balance.

My most sincere apologies for the extremely late notice, but this letter was misplaced and I found it yesterday. Thank you in advance for your time and assistance with this urgent matter.

Elizabeth A. Ott
Ladyrebyl@gmail.com
(512) 927-6512
2553 Hwy 290 E.
Box 840
McDade TX 78650

My name is Elizabeth Annette Ott and I filed a claim against Ditech Mortgage Company for the amount of \$51,000.00 but for some reason, it's listed as a nuisance \$51.00. I wouldn't waste the court's valuable time for such a negligible amount.

In October of 2010 my late husband and I withdrew \$51,000.00 from our combined retirement accounts and sent the full amount to Ditech Mortgage Company. It was never credited to our account. The reason we hadn't really noticed was because at the same time they sent us letters saying that they were adding escrow to the mortgage and the payment tripled!

In either late January or early February of 2011 they were threatening to foreclose and already have a sale date set. Their actions forced us to go through a Chapter 13 Bankruptcy from May of 2011 through May of 2016 just so we could keep our home. Then on June 10, 2017 I woke up and found him cold and dead in our bed. The day after his forty second birthday.

The combined toll of those two catastrophic experiences caused me to medically retire at forty seven years of age and in constant pain. My mortgage was sold to New Rez/Shellpoint Mortgage Company and now just a short time from the Bankruptcy Discharge and being widowed, I am having issues with my current company because of this enormous accounting error? During this pandemic as people are being told to stay home, they are trying to steal the equity from my home.

My contact info and the relevant property address will be provided to the court.

Elizabeth Annette Ott
Ladyrebyl@gmail.com
(512) 927-6512
2553 Hwy 290 E.
Box 840
McDade TX 78650

Claim against Ditech Mortgage Company for \$51,000.00 that was never credited to the home mortgage account, which would be paid off by now.

This is my statement about the claim amount and terms of their company's error. If there is additional information that is needed, please don't hesitate to contact me. If I'm unavailable for any reason, please leave a message and I will get back to you as soon as possible.

Sincerely,

Elizabeth Annette Ott

Exhibit B

B1 (Official Form 1)(4/10)

United States Bankruptcy Court Western District of Texas		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Ott, James Nelson		Name of Joint Debtor (Spouse) (Last, First, Middle): Ott, Elizabeth Annette
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-3568		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-8898
Street Address of Debtor (No. and Street, City, and State): 2553 Hwy 290 E Mc Dade, TX <div style="text-align: right;">ZIP Code 78650</div>		Street Address of Joint Debtor (No. and Street, City, and State): 2553 Hwy 290 E Mc Dade, TX <div style="text-align: right;">ZIP Code 78650</div>
County of Residence or of the Principal Place of Business: Bastrop		County of Residence or of the Principal Place of Business: Bastrop
Mailing Address of Debtor (if different from street address): P.O. Box 840 Mc Dade, TX <div style="text-align: right;">ZIP Code 78650</div>		Mailing Address of Joint Debtor (if different from street address): P.O. Box 840 Mc Dade, TX <div style="text-align: right;">ZIP Code 78650</div>
Location of Principal Assets of Business Debtor (if different from street address above):		
Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other <hr/> Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input checked="" type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.
Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000		
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Ott, James Nelson Ott, Elizabeth Annette	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: - None -		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: - None -		Case Number:	Date Filed:
District:		Relationship:	Judge:
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). X /s/ Lee Norton Bain April 29, 2011 Signature of Attorney for Debtor(s) (Date) Lee Norton Bain	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input checked="" type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) _____ (Name of landlord that obtained judgment) _____ (Address of landlord) <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Ott, James Nelson Ott, Elizabeth Annette	
Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b). I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. X /s/ James Nelson Ott _____ Signature of Debtor James Nelson Ott X /s/ Elizabeth Annette Ott _____ Signature of Joint Debtor Elizabeth Annette Ott _____ Telephone Number (If not represented by attorney) April 29, 2011 _____ Date		Signatures Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.) <input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached. <input type="checkbox"/> Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached. X _____ Signature of Foreign Representative _____ Printed Name of Foreign Representative _____ Date	
Signature of Attorney* X /s/ Lee Norton Bain _____ Signature of Attorney for Debtor(s) Lee Norton Bain _____ Printed Name of Attorney for Debtor(s) Lee Norton Bain, Attorney at Law _____ Firm Name 120 West 8th Street Georgetown, TX 78626-5804 _____ Address Email: leebain@leebainlaw.com (512)-863-2813 Fax: (512)-869-5090 _____ Telephone Number April 29, 2011 _____ Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.		Signature of Non-Attorney Bankruptcy Petition Preparer I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached. _____ Printed Name and title, if any, of Bankruptcy Petition Preparer _____ Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.) _____ Address X _____ _____ Date Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above. Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual: _____ If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. <i>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.</i>	
Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition. X _____ Signature of Authorized Individual _____ Printed Name of Authorized Individual _____ Title of Authorized Individual _____ Date			

B 1D (Official Form 1, Exhibit D) (12/09)

**United States Bankruptcy Court
Western District of Texas**

In re James Nelson Ott
Elizabeth Annette Ott

Debtor(s)

Case No. _____

Chapter 13

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH
CREDIT COUNSELING REQUIREMENT**

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]* _____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of: [*Check the applicable statement.*] [*Must be accompanied by a motion for determination by the court.*]

Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

Active military duty in a military combat zone.

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ James Nelson Ott
James Nelson Ott

Date: April 29, 2011

B 1D (Official Form 1, Exhibit D) (12/09)

**United States Bankruptcy Court
Western District of Texas**

In re James Nelson Ott
Elizabeth Annette Ott

Debtor(s)

Case No. _____

Chapter 13

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH
CREDIT COUNSELING REQUIREMENT**

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]* _____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of: [*Check the applicable statement.*] [*Must be accompanied by a motion for determination by the court.*]

Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

Active military duty in a military combat zone.

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Elizabeth Annette Ott
Elizabeth Annette Ott

Date: April 29, 2011

**United States Bankruptcy Court
Western District of Texas**

In re **James Nelson Ott
Elizabeth Annette Ott**

Debtor(s)

Case No.

Chapter

13

VERIFICATION OF CREDITOR MATRIX

The above-named Debtors hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: **April 29, 2011**

/s/ James Nelson Ott

James Nelson Ott

Signature of Debtor

Date: **April 29, 2011**

/s/ Elizabeth Annette Ott

Elizabeth Annette Ott

Signature of Debtor

1st Finl Invstmnt Fund
230 Peachtree St Ste 170
Atlanta, GA 30303

Account Services Colls
1802 Ne Loop 410 Ste 400
San Antonio, TX 78217

Aspire
Po Box 105555
Atlanta, GA 30348-5555

Asset Acceptance LLC
P.O. Box 2036
Warren, MI 48090

Bank Of America
4161 Piedmont Pkwy
Greensboro, NC 27410

Bank of America Home Loan
P.O. Box 26078
Greensboro, NC 27420

Bank of America Home Loans
P.O. Box 5170
Simi Valley, CA 93062-5170

Bank of America, N.A.
P.O. Box 21848
Greensboro, NC 27420-1848

Codilis & Stawiarski
650 N Sam Houston Parkway East
Ste 450
Houston, TX 77060

Discover
Cardmember Service
P.O. Box 94014
Palatine, IL 60094-4014

Discover Card
P.O. Box 15192
Wilmington, DE 19850-5192

Discover Fin Svcs Llc
Po Box 15316
Wilmington, DE 19850

E.R Soultion
Po Box 97029
Redmond, WA 98073-9729

Financial Control Services
P.O. Box 21626
Waco, TX 76702

Financial Control Svc
6801 Sanger Ave Ste 195
Waco, TX 76710

Ford Motor Cr
P.O. Box 542000
Omaha, NE 68154

Ford Motor Credit
P.O. Box 537901
Livonia, MI 48153-7901

GMAC Morgage
1100 Virginia Drive
Fort Washington, PA 19034

Gmac Mortgage
Po Box 4622
Waterloo, IA 50704

GMAC Mortgage
P.O. Box 79135
Phoenix, AZ 85062-9135

GMAC Mortgage
Loss Mitigation Dept
3451 Hammond Avenue
Waterloo, IA 50702

GMAC Mortgage, LLC
Attn: Bankruptcy Dept
1100 Virginia Drive
Fort Washington, PA 19034

GTE Southwest Inc
500 Technology Dr
Weldon Spring, MO 63304

HSBC Cardmember Services
P.O. Box 21460
Tulsa, OK 74121-1460

I.Q. Data International
Po Box 3568
Everett, WA 98213

Medical Business Bureau
1460 Renaissance D Suite 400
Park Ridge, IL 60068

Medical Business Bureau, LLC
1175 Devin Drive
Suite 171
Norton Shores, MI 49441

Midland Credit Mgmt
8875 Aero Dr Ste 200
San Diego, CA 92123

National Bankruptcy Service Center
P.O. Box 537901
Livonia, MI 48153-7901

NCA
P.O. Box 550 327 West Fourth St
Hutchinson, KS 67504

Portfolio
120 Corporate Blvd, Ste 100
Norfolk, VA 23502

Portfolio Recvry & Affiliates
120 Corporate Blvd Ste 1
Norfolk, VA 23502

TXU Energy
Po Box 666565 Attn Collections
Dallas, TX 75266

West Asset Management
2703 N Highway 75
Sherman, TX 75090

West Asset Management
P.O. Box 2548
Sherman, TX 75091-2548

Exhibit C

**United States Bankruptcy Court
Western District of Texas**

In re **James Nelson Ott,
Elizabeth Annette Ott**

Debtors

Case No. 11-11079-hcm-13

Chapter 13

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	220,000.00		
B - Personal Property	Yes	4	144,762.90		
C - Property Claimed as Exempt	Yes	2			
D - Creditors Holding Secured Claims	Yes	1		128,701.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	7		73,198.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	2			4,241.99
J - Current Expenditures of Individual Debtor(s)	Yes	2			2,598.33
Total Number of Sheets of ALL Schedules		22			
Total Assets			364,762.90		
Total Liabilities				201,899.00	

**United States Bankruptcy Court
Western District of Texas**

In re **James Nelson Ott,
Elizabeth Annette Ott**

Debtors

Case No. 11-11079-hcm-13

Chapter 13

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	0.00
Student Loan Obligations (from Schedule F)	0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	0.00
TOTAL	0.00

State the following:

Average Income (from Schedule I, Line 16)	4,241.99
Average Expenses (from Schedule J, Line 18)	2,598.33
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	3,563.13

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column	0.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	0.00
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column	0.00
4. Total from Schedule F	73,198.00
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)	73,198.00

B6A (Official Form 6A) (12/07)

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	Fee Simple	C	220,000.00	128,701.00

Sub-Total > **220,000.00** (Total of this page)

Total > **220,000.00**

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand		Cash on Hand	C	50.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		University IFCU xx6991(00) Regular Savings	C	576.30
		University FCU xx6991(80) Free Checking	C	2,715.32
		First Texas Bank xx3217 Checking	C	5.62
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		5 Televisions	C	2,000.00
		2 Entertainment Centers	C	1,000.00
		2 Computers & Equipment	C	1,000.00
		Dinner Table	C	500.00
		5 Dining Chairs	C	100.00
		Stove/Oven	C	800.00
		Dishwasher	C	500.00
		3 Microwaves	C	300.00
		Refrigerator	C	800.00
		3 Dressers	C	500.00
		2 Armoires	C	400.00
		2 Nightstands	C	200.00
	3 Beds	C	1,500.00	

Sub-Total > **12,947.24**
(Total of this page)

3 continuation sheets attached to the Schedule of Personal Property

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		4 Pictures	C	20.00
6. Wearing apparel.		Family Apparel, Accessories, Shoes	C	500.00
7. Furs and jewelry.		2 Wedding Rings	C	1,500.00
8. Firearms and sports, photographic, and other hobby equipment.		10 Firearms	C	3,000.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		Federal Employees' Group Life Insurance Program	H	0.00
		Federal Employees' Group Life Insurance Program	W	0.00
10. Annuities. Itemize and name each issuer.	X			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		Thrift Savings Plan xx0330 (as of 12/31/2010)	H	24,834.00
		Thrift Savings Plan xx1537 (as of 03/31/2011)	W	83,583.66
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			

Sub-Total > **113,437.66**
(Total of this page)

Sheet 1 of 3 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	NON E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	<input checked="" type="checkbox"/>			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	<input checked="" type="checkbox"/>			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	<input checked="" type="checkbox"/>			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	<input checked="" type="checkbox"/>			
22. Patents, copyrights, and other intellectual property. Give particulars.	<input checked="" type="checkbox"/>			
23. Licenses, franchises, and other general intangibles. Give particulars.	<input checked="" type="checkbox"/>			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	<input checked="" type="checkbox"/>			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		2001 Chevrolet Silverado 1500; mileage 156K	C	8,125.00
		2002 Chevrolet Camaro-V8-6 Spd.; mileage 150K	C	8,228.00
		2001 Suzuki SV650K1	H	2,000.00
26. Boats, motors, and accessories.	<input checked="" type="checkbox"/>			
27. Aircraft and accessories.	<input checked="" type="checkbox"/>			
28. Office equipment, furnishings, and supplies.	<input checked="" type="checkbox"/>			

Sub-Total > **18,353.00**
(Total of this page)

Sheet 2 of 3 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.		5 Cats & 1 Dog	C	25.00
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > **25.00**
(Total of this page)
Total > **144,762.90**

(Report also on Summary of Schedules)

Sheet 3 of 3 continuation sheets attached to the Schedule of Personal Property

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

- 11 U.S.C. §522(b)(2)
 11 U.S.C. §522(b)(3)

Check if debtor claims a homestead exemption that exceeds \$146,450. (Amount subject to adjustment on 4/1/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Real Property			
Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	Tex. Const. art. XVI, §§ 50, 51, Tex. Prop. Code §§ 41.001-.002 (100% of FMV)	91,299.00	220,000.00
Household Goods and Furnishings			
5 Televisions	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	2,000.00	2,000.00
2 Entertainment Centers	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	1,000.00	1,000.00
2 Computers & Equipment	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	1,000.00	1,000.00
Dinner Table	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	500.00	500.00
5 Dining Chairs	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	100.00	100.00
Stove/Oven	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	800.00	800.00
Dishwasher	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	500.00	500.00
3 Microwaves	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	300.00	300.00
Refrigerator	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	800.00	800.00
3 Dressers	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	500.00	500.00
2 Armoires	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	400.00	400.00
2 Nightstands	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	200.00	200.00
3 Beds	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(1)	1,500.00	1,500.00
Books, Pictures and Other Art Objects; Collectibles			
4 Pictures	Tex. Const. art. XVI, §49; Tex. Prop. Code §§ 42.001(a), (d), 42.002	20.00	20.00

B6C (Official Form 6C) (4/10) -- Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT
(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<u>Wearing Apparel</u>			
Family Apparel, Accessories, Shoes	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(5)	500.00	500.00
<u>Furs and Jewelry</u>			
2 Wedding Rings	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(6)	1,500.00	1,500.00
<u>Firearms and Sports, Photographic and Other Hobby Equipment</u>			
10 Firearms	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(7) 2 of the 10 are claimed exempt	1,000.00	3,000.00
<u>Interests in Insurance Policies</u>			
Federal Employees' Group Life Insurance Program	Tex. Ins. Code § 1551.011	0.00	0.00
Federal Employees' Group Life Insurance Program	Tex. Ins. Code § 1551.011	0.00	0.00
<u>Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans</u>			
Thrift Savings Plan xx0330 (as of 12/31/2010)	Tex. Prop. Code § 42.0021	24,834.00	24,834.00
Thrift Savings Plan xx1537 (as of 03/31/2011)	Tex. Prop. Code § 42.0021	83,583.66	83,583.66
<u>Automobiles, Trucks, Trailers, and Other Vehicles</u>			
2001 Chevrolet Silverado 1500; mileage 156K	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(9)	8,125.00	8,125.00
2002 Chevrolet Camaro-V8-6 Spd.; mileage 150K	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(9)	8,228.00	8,228.00
<u>Animals</u>			
5 Cats & 1 Dog	Tex. Prop. Code §§ 42.001(a)(1), (2), 42.002(a)(11)	25.00	25.00

Total: **228,714.66** **359,415.66**

Sheet 1 of 1 continuation sheets attached to the Schedule of Property Claimed as Exempt

B6D (Official Form 6D) (12/07)

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. **11-11079-hcm-13**

Debtors

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R H W J C	Husband, Wife, Joint, or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN						
Account No. xxxxxxxxx9299 Bank Of America 4161 Piedmont Pkwy Greensboro, NC 27410	J	Opened 2/16/05 Last Active 12/05/10 Mortgage Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas					34,509.00	0.00
		Value \$ 220,000.00						
Account No. xxxxx5525 Gmac Mortgage Po Box 4622 Waterloo, IA 50704	J	Opened 4/07/05 Mortgage Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas					94,192.00	0.00
		Value \$						
Account No.								
		Value \$						
Account No.								
		Value \$						
Subtotal (Total of this page)							128,701.00	0.00
Total (Report on Summary of Schedules)							128,701.00	0.00

0 continuation sheets attached

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

Domestic support obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$11,725* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$5,775* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

Deposits by individuals

Claims of individuals up to \$2,600* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

Taxes and certain other debts owed to governmental units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

Commitments to maintain the capital of an insured depository institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).

Claims for death or personal injury while debtor was intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

0 continuation sheets attached

B6F (Official Form 6F) (12/07)

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C				
Account No. xxx7518 1st Finl Invstmnt Fund 230 Peachtree St Ste 170 Atlanta, GA 30303		H				3,708.00
Account No. xxx8480 Account Services Colls 1802 Ne Loop 410 Ste 400 San Antonio, TX 78217		W				62.00
Account No. xxxxxxxxxxx2373 Aspire Po Box 105555 Atlanta, GA 30348-5555		H				6,691.00
Account No. xxx6327 Asset Acceptance Lic Po Box 2036 Warren, MI 48090		H				18,670.00
Subtotal (Total of this page)						29,131.00

6 continuation sheets attached

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R R	Husband, Wife, Joint, or Community	D A T E C L A I M W A S I N C U R R E D A N D C O N S I D E R A T I O N F O R C L A I M. I F C L A I M I S S U B J E C T T O S E T O F F, S O S T A T E.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M	
		H W J C						
Account No. xxxx4004 Asset Acceptance Llc Po Box 2036 Warren, MI 48090		H	Opened 9/11/09 Factoring Company Account Citibank				8,450.00	
Account No. xxxxxxxx8074 Discover Fin Svcs Llc Po Box 15316 Wilmington, DE 19850		H	Opened 3/19/02 Credit Card				8,491.00	
Account No. xxxxxxxx3831 Discover Fin Svcs Llc Po Box 15316 Wilmington, DE 19850		W	Opened 4/10/07 Credit Card				5,909.00	
Account No. xxxx9814 E.R Soulution Po Box 97029 Redmond, WA 98073-9729		H	Opened 9/19/09 Collection Sprint				522.00	
Account No. xxxxxxxxxxxx4842 Financial Control Svc 6801 Sanger Ave Ste 195 Waco, TX 76710		W	Opened 9/15/08 Collection Lake Austin Asthma Allergy				296.00	
Sheet no. <u>1</u> of <u>6</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)	23,668.00

B6F (Official Form 6F) (12/07) - Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	D A T E C L A I M W A S I N C U R R E D A N D C O N S I D E R A T I O N F O R C L A I M. I F C L A I M I S S U B J E C T T O S E T O F F, S O S T A T E.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M	
		H W J C						
Account No. xxxxxxxxxxxx4843 Financial Control Svc 6801 Sanger Ave Ste 195 Waco, TX 76710		W	Opened 9/15/08 Collection Lake Austin Asthma Allergy				282.00	
Account No. xxxxxxxxxxxx8120 Financial Control Svc 6801 Sanger Ave Ste 195 Waco, TX 76710		H	Opened 12/10/10 Collection Austin Anesthesiology Grp Llp				129.00	
Account No. xxxxxxxxxxxx6163 Financial Control Svc 6801 Sanger Ave Ste 195 Waco, TX 76710		W	Opened 5/15/09 Collection Austin Anesthesiology Grp Llp				60.00	
Account No. xxxx9972 Ford Motor Cr P.O. Box 542000 Omaha, NE 68154		H	Opened 5/27/05 Automobile - Claimed Deficiency after car was wrecked and reposed			X	3,242.00	
Account No. 7703 GTE Southwest Inc 500 Technology Dr Weldon Spring, MO 63304		W	Opened 4/04/08 Utility				138.00	
Sheet no. <u>2</u> of <u>6</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)	3,851.00

B6F (Official Form 6F) (12/07) - Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	
		H W J C					DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.
Account No. xxx xxxxxxxxx8318 I.Q. Data International Po Box 3568 Everett, WA 98213		J	Opened 12/20/10 Collection International R			5,109.00	
Account No. xxxx0454 Medical Business Bureau 1460 Renaissance Dr Park Ridge, IL 60068		W	Opened 8/22/07 Collection Capitol Emergency Associates			174.00	
Account No. xxxxxxxxxxxxxx5736 Medical Business Bureau 1460 Renaissance D Suite 400 Park Ridge, IL 60068		H	Opened 8/01/10 Med1 02 Capitol Emergency Associate			80.00	
Account No. xxxx3391 Medical Business Bureau 1460 Renaissance Dr Park Ridge, IL 60068		H	Opened 9/21/07 Collection Capitol Emergency Associates			77.00	
Account No. xxxxxxxxxxxxxx7843 Medical Business Bureau 1460 Renaissance D Suite 400 Park Ridge, IL 60068		H	Opened 7/01/10 Med1 02 Capitol Emergency Associate			76.00	
Sheet no. 3 of 6 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)	5,516.00

B6F (Official Form 6F) (12/07) - Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors
SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R R	Husband, Wife, Joint, or Community	D A T E C L A I M W A S I N C U R R E D A N D C O N S I D E R A T I O N F O R C L A I M. I F C L A I M I S S U B J E C T T O S E T O F F, S O S T A T E.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M
		H W J C					
Account No. xxxxxxxxxxxxxxx4121 Medical Business Bureau 1460 Renaissance D Suite 400 Park Ridge, IL 60068		H	Opened 9/01/10 Med1 02 Capitol Emergency Associate				73.00
Account No. xxxxxxxxxxxxxxx2719 Medical Business Bureau 1460 Renaissance D Suite 400 Park Ridge, IL 60068		H	Opened 8/01/10 Med1 02 Capitol Emergency Associate				64.00
Account No. xxxxxx5943 Midland Credit Mgmt 8875 Aero Dr San Diego, CA 92123		H	Opened 9/08/09 Factoring Company Account Action Card				2,083.00
Account No. National Bankruptcy Service Center P.O. Box 537901 Livonia, MI 48153-7901		J	Notice				0.00
Account No. xxxxxxxxxxxxxxx1439 NCA P.O. Box 550 327 West Fourth St Hutchinson, KS 67504		H	Opened 5/01/10 01 Hsbc				6,280.00
Subtotal (Total of this page)							8,500.00
Sheet no. <u>4</u> of <u>6</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							

B6F (Official Form 6F) (12/07) - Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	D A T E C L A I M W A S I N C U R R E D A N D C O N S I D E R A T I O N F O R C L A I M. I F C L A I M I S S U B J E C T T O S E T O F F, S O S T A T E.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M	
		H W J C						
Account No. xxxxxxxxxxxx6255 Portfolio Recvry & Affiliates 120 Corporate Blvd Ste 1 Norfolk, VA 23502		W	Opened 5/27/09 Factoring Company Account Hsbc Card Services lii Inc.				581.00	
Account No. xxxxxxx4232 TXU Energy Po Box 666565 Attn Collections Dallas, TX 75266		W	Opened 5/01/06 Utility				181.00	
Account No. xxxx1400 West Asset Management 2703 N Highway 75 Sherman, TX 75090		W	Opened 5/06/10 Collection North Austin Medical Center				532.00	
Account No. xxxx1131 West Asset Management 2703 N Highway 75 Sherman, TX 75090		H	Opened 12/27/10 Collection St. Davids Hospital				423.00	
Account No. xxxx9078 West Asset Management 2703 N Highway 75 Sherman, TX 75090		H	Opened 2/21/11 Collection St. Davids Hospital				379.00	
Sheet no. 5 of 6 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)	2,096.00

B6F (Official Form 6F) (12/07) - Cont.

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C				
Account No. xxxx1407 West Asset Management 2703 N Highway 75 Sherman, TX 75090		W	Opened 12/27/10 Collection North Austin Medical Center			320.00
Account No. xxxx9539 West Asset Management 2703 N Highway 75 Sherman, TX 75090		H	Opened 1/04/11 Collection North Austin Medical Center			116.00
Account No.						
Account No.						
Account No.						

Sheet no. 6 of 6 sheets attached to Schedule of
Creditors Holding Unsecured Nonpriority Claims

Subtotal
(Total of this page)

436.00

Total
(Report on Summary of Schedules)

73,198.00

B6G (Official Form 6G) (12/07)

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.
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_____ continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

B6H (Official Form 6H) (12/07)

In re **James Nelson Ott,
Elizabeth Annette Ott**

Case No. 11-11079-hcm-13

Debtors

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR

NAME AND ADDRESS OF CREDITOR

0

continuation sheets attached to Schedule of Codebtors

B6I (Official Form 6I) (12/07)

In re **James Nelson Ott**
Elizabeth Annette Ott

Case No. **11-11079-hcm-13**

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: Married	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): Son Daughter	AGE(S): 11 13
Employment:	DEBTOR	SPOUSE
Occupation		15 years
Name of Employer	unemployed	USPS
How long employed		Distribution Clerk
Address of Employer		3507 N. Lamar Austin, TX 78705

INCOME: (Estimate of average or projected monthly income at time case filed)

	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	\$ <u>0.00</u>	\$ <u>4,940.00</u>
2. Estimate monthly overtime	\$ <u>0.00</u>	\$ <u>0.00</u>
3. SUBTOTAL	\$ <u>0.00</u>	\$ <u>4,940.00</u>
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ <u>0.00</u>	\$ <u>758.33</u>
b. Insurance	\$ <u>0.00</u>	\$ <u>0.00</u>
c. Union dues	\$ <u>0.00</u>	\$ <u>0.00</u>
d. Other (Specify) <u>See Detailed Income Attachment</u>	\$ <u>0.00</u>	\$ <u>686.83</u>
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ <u>0.00</u>	\$ <u>1,445.16</u>
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ <u>0.00</u>	\$ <u>3,494.84</u>
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ <u>0.00</u>	\$ <u>0.00</u>
8. Income from real property	\$ <u>0.00</u>	\$ <u>0.00</u>
9. Interest and dividends	\$ <u>0.00</u>	\$ <u>0.00</u>
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ <u>0.00</u>	\$ <u>350.00</u>
11. Social security or government assistance (Specify): _____	\$ <u>0.00</u>	\$ <u>0.00</u>
_____	\$ <u>0.00</u>	\$ <u>0.00</u>
12. Pension or retirement income	\$ <u>0.00</u>	\$ <u>397.15</u>
13. Other monthly income (Specify): _____	\$ <u>0.00</u>	\$ <u>0.00</u>
_____	\$ <u>0.00</u>	\$ <u>0.00</u>
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ <u>0.00</u>	\$ <u>747.15</u>
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ <u>0.00</u>	\$ <u>4,241.99</u>
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ <u>4,241.99</u>	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:
Co-Debtor was out of work from 10/23/10 to 1/26/11 for surgery, with leave unpaid. Debtor has been out of work since 10/8/10, he only worked intermittently during 2010 due to serious health condition. Debtor does not anticipate being able to resume work for at least a year, probably never.

B6I (Official Form 6I) (12/07)

In re James Nelson Ott
Elizabeth Annette Ott

Case No. 11-11079-hcm-13

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Detailed Income Attachment

Other Payroll Deductions:

Retirement: FERS	\$ 0.00	\$ 35.40
FSA Health Care	\$ 0.00	\$ 216.69
Union Dues: S	\$ 0.00	\$ 19.50
Union Dues: W	\$ 0.00	\$ 51.68
Opt Insurance: A, B 5, C 5	\$ 0.00	\$ 41.38
Health Plan: 105 Blue Cross Blue Shield	\$ 0.00	\$ 322.18
Total Other Payroll Deductions	\$ 0.00	\$ 686.83

In re James Nelson Ott Case No. 11-11079-hcm-13
Elizabeth Annette Ott Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)		\$	<u>0.00</u>
a. Are real estate taxes included?	Yes <input checked="checked" type="checkbox"/> No <input type="checkbox"/>		
b. Is property insurance included?	Yes <input type="checkbox"/> No <input checked="checked" type="checkbox"/>		
2. Utilities:		\$	
a. Electricity and heating fuel			<u>300.00</u>
b. Water and sewer		\$	<u>60.00</u>
c. Telephone		\$	<u>200.00</u>
d. Other See Detailed Expense Attachment		\$	<u>110.00</u>
3. Home maintenance (repairs and upkeep)		\$	<u>0.00</u>
4. Food		\$	<u>1,120.00</u>
5. Clothing		\$	<u>100.00</u>
6. Laundry and dry cleaning		\$	<u>25.00</u>
7. Medical and dental expenses		\$	<u>200.00</u>
8. Transportation (not including car payments)		\$	<u>300.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.		\$	<u>0.00</u>
10. Charitable contributions		\$	<u>0.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)		\$	
a. Homeowner's or renter's		\$	<u>83.33</u>
b. Life		\$	<u>0.00</u>
c. Health		\$	<u>0.00</u>
d. Auto		\$	<u>100.00</u>
e. Other _____		\$	<u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments)		\$	
(Specify) _____		\$	<u>0.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		\$	
a. Auto		\$	<u>0.00</u>
b. Other _____		\$	<u>0.00</u>
c. Other _____		\$	<u>0.00</u>
14. Alimony, maintenance, and support paid to others		\$	<u>0.00</u>
15. Payments for support of additional dependents not living at your home		\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$	<u>0.00</u>
17. Other _____		\$	<u>0.00</u>
Other _____		\$	<u>0.00</u>

18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$ <u>2,598.33</u>
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19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

#1 is shown here as \$0.00 because the house payments are to be paid through the Plan; (\$957.20 on the first lien payment and \$200.00 on the second lien payment). #4 includes \$750 for food, \$70 for housekeeping supplies, \$65 for personal care products & services and \$235 for miscellaneous.

20. STATEMENT OF MONTHLY NET INCOME			
a. Average monthly income from Line 15 of Schedule I		\$	<u>4,241.99</u>
b. Average monthly expenses from Line 18 above		\$	<u>2,598.33</u>
c. Monthly net income (a. minus b.)		\$	<u>1,643.66</u>

B6J (Official Form 6J) (12/07)

James Nelson Ott

In re **Elizabeth Annette Ott**

Case No. **11-11079-hcm-13**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
Detailed Expense Attachment

Other Utility Expenditures:

Gas	\$	50.00
Cable	\$	60.00
Total Other Utility Expenditures	\$	110.00

B6 Declaration (Official Form 6 - Declaration). (12/07)

**United States Bankruptcy Court
Western District of Texas**

In re James Nelson Ott
Elizabeth Annette Ott

Debtor(s)

Case No. 11-11079-hcm-13

Chapter 13

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 24 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date May 13, 2011

Signature /s/ James Nelson Ott
James Nelson Ott
Debtor

Date May 13, 2011

Signature /s/ Elizabeth Annette Ott
Elizabeth Annette Ott
Joint Debtor

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

B7 (Official Form 7) (04/10)

**United States Bankruptcy Court
Western District of Texas**

In re James Nelson Ott
Elizabeth Annette Ott

Debtor(s)

Case No. 11-11079-hcm-13
Chapter 13

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

1. Income from employment or operation of business

None State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$39,104.00	2009; Debtor; IRS Record of Account; Wages, Salaries, Tips, Etc.
\$49,294.00	2009; Co-Debtor; IRS Record of Account; Wages, Salaries, Tips, Etc.
\$62,338.00	2010; Debtor and Co-Debtor; Form 1040; Line 7 Wages, salaries, tips, etc.
\$18,225.86	2011; Co-Debtor; YTD USPS per pay advice 04/29/11

2. Income other than from employment or operation of business

None State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$4,862.00	2009; Co-Debtor; IRS Record of Account; Total Pension and Annuities
\$56,885.00	2010; Debtor and Co-Debtor; Form 1040; Line 16a Pensions and Annuities
\$7,264.94	2010; Co-Debtor, child support net payments
\$1,402.13	2011; OAG net payments to Co-Debtor through April, 2011

3. Payments to creditors

None **Complete a. or b., as appropriate, and c.**

a. *Individual or joint debtor(s) with primarily consumer debts.* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
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None b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,850*. If the debtor is an individual, indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
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None c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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4. Suits and administrative proceedings, executions, garnishments and attachments

None a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
In the Interest of A Child; No. 10-3484-FC3	Family - Modification of Parent-Child Relationship	In the County Court at Law Number Three of Williamson County, Texas	Active

* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

None b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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5. Repossessions, foreclosures and returns

None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
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6. Assignments and receiverships

None a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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None b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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7. Gifts

None List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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8. Losses

None List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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9. Payments related to debt counseling or bankruptcy

None List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Lee Norton Bain, Attorney at Law 120 West 8th Street Georgetown, TX 78626	03/29/11	\$1,500.00 (which includes the \$274.00 filing fee)
CredAbility	04/19/11	\$50.00

10. Other transfers

None a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
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None b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY
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11. Closed financial accounts

None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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12. Safe deposit boxes

None List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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13. Setoffs

None List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR DATE OF SETOFF AMOUNT OF SETOFF

14. Property held for another person

None List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER DESCRIPTION AND VALUE OF PROPERTY LOCATION OF PROPERTY

15. Prior address of debtor

None If the debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
9815 Copper Creek Drive #704, Austin, Texas 78729	Elizabeth Annette Ott	5/2009 - 10/2010
2700 N. AW Grimes #428, Round Rock, Texas 78664	Elizabeth Annette Ott	5/2006 - 5/2009

16. Spouses and Former Spouses

None If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME
Sara Files Ott Palmer (former)
Elizabeth Annette Ott (present)

17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

None a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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18 . Nature, location and name of business

None a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOCIAL-SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. (ITIN)/ COMPLETE EIN	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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None b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS
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The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor, or self-employed in a trade, profession, or other activity, either full- or part-time.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

19. Books, records and financial statements

None a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED
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None b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME	ADDRESS	DATES SERVICES RENDERED
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None c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME	ADDRESS
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None d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS	DATE ISSUED
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20. Inventories

None a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)
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None b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY	NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS
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21 . Current Partners, Officers, Directors and Shareholders

None a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST
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None b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP
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22 . Former partners, officers, directors and shareholders

None a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL
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None b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
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23 . Withdrawals from a partnership or distributions by a corporation

None If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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24. Tax Consolidation Group.

None If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER (EIN)
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25. Pension Funds.

None If the debtor is not an individual, list the name and federal taxpayer-identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND

TAXPAYER IDENTIFICATION NUMBER (EIN)

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date May 13, 2011

Signature /s/ James Nelson Ott
James Nelson Ott
Debtor

Date May 13, 2011

Signature /s/ Elizabeth Annette Ott
Elizabeth Annette Ott
Joint Debtor

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

United States Bankruptcy Court
Western District of Texas

In re James Nelson Ott
Elizabeth Annette Ott

Debtor(s)

Case No. 11-11079-hcm-13
Chapter 13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	<u>3,500.00</u>
Prior to the filing of this statement I have received	\$	<u>1,226.00</u>
Balance Due	\$	<u>2,274.00</u>

2. The source of the compensation paid to me was:

Debtor Other (specify):

3. The source of compensation to be paid to me is:

Debtor Other (specify):

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding; preparation and filing of reaffirmation agreements and applications as needed.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: May 13, 2011

/s/ Lee Norton Bain
Lee Norton Bain
Lee Norton Bain, Attorney at Law
120 West 8th Street
Georgetown, TX 78626-5804
(512)-863-2813 Fax: (512)-869-5090
leebain@leebainlaw.com

WARNING: Effective December 1, 2009, the 15-day deadline to file schedules and certain other documents under Bankruptcy Rule 1007(c) is shortened to 14 days. For further information, see note at bottom of page 2

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS**

**NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b)
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Many filing deadlines change on December 1, 2009. Of special note, 12 rules that set 15 days to act are amended to require action within 14 days, including Rule 1007(c), filing the initial case papers; Rule 3015(b), filing a chapter 13 plan; Rule 8009(a), filing appellate briefs; and Rules 1019, 1020, 2015, 2015.1, 2016, 4001, 4002, 6004, and 6007.

B 201B (Form 201B) (12/09)

**United States Bankruptcy Court
Western District of Texas**

In re James Nelson Ott Case No. 11-11079-hcm-13
Elizabeth Annette Ott Debtor(s) Chapter 13

**CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S)
UNDER § 342(b) OF THE BANKRUPTCY CODE**

Certification of Debtor

I (We), the debtor(s), affirm that I (we) have received and read the attached notice, as required by § 342(b) of the Bankruptcy Code.

James Nelson Ott
Elizabeth Annette Ott
Printed Name(s) of Debtor(s)

X /s/ James Nelson Ott May 13, 2011
Signature of Debtor Date

Case No. (if known) 11-11079-hcm-13

X /s/ Elizabeth Annette Ott May 13, 2011
Signature of Joint Debtor (if any) Date

Instructions: Attach a copy of Form B 201 A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

B22C (Official Form 22C) (Chapter 13) (12/10)

In re **James Nelson Ott**
Elizabeth Annette Ott
Debtor(s)
Case Number: **11-11079-hcm-13**
(If known)

According to the calculations required by this statement:
 The applicable commitment period is 3 years.
 The applicable commitment period is 5 years.
 Disposable income is determined under § 1325(b)(3).
 Disposable income is not determined under § 1325(b)(3).
 (Check the boxes as directed in Lines 17 and 23 of this statement.)

**CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME
AND CALCULATION OF COMMITMENT PERIOD AND DISPOSABLE INCOME**

In addition to Schedules I and J, this statement must be completed by every individual chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. REPORT OF INCOME																					
1	Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed. a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10. b. <input checked="" type="checkbox"/> Married. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10. All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.			Column A	Column B																
		Debtor's Income	Spouse's Income																		
2	Gross wages, salary, tips, bonuses, overtime, commissions.			\$ 0.00	\$ 2,788.16																
3	Income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part IV. <table border="1" style="width:100%; margin-top: 5px;"> <thead> <tr> <th colspan="2"></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td>Gross receipts</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary business expenses</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Business income</td> <td colspan="2" style="text-align: center;">Subtract Line b from Line a</td> </tr> </tbody> </table>					Debtor	Spouse	a.	Gross receipts	\$ 0.00	\$ 0.00	b.	Ordinary and necessary business expenses	\$ 0.00	\$ 0.00	c.	Business income	Subtract Line b from Line a		\$ 0.00	\$ 0.00
		Debtor	Spouse																		
a.	Gross receipts	\$ 0.00	\$ 0.00																		
b.	Ordinary and necessary business expenses	\$ 0.00	\$ 0.00																		
c.	Business income	Subtract Line b from Line a																			
4	Rents and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part IV. <table border="1" style="width:100%; margin-top: 5px;"> <thead> <tr> <th colspan="2"></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td>Gross receipts</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Rent and other real property income</td> <td colspan="2" style="text-align: center;">Subtract Line b from Line a</td> </tr> </tbody> </table>					Debtor	Spouse	a.	Gross receipts	\$ 0.00	\$ 0.00	b.	Ordinary and necessary operating expenses	\$ 0.00	\$ 0.00	c.	Rent and other real property income	Subtract Line b from Line a		\$ 0.00	\$ 0.00
		Debtor	Spouse																		
a.	Gross receipts	\$ 0.00	\$ 0.00																		
b.	Ordinary and necessary operating expenses	\$ 0.00	\$ 0.00																		
c.	Rent and other real property income	Subtract Line b from Line a																			
5	Interest, dividends, and royalties.			\$ 0.00	\$ 0.00																
6	Pension and retirement income.			\$ 0.00	\$ 411.23																
7	Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose. Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse. Each regular payment should be reported in only one column; if a payment is listed in Column A, do not report that payment in Column B.			\$ 0.00	\$ 363.74																
8	Unemployment compensation. Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:			\$ 0.00	\$ 0.00																
	<table border="1" style="width:100%; margin-top: 5px;"> <tr> <td style="width: 50%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 50%; text-align: center;">Debtor \$ 0.00 Spouse \$ 0.00</td> </tr> </table>		Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ 0.00 Spouse \$ 0.00	\$ 0.00	\$ 0.00															
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ 0.00 Spouse \$ 0.00																				

9	Income from all other sources. Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. Do not include alimony or separate maintenance payments paid by your spouse, but include all other payments of alimony or separate maintenance. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism.				
				Debtor	Spouse
		a.		\$	
	b.		\$		\$
				\$	0.00
10	Subtotal. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).			\$	0.00
11	Total. If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.			\$	3,563.13

Part II. CALCULATION OF § 1325(b)(4) COMMITMENT PERIOD

12	Enter the amount from Line 11	\$	3,563.13	
13	Marital Adjustment. If you are married, but are not filing jointly with your spouse, AND if you contend that calculation of the commitment period under § 1325(b)(4) does not require inclusion of the income of your spouse, enter on Line 13 the amount of the income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of you or your dependents and specify, in the lines below, the basis for excluding this income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero.			
		a.		\$
		b.		\$
	c.		\$	
	Total and enter on Line 13	\$	0.00	
14	Subtract Line 13 from Line 12 and enter the result.	\$	3,563.13	
15	Annualized current monthly income for § 1325(b)(4). Multiply the amount from Line 14 by the number 12 and enter the result.	\$	42,757.56	
16	Applicable median family income. Enter the median family income for applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)			
	a. Enter debtor's state of residence: <u>TX</u> b. Enter debtor's household size: <u>4</u>	\$	65,477.00	
17	Application of § 1325(b)(4). Check the applicable box and proceed as directed.			
	<input checked="" type="checkbox"/> The amount on Line 15 is less than the amount on Line 16. Check the box for "The applicable commitment period is 3 years" at the top of page 1 of this statement and continue with this statement. <input type="checkbox"/> The amount on Line 15 is not less than the amount on Line 16. Check the box for "The applicable commitment period is 5 years" at the top of page 1 of this statement and continue with this statement.			

Part III. APPLICATION OF § 1325(b)(3) FOR DETERMINING DISPOSABLE INCOME

18	Enter the amount from Line 11.	\$	3,563.13	
19	Marital Adjustment. If you are married, but are not filing jointly with your spouse, enter on Line 19 the total of any income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero.			
		a.		\$
		b.		\$
	c.		\$	
	Total and enter on Line 19.	\$	0.00	
20	Current monthly income for § 1325(b)(3). Subtract Line 19 from Line 18 and enter the result.	\$	3,563.13	

21	Annualized current monthly income for § 1325(b)(3). Multiply the amount from Line 20 by the number 12 and enter the result.	\$ 42,757.56																								
22	Applicable median family income. Enter the amount from Line 16.	\$ 65,477.00																								
23	Application of § 1325(b)(3). Check the applicable box and proceed as directed. <input type="checkbox"/> The amount on Line 21 is more than the amount on Line 22. Check the box for "Disposable income is determined under § 1325(b)(3)" at the top of page 1 of this statement and complete the remaining parts of this statement. <input checked="" type="checkbox"/> The amount on Line 21 is not more than the amount on Line 22. Check the box for "Disposable income is not determined under § 1325(b)(3)" at the top of page 1 of this statement and complete Part VII of this statement. Do not complete Parts IV, V, or VI.																									
Part IV. CALCULATION OF DEDUCTIONS FROM INCOME																										
Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)																										
24A	National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous. Enter in Line 24A the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable number of persons. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) The applicable number of persons is the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.	\$																								
24B	National Standards: health care. Enter in Line a1 below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) Enter in Line b1 the applicable number of persons who are under 65 years of age, and enter in Line b2 the applicable number of persons who are 65 years of age or older. (The applicable number of persons in each age category is the number in that category that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.) Multiply Line a1 by Line b1 to obtain a total amount for persons under 65, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for persons 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 24B.	\$																								
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: left;">Persons under 65 years of age</th> <th colspan="3" style="text-align: left;">Persons 65 years of age or older</th> </tr> </thead> <tbody> <tr> <td style="width:5%;">a1.</td> <td style="width:45%;">Allowance per person</td> <td style="width:15%;"></td> <td style="width:5%;">a2.</td> <td style="width:45%;">Allowance per person</td> <td style="width:15%;"></td> </tr> <tr> <td>b1.</td> <td>Number of persons</td> <td></td> <td>b2.</td> <td>Number of persons</td> <td></td> </tr> <tr> <td>c1.</td> <td>Subtotal</td> <td></td> <td>c2.</td> <td>Subtotal</td> <td></td> </tr> </tbody> </table>			Persons under 65 years of age			Persons 65 years of age or older			a1.	Allowance per person		a2.	Allowance per person		b1.	Number of persons		b2.	Number of persons		c1.	Subtotal		c2.	Subtotal	
Persons under 65 years of age			Persons 65 years of age or older																							
a1.	Allowance per person		a2.	Allowance per person																						
b1.	Number of persons		b2.	Number of persons																						
c1.	Subtotal		c2.	Subtotal																						
25A	Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court). The applicable family size consists of the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.	\$																								
25B	Local Standards: housing and utilities; mortgage/rent expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and family size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court) (the applicable family size consists of the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 47; subtract Line b from Line a and enter the result in Line 25B. Do not enter an amount less than zero.	\$																								
<table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td style="width:5%;">a.</td> <td style="width:55%;">IRS Housing and Utilities Standards; mortgage/rent expense</td> <td style="width:40%;">\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net mortgage/rental expense</td> <td>Subtract Line b from Line a.</td> </tr> </tbody> </table>			a.	IRS Housing and Utilities Standards; mortgage/rent expense	\$	b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47	\$	c.	Net mortgage/rental expense	Subtract Line b from Line a.															
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c.	Net mortgage/rental expense	Subtract Line b from Line a.																								
26	Local Standards: housing and utilities; adjustment. If you contend that the process set out in Lines 25A and 25B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:	\$																								

27A	<p>Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.</p> <p>Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>If you checked 0, enter on Line 27A the "Public Transportation" amount from IRS Local Standards: Transportation. If you checked 1 or 2 or more, enter on Line 27A the "Operating Costs" amount from IRS Local Standards: Transportation for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (These amounts are available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$									
27B	<p>Local Standards: transportation; additional public transportation expense. If you pay the operating expenses for a vehicle and also use public transportation, and you contend that you are entitled to an additional deduction for your public transportation expenses, enter on Line 27B the "Public Transportation" amount from the IRS Local Standards: Transportation. (This amount is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$									
28	<p>Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 47; subtract Line b from Line a and enter the result in Line 28. Do not enter an amount less than zero.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 70%;">IRS Transportation Standards, Ownership Costs</td> <td style="width: 25%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td style="text-align: center;">Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.									
29	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 28.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 47; subtract Line b from Line a and enter the result in Line 29. Do not enter an amount less than zero.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 70%;">IRS Transportation Standards, Ownership Costs</td> <td style="width: 25%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td style="text-align: center;">Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47	\$	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47	\$									
c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.									
30	<p>Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state, and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.</p>	\$									
31	<p>Other Necessary Expenses: involuntary deductions for employment. Enter the total average monthly deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as voluntary 401(k) contributions.</p>	\$									
32	<p>Other Necessary Expenses: life insurance. Enter total average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.</p>	\$									
33	<p>Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. Do not include payments on past due obligations included in line 49.</p>	\$									
34	<p>Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.</p>	\$									
35	<p>Other Necessary Expenses: childcare. Enter the total average monthly amount that you actually expend on childcare - such as baby-sitting, day care, nursery and preschool. Do not include other educational payments.</p>	\$									
36	<p>Other Necessary Expenses: health care. Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents, that is not reimbursed by insurance or paid by a health savings account, and that is in excess of the amount entered in Line 24B. Do not include payments for health insurance or health savings accounts listed in Line 39.</p>	\$									

37	<p>Other Necessary Expenses: telecommunication services. Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone and cell phone service - such as pagers, call waiting, caller id, special long distance, or internet service-to the extent necessary for your health and welfare or that of your dependents. Do not include any amount previously deducted.</p>	\$									
38	<p>Total Expenses Allowed under IRS Standards. Enter the total of Lines 24 through 37.</p>	\$									
<p>Subpart B: Additional Living Expense Deductions</p> <p>Note: Do not include any expenses that you have listed in Lines 24-37</p>											
39	<p>Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 75%;">Health Insurance</td> <td style="width: 20%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Disability Insurance</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Health Savings Account</td> <td style="text-align: right;">\$</td> </tr> </table> <p>Total and enter on Line 39</p> <p>If you do not actually expend this total amount, state your actual total average monthly expenditures in the space below:</p> <p>\$ _____</p>	a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$	\$
a.	Health Insurance	\$									
b.	Disability Insurance	\$									
c.	Health Savings Account	\$									
40	<p>Continued contributions to the care of household or family members. Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. Do not include payments listed in Line 34.</p>	\$									
41	<p>Protection against family violence. Enter the total average reasonably necessary monthly expenses that you actually incur to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.</p>	\$									
42	<p>Home energy costs. Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities that you actually expend for home energy costs. You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.</p>	\$									
43	<p>Education expenses for dependent children under 18. Enter the total average monthly expenses that you actually incur, not to exceed \$147.92 per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.</p>	\$									
44	<p>Additional food and clothing expense. Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must demonstrate that the additional amount claimed is reasonable and necessary.</p>	\$									
45	<p>Charitable contributions. Enter the amount reasonably necessary for you to expend each month on charitable contributions in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2). Do not include any amount in excess of 15% of your gross monthly income.</p>	\$									
46	<p>Total Additional Expense Deductions under § 707(b). Enter the total of Lines 39 through 45.</p>	\$									

Subpart C: Deductions for Debt Payment																			
47	<p>Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 47.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 30%;">Property Securing the Debt</th> <th style="width: 15%;">Average Monthly Payment</th> <th style="width: 20%;">Does payment include taxes or insurance</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td>\$</td> <td><input type="checkbox"/>yes <input type="checkbox"/>no</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines</td> <td></td> </tr> </tbody> </table>				Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance	a.			\$	<input type="checkbox"/> yes <input type="checkbox"/> no				Total: Add Lines		\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance															
a.			\$	<input type="checkbox"/> yes <input type="checkbox"/> no															
			Total: Add Lines																
48	<p>Other payments on secured claims. If any of debts listed in Line 47 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 47, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name of Creditor</th> <th style="width: 30%;">Property Securing the Debt</th> <th style="width: 35%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines</td> </tr> </tbody> </table>				Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount	a.			\$				Total: Add Lines	\$			
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount																
a.			\$																
			Total: Add Lines																
49	<p>Payments on prepetition priority claims. Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. Do not include current obligations, such as those set out in Line 33.</p>			\$															
50	<p>Chapter 13 administrative expenses. Multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 60%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width: 35%;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Average monthly administrative expense of chapter 13 case</td> <td style="text-align: right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>			a.	Projected average monthly Chapter 13 plan payment.	\$	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of chapter 13 case	Total: Multiply Lines a and b	\$						
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c.	Average monthly administrative expense of chapter 13 case	Total: Multiply Lines a and b																	
51	<p>Total Deductions for Debt Payment. Enter the total of Lines 47 through 50.</p>			\$															
Subpart D: Total Deductions from Income																			
52	<p>Total of all deductions from income. Enter the total of Lines 38, 46, and 51.</p>			\$															
Part V. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)																			
53	<p>Total current monthly income. Enter the amount from Line 20.</p>			\$															
54	<p>Support income. Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child.</p>			\$															
55	<p>Qualified retirement deductions. Enter the monthly total of (a) all amounts withheld by your employer from wages as contributions for qualified retirement plans, as specified in § 541(b)(7) and (b) all required repayments of loans from retirement plans, as specified in § 362(b)(19).</p>			\$															
56	<p>Total of all deductions allowed under § 707(b)(2). Enter the amount from Line 52.</p>			\$															

57	<p>Deduction for special circumstances. If there are special circumstances that justify additional expenses for which there is no reasonable alternative, describe the special circumstances and the resulting expenses in lines a-c below. If necessary, list additional entries on a separate page. Total the expenses and enter the total in Line 57. You must provide your case trustee with documentation of these expenses and you must provide a detailed explanation of the special circumstances that make such expense necessary and reasonable.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:65%;">Nature of special circumstances</th> <th style="width:10%;">Amount of Expense</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total: Add Lines</td> <td></td> </tr> </tbody> </table>		Nature of special circumstances	Amount of Expense	a.		\$	b.		\$	c.		\$	Total: Add Lines			\$
	Nature of special circumstances	Amount of Expense															
a.		\$															
b.		\$															
c.		\$															
Total: Add Lines																	
58	<p>Total adjustments to determine disposable income. Add the amounts on Lines 54, 55, 56, and 57 and enter the result.</p>	\$															
59	<p>Monthly Disposable Income Under § 1325(b)(2). Subtract Line 58 from Line 53 and enter the result.</p>	\$ 															

Part VI. ADDITIONAL EXPENSE CLAIMS

60	<p>Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:65%;">Expense Description</th> <th style="width:10%;">Monthly Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>d.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total: Add Lines a, b, c and d</td> <td style="text-align: right;">\$</td> </tr> </tbody> </table>		Expense Description	Monthly Amount	a.		\$	b.		\$	c.		\$	d.		\$	Total: Add Lines a, b, c and d		\$	
	Expense Description	Monthly Amount																		
a.		\$																		
b.		\$																		
c.		\$																		
d.		\$																		
Total: Add Lines a, b, c and d		\$																		

Part VII. VERIFICATION

61	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this is a joint case, both debtors must sign.)</i></p> <table style="width:100%;"> <tr> <td style="width:50%;">Date: <u>May 13, 2011</u></td> <td style="width:50%;">Signature: <u>/s/ James Nelson Ott</u> James Nelson Ott (Debtor)</td> </tr> <tr> <td>Date: <u>May 13, 2011</u></td> <td>Signature <u>/s/ Elizabeth Annette Ott</u> Elizabeth Annette Ott (Joint Debtor, if any)</td> </tr> </table>	Date: <u>May 13, 2011</u>	Signature: <u>/s/ James Nelson Ott</u> James Nelson Ott (Debtor)	Date: <u>May 13, 2011</u>	Signature <u>/s/ Elizabeth Annette Ott</u> Elizabeth Annette Ott (Joint Debtor, if any)
Date: <u>May 13, 2011</u>	Signature: <u>/s/ James Nelson Ott</u> James Nelson Ott (Debtor)				
Date: <u>May 13, 2011</u>	Signature <u>/s/ Elizabeth Annette Ott</u> Elizabeth Annette Ott (Joint Debtor, if any)				

Current Monthly Income Details for the Debtor

Debtor Income Details:

Income for the Period **10/01/2010** to **03/31/2011**.

Current Monthly Income Details for the Debtor's Spouse

Spouse Income Details:

Income for the Period **10/01/2010** to **03/31/2011**.

Line 2 - Gross wages, salary, tips, bonuses, overtime, commissions

Source of Income: **USPS**

Income by Month:

6 Months Ago:	<u>10/2010</u>	<u>\$4,415.62</u>
5 Months Ago:	<u>11/2010</u>	<u>\$836.30</u>
4 Months Ago:	<u>12/2010</u>	<u>\$0.00</u>
3 Months Ago:	<u>01/2011</u>	<u>\$2,042.39</u>
2 Months Ago:	<u>02/2011</u>	<u>\$4,229.16</u>
Last Month:	<u>03/2011</u>	<u>\$5,205.49</u>
	Average per month:	<u>\$2,788.16</u>

Remarks:

Co-Debtor was out of work from 10/23/10 through 01/26/11 for surgery. Leave was unpaid.

Line 6 - Pension and retirement income

Source of Income: **Retirement Income**

Income by Month:

6 Months Ago:	<u>10/2010</u>	<u>\$418.27</u>
5 Months Ago:	<u>11/2010</u>	<u>\$418.27</u>
4 Months Ago:	<u>12/2010</u>	<u>\$418.27</u>
3 Months Ago:	<u>01/2011</u>	<u>\$418.27</u>
2 Months Ago:	<u>02/2011</u>	<u>\$397.15</u>
Last Month:	<u>03/2011</u>	<u>\$397.15</u>
	Average per month:	<u>\$411.23</u>

Line 7 & 54 - Child support income (including foster care and disability)

Source of Income: **Child Support**

Income by Month:

6 Months Ago:	<u>10/2010</u>	<u>\$740.42</u>
5 Months Ago:	<u>11/2010</u>	<u>\$0.00</u>
4 Months Ago:	<u>12/2010</u>	<u>\$364.62</u>
3 Months Ago:	<u>01/2011</u>	<u>\$364.62</u>
2 Months Ago:	<u>02/2011</u>	<u>\$348.16</u>
Last Month:	<u>03/2011</u>	<u>\$364.62</u>
	Average per month:	<u>\$363.74</u>

Exhibit D

FORM B10 (Official Form 10)(04/10)

United States Bankruptcy Court WESTERN District of Texas AUSTIN DIVISION		PROOF OF CLAIM
Name of Debtor JAMES NELSON OTT AND ELIZABETH ANNETTE OTT		Case Number 11-11079-HCM-13
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503</i>		
GMAC MORTGAGE, LLC, ITS SUCCESSORS AND ASSIGNS		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: GMAC MORTGAGE, LLC ATTN: BANKRUPTCY DEPARTMENT 1100 VIRGINIA DRIVE FORT WASHINGTON, PA 19034 Telephone number: 800-766-4622		Court Claim Number: Filed on:
Name and address where payment should be sent (if different from above): GMAC MORTGAGE, LLC ATTN: PAYMENT PROCESSING 3451 HAMMOND AVENUE WATERLOO, IA 50702 Telephone number: 800-766-4622		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$92,269.12 (principal bal) If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not completed item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attached itemized statement of interest charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a.) If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)().
2. Basis of Claim: <u>Money Loaned.</u>		
3. Last four digits of any number by which creditor identifies a debtor: <u>LN# xxxxxx5525.</u> 3a: Debtor may have scheduled account as: _____		
4. Secured Claim Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>2553 HIGHWAY 290 EAST, MC DADE, TX 78650</u> Value of Property: _____ Annual Interest Rate <u>6.375%</u> Amount of arrearage and other charges as of time case filed included in secured claim, if any: <u>\$13,568.29</u> Basis for perfection: <u>Recorded Deed of Trust.</u> Amount of Secured Claim: <u>\$92,269.12 (principal bal)</u> Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		Amount entitled to priority: \$ _____ <i>* Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
Date: July 12, 2011 Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. Signature: <u>Blake Thomas</u> Title: <u>Proof of Claims Processor</u> FN: 44-10-5062 Print: <u>Blake Thomas</u> , not licensed to practice law Codilis & Stawiariski, P.C., 650 N. Sam Houston Pky, Ste 450, Houston TX 77060 281-925-5200		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**PROOF OF CLAIM ADDENDUM FOR
RESIDENTIAL HOME MORTGAGES PAID THROUGH THE CHAPTER 13 TRUSTEE**

Debtor Name(s) **JAMES NELSON OTT** BK Case # **11-11079-HCM-13**
ELIZABETH ANNETTE OTT

Address of Mortgaged Property **2553 HIGHWAY 290 EAST. MC DADE, TX 78650**

Legal Description: BEING 4 119 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE JAMES WEST SURVEY, ABSTRACT 334, IN BASTROP COUNTY, TEXAS AND BEING THAT SAME TRACT OF LAND CONVEYED TO JAMES N OTT AND ELIZABETH A OTT BY DEED RECORDED IN VOLUME 1037, PAGE 718 OF THE OFFICIAL RECORDED OF BASTROP COUNTY, TEXAS, SAID 4 119 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN JULY, 2004

BEGINNING AT AN IRON FOUND ON THE CURVING SOUTHWESTERLY R-O-W LINE OF STATE HIGHWAY 290 FOR THE NORTHERLY CORNER HEREOF AND EASTERLY CORNER OF THAT CERTAIN 33 957-ACRE TRACT OF LAND CONVEYED TO JOHN A DUBE BY DEED RECORDED IN VOLUME 445, PAGE 858 OF SAID DEED RECORDS,

THENCE A LENGTH OF 401 52 FEET, ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 5912 85 FEET, AND A CHORD BEARING S 81° 44' 27" E, A DISTANCE OF 401 44 FEET, TO A 5/8" IRON ROD FOUND FOR THE EASTERLY CORNER HEREOF AND COMMON WITH THAT CERTAIN 3 015 ACRE TRACT OF LAND CONVEYED TO ROBERT SCHMOYER BY DEED RECORDED IN VOLUME 1081, PAGE 192 OF SAID DEED RECORDS

THENCE ALONG THE SOUTHERLY AND WESTERLY LINE HEREOF, COMMON WITH SAID SCHMOYER TRACT THE FOLLOWING THREE (3) CALLS

1 S 51° 44' 22" W A DISTANCE OF 413 24 FEET TO A 5/8" IRON ROD FOUND FOR ANGLE POINT
2 S 33° 54' 52" W A DISTANCE OF 238 52 FEET TO A 5/8" IRON ROD FOUND FOR THE SOUTHERLY CORNER HEREOF
3 N 58° 32' 02" W A DISTANCE OF 235 19 FEET TO A 5/8" IRON ROD FOUND ON THE COMMON LINE OF SAID DUBE 33 957 ACRE TRACT FOR THE WESTERLY CORNER HEREOF

THEN N 30° 18' 49" E A DISTANCE OF 808 70 FEET ALONG SAID 33 957 ACRE TRACT TO THE POINT OF BEGINNING

Creditor Name: **GMAC MORTGAGE, LLC, ITS SUCCESSORS AND ASSIGNS**

Debtor Acct **#xxxxxx5525**

Payment Address: **GMAC MORTGAGE, LLC
ATTN: PAYMENT PROCESSING
3451 HAMMOND AVENUE
WATERLOO, IA 50702**

Creditor Attorney Name: **CODILIS & STAWIARSKI, P.C.
650 N. SAM HOUSTON PKWY E., SUITE 450
HOUSTON, TX 77060**

Mortgage Information

Current Principal Balance **\$92,269.12**
Regular Monthly Payment Amount **\$955.62** Current Interest Rate **6.375%**
Principal & Interest (\$623.87) + Escrow (\$331.75)
Is this a variable interest loan? Yes No
If yes, date of next adjustment
Are property taxes included in the monthly payment? Yes No
Is insurance included in the monthly payment? Yes No
Is the loan due in full and payable in less than 5 years? Yes No
If yes, due date

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2011 a true and correct copy of the above and foregoing document shall be served via electronic means, if available, otherwise by regular, first class mail on July 12, 2011 to the following parties at the addresses indicated by deposit in the United States Mail, first class postage prepaid.

JAMES NELSON OTT
ELIZABETH ANNETTE OTT
2553 HWY 290 E
MCDADE, TX 78650
DEBTOR

LEE NORTON BAIN
120 WEST 8TH ST
GEORGETOWN, TX 78626
ATTORNEY FOR DEBTOR

DEBORAH B. LANGEHENNIG
BARTON CREEK PLAZA II, SUITE 320
3801 CAPITAL OF TEXAS HIGHWAY SOUTH
AUSTIN, TX 78704
CHAPTER 13 TRUSTEE

/s/ Sarah E. Sibley
Angela K. Randermann SBOT 24029787 (31688)
Sarah E. Sibley SBOT 24043439
Lisa L. Cockrell SBOT 24036379
ATTORNEYS FOR SECURED CREDITOR

Codilis & Stawiarski, P.C.
650 N. Sam Houston Parkway East, Suite 450
Houston, Texas 77060 (281) 925-5200
Facsimile: (281) 925-5300
ATTORNEYS FOR MOVANT

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE: § CASE NO. 11-11079-HCM-13
JAMES NELSON OTT AND §
ELIZABETH ANNETTE OTT § CHAPTER 13
DEBTORS §

SUMMARY OF ATTACHED EXHIBITS

The following exhibits referred to in this Proof of Claim of **GMAC MORTGAGE, LLC, ITS SUCCESSORS AND ASSIGNS** are attached as follows:

1. Exhibit A – Note, executed on April 07, 2005, by Elizabeth A. Ott and James N. Ott, and payable to the order of GMAC Mortgage Corporation DBA ditech.com.
2. Exhibit B – Recorded Deed of Trust, executed concurrently with Note, that secures the indebtedness described in Exhibit “A” with a lien on real estate with all improvements known as:

PHYSICAL ADDRESS OF PROPERTY SECURING THIS CLAIM

2553 HIGHWAY 290 EAST
MC DADE, TX 78650

3. Exhibit C – Assignment to GMAC Mortgage, LLC
4. Exhibit D – Escrow Analysis Statements (5/5/2011 & 7/1/2011)
5. Exhibit E – Foreclosure Invoice
6. Exhibit F – Contractual Loan History

Codilis & Stawiarski, P.C.
650 N. Sam Houston Parkway East, Suite 450
Houston, Texas 77060
Telephone (281) 925-5200
Facsimile: (281) 925-5300

Exhibit E

**U.S. Bankruptcy Court
Western District of Texas (Austin)
Bankruptcy Petition #: 11-11079-hcm**

Assigned to: Bankruptcy Judge H. Christopher Mott
Chapter 13
Voluntary
Asset

Date filed: 04/29/2011
Date terminated: 08/01/2016
Debtor discharged: 07/25/2016
Joint debtor discharged: 07/25/2016
Plan confirmed: 10/21/2011
341 meeting: 06/15/2011 3:00 PM

Debtor disposition: Standard Discharge
Joint debtor disposition: Standard Discharge

Debtor

James Nelson Ott
PO Box 840
McDade, TX 78650
BASTROP-TX
SSN / ITIN: xxx-xx-3568

represented by **Lee Norton Bain**
120 West 8th St.
Georgetown, TX 78626
(512) 863-2813
Fax : (512)-869-5090
Email: lee bain@lee bainlaw.com

Debtor

Elizabeth Annette Ott
PO Box 840
McDade, TX 78650
BASTROP-TX
SSN / ITIN: xxx-xx-8898

represented by **Lee Norton Bain**
(See above for address)

Trustee

Deborah B. Langehennig
Deborah Langehennig Trustee
PO Box 91419
Austin, TX 78709
512-912-0305

Filing Date	#	Docket Text
04/29/2011	1 (12 pgs)	Voluntary Petition under Chapter 13 Without Schedules, Without Statements, (Filing Fee: \$ 274) Filed By James Nelson Ott, Elizabeth Annette Ott. -Declaration for Electronic Filing due by 05/6/2011 (Bain, Lee)
04/29/2011	2 (2 pgs)	Certificate of Budget and Credit Counseling-First and Second Debtors filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee)
04/29/2011		ICC-Fee Terminated for Voluntary Petition Chapter 13(11-11079) [misc,volp13] (274.00), Amount \$ 274.00, Receipt 10191013 (U.S. Treasury)

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05/02/2011		Declaration for Electronic Filing Received (Related Document(s): 1 Voluntary Petition under Chapter 13 Without Schedules, Without Statements, (Filing Fee: \$ 274) Filed By James Nelson Ott, Elizabeth Annette Ott. -Declaration for Electronic Filing due by 05/6/2011 (Bain, Lee)) (Boyd, Laurie)
05/05/2011	3 (3 pgs)	341 Meeting of Creditors. First Meeting Set For 6/15/2011 at 3:00 PM at Austin Room 118 Objections to Dischargeability of debt due 8/15/2011- Confirmation Hearing Set For 7/26/2011 at 9:00 AM at Austin Courtroom 2- Proofs of Claim Due 9/13/2011. (Langehennig, Deborah)
05/05/2011	4 (4 pgs)	Notice of Appearance and Request for Service of Notice filed by June Ann Mann for Creditor GMAC Mortgage Corporation. (Mann, June)
05/08/2011	5 (8 pgs)	BNC Certificate of Mailing (Related Document(s): 3 341 Meeting of Creditors. First Meeting Set For 6/15/2011 at 3:00 PM at Austin Room 118 Objections to Dischargeability of debt due 8/15/2011- Confirmation Hearing Set For 7/26/2011 at 9:00 AM at Austin Courtroom 2- Proofs of Claim Due 9/13/2011. (Langehennig, Deborah)) Service Date 05/08/2011. (Admin.)
05/13/2011	6 (46 pgs)	Schedules, Statements, and Summary filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. -Declaration for Electronic Filing due by 05/20/2011 (Bain, Lee)
05/13/2011	7 (5 pgs)	Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee)
05/16/2011	8 (8 pgs; 3 docs)	Certificate of Service filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Attachments: 1 Appendix Chapter 13 Plan 2 Appendix Label Matrix)(Bain, Lee) (Related Document(s): 7 Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee))
05/16/2011	9 (1 pg)	Order For Employer to Pay Trustee. (Boyd, Laurie)
05/16/2011		Declaration for Electronic Filing Received (Related Document(s): 6 Schedules, Statements, and Summary filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. -Declaration for Electronic Filing due by 05/20/2011 (Bain, Lee)) (Boyd, Laurie) (Entered: 05/17/2011)
05/18/2011	10 (2 pgs)	BNC Certificate of Mailing (Related Document(s): 9 Order For Employer to Pay Trustee. (Boyd, Laurie)) Service Date 05/18/2011. (Admin.)
05/20/2011	11 (1 pg)	Amended Order For Employer to Pay Trustee. (Benitez, Estella)
05/22/2011	12 (2 pgs)	BNC Certificate of Mailing (Related Document(s): 11 Amended Order For Employer to Pay Trustee. (Benitez, Estella)) Service Date 05/22/2011. (Admin.)
05/23/2011	13 (2 pgs)	Notice of Appearance and Request for Service of Notice filed by Sarah Elizabeth Sibley for Creditor GMAC Mortgage, LLC. (Sibley, Sarah)

06/16/2011		Request for Notice by Recovery Management Systems Corporation. (Singh, Ramesh)
06/17/2011		Chapter 13 Trustee's 341 Proceeding Memo: (341 Meeting Concluded). (Langehennig, Deborah)
06/17/2011	14 (3 pgs)	Trustee's Objection to Confirmation of Chapter 13 Plan. (Langehennig, Deborah)
06/24/2011	15 (5 pgs)	Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 7 Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee))
06/24/2011	16 (4 pgs; 2 docs)	Amended Schedules and Summary: (Amended Schedule(s): J) filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. - Declaration for Electronic Filing due by 07/1/2011 (Attachments: 1 Appendix Declaration)(Bain, Lee)
06/27/2011	17 (8 pgs; 3 docs)	Certificate of Service filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Attachments: 1 Appendix Chapter 13 Amended Plan 2 Appendix Label Matrix)(Bain, Lee) (Related Document(s): 15 Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 7 Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee)))
06/27/2011	18 (1 pg)	Declaration Concerning Confirmation Requitements filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Chapman, Anita) (Entered: 06/28/2011)
06/27/2011		Declaration for Electronic Filing Received (Related Document(s): 16 Amended Schedules and Summary: (Amended Schedule(s): J) filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. - Declaration for Electronic Filing due by 07/1/2011 (Attachments: # 1 Appendix Declaration)(Bain, Lee)) (Benitez, Estella) (Entered: 06/28/2011)
07/01/2011	19 (1 pg)	Amended Order For Employer to Pay Trustee. (Benitez, Estella)
07/03/2011	20 (2 pgs)	BNC Certificate of Mailing (Related Document(s): 19 Amended Order For Employer to Pay Trustee. (Benitez, Estella)) Service Date 07/03/2011. (Admin.)
07/18/2011	21 (2 pgs)	Response Filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott (Bain, Lee) (related document(s): 14 Trustee's Objection to Confirmation of Chapter 13 Plan. (Langehennig, Deborah))
07/24/2011	22 (2 pgs)	Notice of Withdrawal of Document filed by June Ann Mann for Creditor GMAC Mortgage, LLC. (Mann, June) (Related Document(s): 4 Notice of Appearance and Request for Service of Notice filed by June Ann Mann for Creditor GMAC Mortgage Corporation. (Mann, June))
07/26/2011		CONFIRMATION Hearing Held: DENIED WITH 20 DAYS TO AMEND. . . (Related Document(s): 15 Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee)

		(related document(s): 7 Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee))) Order due by 8/9/2011 (Boyd, Laurie) Modified on 7/28/2011 To Correct Text (Boyd, Laurie). (Entered: 07/27/2011)
07/27/2011	23 (2 pgs)	Order Denying Chapter 13 Plan (Order entered on 7/27/2011). (Boyd, Laurie)
07/29/2011	24 (4 pgs)	BNC Certificate of Mailing (Related Document(s): 23 Order Denying Chapter 13 Plan (Order entered on 7/27/2011). (Boyd, Laurie)) Service Date 07/29/2011. (Admin.)
08/15/2011	25 (3 pgs)	Amended Schedules and Summary: (Amended Schedule(s): I) filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. - Declaration for Electronic Filing due by 08/22/2011 (Bain, Lee)
08/15/2011	26 (5 pgs)	Second Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 15 Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 7 Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee)))
08/16/2011	27 (9 pgs; 3 docs)	Certificate of Service filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Attachments: 1 Appendix Chapter 13 Plan 2 Appendix Label Matrix)(Bain, Lee) (Related Document(s): 26 Second Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 15 Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 7 Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee)))
08/16/2011	28 (1 pg)	Confirmation Hearing Reset: - Confirmation Hearing Set For 9/27/2011 at 9:00 AM at Austin Courtroom 2. (Langehennig, Deborah)
08/17/2011		Declaration for Electronic Filing Received (Related Document(s): 25 Amended Schedules and Summary: (Amended Schedule(s): I) filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. - Declaration for Electronic Filing due by 08/22/2011 (Bain, Lee)) (Boyd, Laurie) (Entered: 08/18/2011)
08/19/2011	29 (3 pgs)	BNC Certificate of Mailing (Related Document(s): 28 Confirmation Hearing Reset: - Confirmation Hearing Set For 9/27/2011 at 9:00 AM at Austin Courtroom 2. (Langehennig, Deborah)) Service Date 08/19/2011. (Admin.)
09/02/2011	30 (1 pg)	Declaration Concerning Confirmation Requirements filed by Lee Norton Bain, Elizabeth Annette Ott for Debtors Elizabeth Annette Ott, James Nelson Ott. (Boyd, Laurie) (Entered: 09/06/2011)
09/21/2011	31 (1 pg)	Financial Management Course Certificate - First Debtor Only filed by Lee Norton Bain for Debtor James Nelson Ott. (Bain, Lee)
09/21/2011	32 (1 pg)	Financial Management Course Certificate - Second Debtor Only filed by Lee Norton Bain for Debtor Elizabeth Annette Ott. (Bain, Lee)

09/27/2011		Confirmation Hearing Held: Confirmed. (Related Document(s): 26 Second Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 15 Amended Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee) (related document(s): 7 Chapter 13 Plan filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. (Bain, Lee)))) (Benitez, Estella) (Entered: 09/28/2011)
10/21/2011	33 (3 pgs)	Order Confirming Chapter 13 Plan (related document(s): 14 Trustee's Objection to Confirmation of Chapter 13 Plan. (Langehennig, Deborah)) (Order entered on 10/21/2011) (Boyd, Laurie)
10/23/2011	34 (6 pgs)	BNC Certificate of Mailing (Related Document(s): 33 Order Confirming Chapter 13 Plan (related document(s): 14 Trustee's Objection to Confirmation of Chapter 13 Plan. (Langehennig, Deborah)) (Order entered on 10/21/2011) (Boyd, Laurie)) Notice Date 10/23/2011. (Admin.)
12/15/2011	35 (6 pgs)	Trustee's Claims Recommendation. (Langehennig, Deborah)
12/18/2011	36 (9 pgs)	BNC Certificate of Mailing (Related Document(s): 35 Trustee's Claims Recommendation.) Notice Date 12/18/2011. (Admin.) (Entered: 12/19/2011)
01/24/2012	37 (3 pgs)	13 Trustee's Notice of Bar Date for Asserting Claim for Post-Petition Charges Accruing on Residential Mortgage Claims. (Langehennig, Deborah)
01/25/2012	38 (3 pgs)	13 Trustee's Notice of Bar Date for Asserting Claim for Post-Petition Charges Accruing on Residential Mortgage Claims. (Langehennig, Deborah)
02/28/2012	39 (1 pg)	Amended Order For Employer to Pay Trustee. (Benitez, Estella)
03/01/2012	40 (3 pgs)	BNC Certificate of Mailing (Related Document(s): 39 Amended Order For Employer to Pay Trustee.) Notice Date 03/01/2012. (Admin.) (Entered: 03/02/2012)
07/18/2012	41 (3 pgs)	Notice To Substitute Attorney filed by Eddie R. Jimenez for Creditor GMAC Mortgage, LLC (Jimenez, Eddie) Modified on 7/19/2012 Made Text Match Pdf. Incorrect Event Code Used (Miiller, Sherri).
01/23/2013	42 (3 pgs)	13 Trustee's Notice of Bar Date for Asserting Claim for Post-Petition Charges Accruing on Residential Mortgage Claims. (Langehennig, Deborah)
01/23/2013	43 (3 pgs)	13 Trustee's Notice of Bar Date for Asserting Claim for Post-Petition Charges Accruing on Residential Mortgage Claims. (Langehennig, Deborah)
02/20/2013	44 (2 pgs; 2 docs)	Notice of Transfer/Assignment of Claim to Green Tree Servicing LLC without Waiver. (Mattson, Davy)

02/23/2013	45 (3 pgs)	BNC Certificate of Mailing (Related Document(s): 44 Notice of Transfer/Assignment of Claim to Green Tree Servicing LLC without Waiver.) Notice Date 02/23/2013. (Admin.) (Entered: 02/24/2013)
04/19/2013	46 (2 pgs; 2 docs)	Notice of Transfer/Assignment of Claim to Midland Funding LLC by American InfoSource LP as agent without Waiver. (Walls, Lovetta)
04/24/2013	47 (3 pgs)	BNC Certificate of Mailing (Related Document(s): 46 Notice of Transfer/Assignment of Claim to Midland Funding LLC by American InfoSource LP as agent without Waiver.) Notice Date 04/24/2013. (Admin.) (Entered: 04/25/2013)
01/16/2014	48 (3 pgs)	Trustee's Notice of Disbursements In Ongoing Mortgage Case (Langehennig, Deborah)
01/29/2014	49 (3 pgs)	Trustee's Notice of Disbursements In Ongoing Mortgage Case (Langehennig, Deborah)
05/26/2014	50 (2 pgs)	Chapter 7/13 Notice of Preferred Address pursuant to 342(e) Filed By ST DAVID'S MEDICAL CENTER. (Gaines, Susan)
02/10/2015	51 (3 pgs)	Trustee's Notice of Disbursements In Ongoing Mortgage Case (Langehennig, Deborah)
02/12/2015	52 (3 pgs)	Trustee's Notice of Disbursements In Ongoing Mortgage Case (Langehennig, Deborah)
02/03/2016	53 (3 pgs)	Trustee's Notice of Disbursements In Ongoing Mortgage Case (Langehennig, Deborah)
02/09/2016	54 (3 pgs)	Trustee's Notice of Disbursements In Ongoing Mortgage Case (Langehennig, Deborah)
03/08/2016		Notice of Change of Payment Address by Kristen Denstaedt. (Cable, Kristen)
03/10/2016	55 (1 pg)	Notice of Change of Payment Address by Midland Credit Management, Inc.. (Cable, Kristen)
05/19/2016	56 (1 pg)	Notice of Change of Payment Address by Jefferson Capital Systems, LLC. (Dirksen, Stephen)
05/19/2016	57 (1 pg)	Notice of Change of Payment Address by Jefferson Capital Systems, LLC. (Dirksen, Stephen)
05/27/2016	58 (2 pgs)	Trustee's Notice of Final Cure Mortgage Payment re: Rule 3002.1. (Langehennig, Deborah)
05/27/2016	59 (2 pgs)	Trustee's Notice of Final Cure Mortgage Payment re: Rule 3002.1. (Langehennig, Deborah)
05/27/2016	60 (2 pgs)	Trustee's Notice of Completion of Plan Payments. Debtor Motion to Enter Discharge Due: 08/1/2016. (Langehennig, Deborah)

05/27/2016	61 (4 pgs)	13 Trustee's Notice Deeming Mortgage Current. (Langehennig, Deborah)
05/27/2016	62 (4 pgs)	13 Trustee's Notice Deeming Mortgage Current. (Langehennig, Deborah)
06/29/2016	63 (1 pg)	Notice of Change of Payment Address by Bank of America N.A.. (Benitez, Estella) (Entered: 06/30/2016)
07/01/2016	64 (5 pgs; 2 docs)	Debtor's Motion For Entry of Discharge Order and Certification/Affidavit Regarding Plan Completion filed by Lee Norton Bain for Debtors Elizabeth Annette Ott, James Nelson Ott. Response to Motion to Enter Discharge Due: 07/22/2016 (Attachments: # 1 Appendix 1 - Label Matrix)(Bain, Lee) (Related Document(s): 60 Trustee's Notice of Completion of Plan Payments. Debtor Motion to Enter Discharge Due: 08/1/2016.)
07/25/2016	65 (2 pgs)	Order Discharging Debtor(s) (Admin.)
07/27/2016	66 (4 pgs)	BNC Certificate of Mailing (Related Document(s): 65 Order Discharging Debtor(s) (Admin.)) Notice Date 07/27/2016. (Admin.)
07/29/2016	67 (4 pgs)	Trustee's Final Report and Account Chapter 13 Case. (Langehennig, Deborah)
08/01/2016		Bankruptcy Case Closed (Benitez, Estella)
08/03/2016	68 (6 pgs)	BNC Certificate of Mailing (Related Document(s): 67 Trustee's Final Report and Account Chapter 13 Case.) Notice Date 08/03/2016. (Admin.)

PACER Service Center			
Transaction Receipt			
01/10/2023 15:08:28			
PACER Login:	millybartolome	Client Code:	41703.0012-G119
Description:	Docket Report	Search Criteria:	11-11079-hcm Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
Billable Pages:	5	Cost:	0.50

Exhibit F

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS**

IN RE:	§	CASE NO. 11-11079-hcm-13
James Nelson Ott	§	
Elizabeth Annette Ott	§	
	§	
Debtor(s)	§	Chapter 13 Proceeding

DEBTOR(S)' CHAPTER 13 PLAN **AMENDED**
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Plan Summary

- A. The Debtor's Plan Payment is scheduled at 1,642.20* per month Pay Order, Direct Pay] for 60 months. The gross amount to be paid into the Plan is 122,926.60 .
- B. The Plan proposes to pay all allowed priority, special class and secured claims and approximately 12 % of the unsecured allowed claims. THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to receive distributions under any plan. Other than adequate protection payments, disbursements will begin after entry of an order of confirmation of the plan.
- C. Value of non-exempt assets 7,347.24 .
- D. Current monthly income 4,241.99 , - expenses 2,496.99 = available for Plan 1,745.00 .
- E. The total amount to be paid into the Plan shall be increased for tax refunds as set forth in the Standing Order for Chapter 13 Case Administration in this Division. These additional receipts shall be disbursed according to the provisions of the Plan. IRS or Debtor(s) are directed to forward refund to the Trustee.

Special Plan Provisions

This is a step plan: Payments 1-3 will be for \$1,642.20 each; payments 4-10 will be for \$1,750.00 each and payments 11-60 will be for \$2,150.00 each.

Plan Provisions

I. Vesting of Estate Property

Upon confirmation of the plan, all property of the estate shall ~~(shall not)~~ vest in the Debtor(s), and shall (shall not) remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

II. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory contracts, if any:

Other Party	Description of Contract or Lease
-NONE-	

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

Other Party	Description of Contract or Lease
-NONE-	

III. Specific Treatment for Payment of Allowed Claims

1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS; SURRENDER OF COLLATERAL

A. Debtor shall pay the following creditors directly:

Creditor Name	Remarks	Debt Amount	Monthly Payment
-NONE-			

B. Debtor shall surrender the following collateral:

Creditor Name	In Full Satisfaction (Yes/No)	Debt Amount	Collateral Surrendered
-NONE-			

C. Creditor's Direct Communication With Debtors

Creditors whose claims are scheduled to be paid directly by the debtor(s), including creditors with claims secured by real property or vehicles, are authorized to send monthly statements to the debtor(s). They are also authorized to communicate directly with the debtor(s) in response to a debtor's questions about monthly payments, escrow accounts, account balances, increases in monthly payments, and other routine customer service inquiries.

2. PAYMENTS BY TRUSTEE

A. Administrative Expenses (including Attorney's fees)

The Trustee may receive up to 10% of all sums disbursed, except on any funds returned to the debtor.

Creditor	Estimated Amount of Debt	Monthly Payment Amount
Lee Norton Bain	2,274.00	150.00

B. Ongoing Mortgage Payments -

The Trustee shall pay all post-petition monthly mortgage payments on claims against real property that were delinquent on the petition date ("Ongoing Mortgage Payments"). The Ongoing Mortgage Payments will be in the amount stated in the allowed proof of claim or as fixed by Court order. If the debtor makes a Plan payment that is insufficient for the Trustee to disburse all Ongoing Mortgage Payments required below, such payments will be disbursed in the order listed below. The Trustee shall hold debtor payments until a sufficient amount is received to make a full Ongoing Mortgage Payment. The debtor shall provide to the Trustee all notices received from Mortgage Creditors including statements, payment coupons, impound and escrow notices, default notifications, and notices concerning changes of the interest rate on variable interest rate loans. The automatic stay is modified to permit Mortgage Creditors to issue such notices. Changes to the monthly Ongoing Mortgage Payment or the addition of post-petition mortgage fees and charges shall be effectuated pursuant to the *Standing Order Relating to Ongoing Mortgage Payments in Chapter 13 Cases in the Austin Division*.

Mortgage Creditor	Property Address	Monthly Mortgage Payment (proof of claim controls)	Monthly Late Charge	Interest Rate	Payment Due Date	Paid by Trustee OR Paid Direct by Debtor (<i>select one</i>)
Bank Of America	Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	389.50	20.00	8.25	1st	Trustee
Gmac Mortgage	Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	957.20	31.19	Contract Rate	1st	Trustee

C. Secured Claims - Mortgage Arrearage, Real Property

The plan will cure pre-petition arrearage claims pursuant to the payment schedule set forth below. The allowed arrearage claim will be the amount of the allowed proof of claim or as fixed by court order.

Creditor/	Property Address/ Description of Collateral	Estimated Claim	Mo. Pmt or Method of Disbursement	Interest Rate (If applicable)	Other Remarks
Bank Of America	Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	2,083.86	Prorata	0.00	Arrearage payment to secured creditor
Gmac Mortgage	Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	13,568.29	Prorata	0.00	Arrearage payment to secured creditor

D. Secured Claims - Personal Property; Adequate Protection Payments; MOTIONS TO VALUE COLLATERAL

The trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the full amount of the claim, as specified below, plus interest thereon at the rate specified in this Plan. **Failure of the secured creditor to object to the proposed value will be deemed acceptance of the plan under Section 1325(a)(5)(A).** Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section III(2)(E).

In the first disbursement following the filing of a claim by a creditor holding an allowed claim secured by personal property, the Trustee shall commence making adequate protection payments in the amount set out below, unless otherwise ordered by the Court. Such payments shall cease upon confirmation of the plan.

Creditor/Collateral	Adequate Protection Payment	Other Treatment/Remarks
Bank Of America Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	389.50	
Gmac Mortgage Homestead at 2553 Hwy 290 E, McDade, Bastrop County, Texas	957.20	

The Debtor moves to value collateral described below in the amounts indicated. The Debtor(s) declares, under penalty of perjury, that the foregoing values as stated in the above Motion and the Plan for the secured debt are true and correct and to the best of their knowledge represent the replacement value, pursuant to Section 506(a)(2), of the assets held for collateral.

/s/ James Nelson Ott
James Nelson Ott
Debtor

/s/ Elizabeth Annette Ott
Elizabeth Annette Ott
Co-Debtor

Objections to Valuation of collateral proposed by this plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. Following confirmation of the plan, monthly payments shall be made as follows:

Creditor/Collateral	Est. Claim	Value Of Collateral	Monthly Payment	Interest Rate	Pay Value of Collateral (OR) Pay Full Amount of Claim <i>(select one)</i>
-NONE-					

Secured creditors shall retain their liens on the collateral which is security for their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law, or discharge under 11 U.S.C. Section 1328. In addition, if this case is dismissed or converted without completion of the plan, such liens shall also be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

E. Priority Creditors

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured creditors	Remarks
-NONE-			

F. General Unsecured Creditors, [including claims from rejection of contracts, leases and contracts for deed] Unless otherwise provided below, payments to creditors with allowed general unsecured claims shall be made on a pro rata basis as funds become available after payment of other creditors. It is estimated that distribution to the general unsecured creditors will commence in approximately the 48th month of the Plan.

G. Cure claims on Assumed Executory Contracts, Contracts for Deed & Leases:

Creditor	Estimated Amount of Debt	Monthly Payment or Method of Disbursement	Remarks
-NONE-			

Totals:

Administrative Claims	<u>2,274.00</u>
Arrearage Claims	<u>15,652.15</u>
Secured Claims	<u>80,802.00</u>
Priority Claims	<u>0.00</u>
Unsecured Claims	<u>73,198.00</u>
Cure Claims	<u>0.00</u>

H. Supplemental Plan Provisions

(a) MOTION TO AVOID LIENS UNDER 11 U.S.C. § 522(f)

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. (Debtor must list the specific exempt property said lien impairs and the basis of the lien, i.e. judicial, nonpurchase-money security interest, etc.)

Creditor	Property Subject to lien	Amount of Lien to be Avoided	Remarks
-NONE-			

IV. General Information

Notice: Local Rule 3002 provides, in part:

"Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor's Attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case."

Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. The deadline for the filing of objections to confirmation is ten days prior to the confirmation hearing.

Respectfully submitted August 15, 2011.

/s/ James Nelson Ott

James Nelson Ott

Debtor

Address

P.O. Box 840

Mc Dade TX 78650-0000

/s/ Elizabeth Annette Ott

Elizabeth Annette Ott

Co-Debtor

Address

P.O. Box 840

Mc Dade TX 78650-0000

/s/ Lee Norton Bain

Lee Norton Bain

Attorney for Debtor

Address/Phone & Fax Number

Lee Norton Bain, Attorney at Law

120 West 8th Street

Georgetown, TX 78626-5804

(512)-863-2813 Fax:(512)-869-5090

Certificate of Service

The Debtor(s) shall be responsible for service of the plan on the Trustee and all parties in interest. A separate certificate of service will be filed.

ATTACH SCHEDULE OF VARIABLE PLAN PAYMENTS, IF APPLICABLE.

Exhibit G



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: October 21, 2011.

**H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS AUSTIN DIVISION**

DEBORAH B. LANGEHENNIG 3801 S CAPITAL OF TEXAS HWY SUITE 320 AUSTIN, TX 78704-6640	Case No. 11-11079-HCM Chapter 13 ORDER CONFIRMING THE PLAN
IN RE: JAMES NELSON OTT ELIZABETH ANNETTE OTT 2553 HWY 290 E MCDADE, TX 78650	DEBTORS' ATTORNEY: LEE NORTON BAIN 120 WEST 8TH STREET GEORGETOWN, TX 78626 (512) 863-2813

ORDER CONFIRMING THE PLAN

Having been considered by the Court, the Plan, or if applicable, the Amended Plan, filed by the Debtors on August 15, 2011 complies with all the provisions of Chapter 13 (11 U.S.C. 1301, et. seq.) and with all other applicable provisions of Title 11 of the United States Code; the Court concludes that the Plan should be confirmed, therefore,

IT IS ORDERED THAT:

1. The Plan is confirmed. The Debtors shall make payments for 60 months and the Plan base is \$124,676.60. However, if the Plan calls for payment of 100% of the allowed unsecured claims, it shall continue for the lesser of the number of months called for in the Plan or the period of time necessary to pay the total amount of allowed claims provided for in the Plan.

2. The Debtors shall commence making payments not later than 30 days after filing of the Plan or the Order of Relief, whichever is earlier, and continuing each month thereafter until further order, the Debtors shall pay to the Trustee, Deborah B Langehennig, Chapter 13 Trustee, PO BOX 298, Memphis, TN 38101-0298 the sum of \$1,750.00 monthly (or the variable payments, if applicable, noted below) or until \$124,676.60 is paid into the Plan.

Starting:	May 29, 2011	\$1,642.20	Number of Months:	3
Starting:	August 29, 2011	\$1,750.00	Number of Months:	7
Starting:	March 29, 2012	\$2,150.00	Number of Months:	UNTIL END OF PLAN

However, should the Debtors become more than sixty (60) days delinquent in making such Plan payments to the Trustee, this case may be dismissed without further notice upon the submission of an Order for Summary Dismissal by the Trustee. Further, this Order is without prejudice to the right of any party to request an employer pay order at a subsequent date.

3. All of the disposable income of the Debtors shall be submitted to the payment of creditors of this estate from the beginning date of the first payment until the Plan may be terminated, and they will provide such information as may be requested by the Trustee to exhibit the disposable income.

4. The Debtors have represented by requesting confirmation that, as of the date of the confirmation hearing, they are current on all post-petition direct payments. Confirmation will preclude any right the Debtors may otherwise have to later seek modification of the Plan to deal with any pre-confirmation defaults on direct payments.

5. In addition, all secured creditors shall retain their liens to the extent they are not avoided or modified by specific Court Order.

6. Notwithstanding 11 U.S.C. Section 347 Unclaimed Property, a claim previously allowed may be disallowed pursuant to 11 U.S.C. Sec. 502 for failure to maintain a current address with the United States Bankruptcy Clerk or negotiate Chapter 13 Trustee checks within the time limit specified on the check. Funds previously allocated by the Plan for such claims will be paid to other allowed claims pursuant to the Debtors' Plan.

7. The balance of any income tax refund issued after the petition date and before the Debtors have made the final payment under the Plan or the Debtors' case is converted or dismissed, may be issued and delivered by the IRS directly to the Trustee. If the IRS returns the tax refund to the Debtors, the Debtors shall immediately forward the refund to the Trustee as additional disposable income, unless other use of such funds is approved by the Trustee or by the Court.

The base amount of the Plan shall be increased to include the amount of this additional receipt.

8. The Debtors' attorney is allowed a total attorney fee of \$3,200.00 with \$1,974.00 to be paid through the plan with an initial payment of \$150.00 and subsequent monthly payments of \$150.00.

Attorney Fees Reduced for Failure to Get Plan Confirmed at First Setting

The Debtors' attorney fees in this case are reduced from \$3,500.00 to \$3,200.00 due to the Plan not being granted confirmation at first setting.

Confirmation Recommended By:

/s/ Deborah B. Langehennig _____

Deborah B. Langehennig
3801 S Capital Of Texas Hwy, Suite 320
Austin, Tx 78704-6640

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Exhibit H

Information to identify the case:			
Debtor 1	James Nelson Ott		Social Security number or ITIN xxx-xx-3568
	First Name	Middle Name	Last Name
Debtor 2	Elizabeth Annette Ott		Social Security number or ITIN xxx-xx-8898
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court Western District of Texas			
Case number: 11-11079-hcm			

Order of Discharge

12/15

IT IS ORDERED: A discharge under 11 U.S.C. § 1328(a) is granted to:

James Nelson Ott

Elizabeth Annette Ott

7/25/16

By the court: H. Christopher Mott
United States Bankruptcy Judge

Explanation of Bankruptcy Discharge in a Chapter 13 Case

This order does not close or dismiss the case.

Creditors cannot collect discharged debts

This order means that no one may make any attempt to collect a discharged debt from the debtors personally. For example, creditors cannot sue, garnish wages, assert a deficiency, or otherwise try to collect from the debtors personally on discharged debts. Creditors cannot contact the debtors by mail, phone, or otherwise in any attempt to collect the debt personally. Creditors who violate this order can be required to pay debtors damages and attorney's fees.

However, a creditor with a lien may enforce a claim against the debtors' property subject to that lien unless the lien was avoided or eliminated. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

This order does not prevent debtors from paying any debt voluntarily. 11 U.S.C. § 524(f).

Most debts are discharged

Most debts are covered by the discharge, but not all. Generally, a discharge removes the debtors' personal liability for debts provided for by the chapter 13 plan.

In a case involving community property: Special rules protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.

Some debts are not discharged

Examples of debts that are not discharged are:

- ◆ debts that are domestic support obligations;
- ◆ debts for most student loans;
- ◆ debts for certain types of taxes specified in 11 U.S.C. §§ 507(a)(8)(C), 523(a)(1)(B), or 523(a)(1)(C) to the extent not paid in full under the plan;

For more information, see page 2

- ◆ debts that the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;
- ◆ debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- ◆ some debts which the debtors did not properly list;
- ◆ debts provided for under 11 U.S.C. § 1322(b)(5) and on which the last payment or other transfer is due after the date on which the final payment under the plan was due;
- ◆ debts for certain consumer purchases made after the bankruptcy case was filed if obtaining the trustee's prior approval of incurring the debt was practicable but was not obtained;

- ◆ debts for restitution, or damages, awarded in a civil action against the debtor as a result of malicious or willful injury by the debtor that caused personal injury to an individual or the death of an individual; and
- ◆ debts for death or personal injury caused by operating a vehicle while intoxicated.

In addition, this discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as an insurance company or a person who cosigned or guaranteed a loan.

This information is only a general summary of a chapter 13 discharge; some exceptions exist. Because the law is complicated, you should consult an attorney to determine the exact effect of the discharge in this case.

United States Bankruptcy Court
Western District of Texas

In re:
James Nelson Ott
Elizabeth Annette Ott
Debtors

Case No. 11-11079-hcm
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0542-1

User: admin
Form ID: 3180W

Page 1 of 2
Total Noticed: 56

Date Rcvd: Jul 25, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 27, 2016.

db/db +James Nelson Ott, Elizabeth Annette Ott, PO Box 840, McDade, TX 78650-0840
cr +GMAC Mortgage Corporation, c/o Pite Duncan, LLP, 4375 Jutland Drive suite 200,
P.O. Box 17933, San Diego, CA 92177-7921
14954146 +1st Finl Invstmnt Fund, 230 Peachtree St Ste 170, Atlanta, GA 30303-1536
14954147 +Account Services Colls, 1802 Ne Loop 410 Ste 400, San Antonio, TX 78217-5298
14954148 +Aspire, Po Box 105555, Atlanta, GA 30348-5555
16819899 Bank of America, P.O. Box 15312, Wilmington DE 19850-5312
14954154 +Codilis & Stawiarski, 650 N Sam Houston Parkway East, Ste 450, Houston, TX 77060-5908
14954155 Discover, Cardmember Service, P.O. Box 94014, Palatine, IL 60094-4014
16821456 Ditech, P.O. Box 6172, Rapid City ND 57709-6172
14954158 +E.R Soulution, Po Box 97029, Redmond, WA 98073
14954159 +Financial Control Services, P.O. Box 21626, Waco, TX 76702-1626
14954160 #+Financial Control Svc, 6801 Sanger Ave Ste 195, Waco, TX 76710-7804
14954166 +GMAC Mortgage, Loss Mitigation Dept, 3451 Hammond Avenue, Waterloo, IA 50702-5345
14965311 +GMAC Mortgage, 4375 Jutland Dr., San Diego CA 92117-3600
15050840 +GMAC Mortgage, LLC, ATTN: BANKRUTPCY DEPARTMENT, 1100 Virginia Drive,
Fort Washington, PA 19034-3204
14954167 +GMAC Mortgage, LLC, Attn: Bankruptcy Dept, 1100 Virginia Drive,
Fort Washington, PA 19034-3204
14983520 +GMAC Mortgage, LLC, c/o Codilis & Stawiarski, P.C., 650 North Sam Houston Parkway East,
Suite 450, Houston, Texas 77060-5908
14954168 +GTE Southwest Inc, 500 Technology Dr, Weldon Spring, MO 63304-2225
14954164 +Gmac Mortgage, Po Box 4622, Waterloo, IA 50704-4622
15084303 +James & Elizabeth Ott, P.O. Box 840, McDade, TX 78650-0840
14954171 +Medical Business Bureau, 1460 Renaissance D Suite 400, Park Ridge, IL 60068-1349
14954172 +Medical Business Bureau, LLC, 1175 Devin Drive, Suite 171, Norton Shores, MI 49441-6079
14954175 +NCA, P.O. Box 550 327 West Fourth St, Hutchinson, KS 67504-0550

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. ust

+E-mail/Text: ustpreion07.au.ecf@usdoj.gov Jul 25 2016 23:19:07
United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230,
Austin, TX 78701-2450
14954149 +EDI: ACCE.COM Jul 25 2016 23:13:00 Asset Acceptance LLC, P.O. Box 2036,
Warren, MI 48090-2036
14954150 EDI: BANKAMER.COM Jul 25 2016 23:13:00 Bank Of America, 4161 Piedmont Pkwy,
Greensboro, NC 27410
15019967 +EDI: BANKAMER.COM Jul 25 2016 23:13:00 BANK OF AMERICA N.A, P.O.BOX 26012,NC4-105-02-99,
Greensboro,NORTH CAROLINA 27420-6012
14954151 +EDI: BANKAMER.COM Jul 25 2016 23:13:00 Bank of America Home Loan, P.O. Box 26078,
Greensboro, NC 27420-6078
14954152 EDI: BANKAMER.COM Jul 25 2016 23:13:00 Bank of America Home Loans, P.O. Box 5170,
Simi Valley, CA 93062-5170
14954153 EDI: BANKAMER.COM Jul 25 2016 23:13:00 Bank of America, N.A., P.O. Box 21848,
Greensboro, NC 27420-1848
14969260 EDI: DISCOVER.COM Jul 25 2016 23:13:00 Discover Bank, DB Servicing Corporation,
PO Box 3025, New Albany, OH 43054-3025
14954156 +EDI: DISCOVER.COM Jul 25 2016 23:13:00 Discover Card, P.O. Box 15192,
Wilmington, DE 19850
14954157 +EDI: DISCOVER.COM Jul 25 2016 23:13:00 Discover Fin Svcs Llc, Po Box 15316,
Wilmington, DE 19850-5316
14954162 EDI: FORD.COM Jul 25 2016 23:13:00 Ford Motor Credit, P.O. Box 537901,
Livonia, MI 48153-7901
14987167 EDI: FORD.COM Jul 25 2016 23:13:00 Ford Motor Credit Company LLC, Dept 55953,
P O Box 55000, Detroit MI 48255-0953
14954161 +EDI: FORD.COM Jul 25 2016 23:13:00 Ford Motor Cr, P.O. Box 542000, Omaha, NE 68154-8000
14954163 +EDI: GMACFS.COM Jul 25 2016 23:13:00 GMAC Mortgage, 1100 Virginia Drive,
Fort Washington, PA 19034-3204
15708581 E-mail/Text: bankruptcy.bnc@gt-cs.com Jul 25 2016 23:18:39 Green Tree Servicing LLC,
P.O. Box 6154, Rapid City, SD 57709-6154
14954169 EDI: HFC.COM Jul 25 2016 23:13:00 HSBC Cardmember Services, P.O. Box 21460,
Tulsa, OK 74121-1460
15127426 +E-mail/Text: compliance@rentcollectglobal.com Jul 25 2016 23:20:15 I.Q. Data International,
IQ Data International, Inc., P.O. Box 2130, Everett, WA 98213-0130
14954170 +E-mail/Text: compliance@rentcollectglobal.com Jul 25 2016 23:20:15 I.Q. Data International,
Po Box 3568, Everett, WA 98213-8568
14977475 EDI: JEFFERSONCAP.COM Jul 25 2016 23:13:00 First Financial Portfolio Mgmt. Inc,
c/o Jefferson Capital Systems LLC, PO BOX 7999, ST CLOUD MN 56302-9617
15045047 EDI: JEFFERSONCAP.COM Jul 25 2016 23:13:00 Jefferson Capital Systems LLC, PO BOX 7999,
SAINT CLOUD MN 56302-9617
14967256 +EDI: MID8.COM Jul 25 2016 23:13:00 Midland Credit Management, Inc.,
8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
14954173 +EDI: MID8.COM Jul 25 2016 23:13:00 Midland Credit Mgmt, 8875 Aero Dr Ste 200,
San Diego, CA 92123-2255

District/off: 0542-1 User: admin Page 2 of 2 Date Rcvd: Jul 25, 2016
Form ID: 3180W Total Noticed: 56

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15801058 EDI: AIS.COM Jul 25 2016 23:13:00 Midland Funding LLC, by American InfoSource LP as agent,
Attn: Department 1, PO Box 4457, Houston, TX 77210-4457
14968622 EDI: RESURGENT.COM Jul 25 2016 23:13:00 NORTH AUSTIN MEDICAL CENTER, c/o B-Line, LLC,
MS 550, PO Box 91121, Seattle, WA 98111-9221
15085102 EDI: PRA.COM Jul 25 2016 23:13:00 Portfolio Recovery Associates, LLC, PO Box 12914,
Norfolk VA 23541
14954176 +EDI: PRA.COM Jul 25 2016 23:13:00 Portfolio, 120 Corporate Blvd, Ste 100,
Norfolk, VA 23502-4962
14954177 +EDI: PRA.COM Jul 25 2016 23:13:00 Portfolio Recvry & Affiliates, 120 Corporate Blvd Ste 1,
Norfolk, VA 23502-4962
15013733 EDI: RECOVERYCORP.COM Jul 25 2016 23:13:00 Recovery Management Systems Corporation,
25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
14968621 +EDI: RESURGENT.COM Jul 25 2016 23:13:00 ST DAVID'S MEDICAL CENTER,
c/o Resurgetn Capital Servcies, P O Box 1927, Greenville SC 29602-1927
14954178 E-mail/Text: txu_legal_collections@txu.com Jul 25 2016 23:19:37 TXU Energy,
Po Box 666565 Attn Collections, Dallas, TX 75266
15093297 +EDI: VERIZONCOMB.COM Jul 25 2016 23:13:00 VERIZON, 404 BROCK DR,
BLOOMINGTON, IL 61701-2654
14954180 EDI: WESTASSET.COM Jul 25 2016 23:13:00 West Asset Management, P.O. Box 2548,
Sherman, TX 75091-2548
14954179 +EDI: WESTASSET.COM Jul 25 2016 23:13:00 West Asset Management, 2703 N Highway 75,
Sherman, TX 75090-2567

TOTAL: 33

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank of America, N.A.
cr GMAC Mortgage, LLC
14954174* ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: National Bankruptcy Service Center, P.O. Box 537901,
Livonia, MI 48153-7901)
14954165 ##GMAC Mortgage, P.O. Box 79135, Phoenix, AZ 85062-9135

TOTALS: 2, * 1, ## 1

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

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

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

Meeting of Creditor Notices only (Official Form 309): 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: Jul 27, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 25, 2016 at the address(es) listed below:

Deborah B. Langehennig mschoppe@chl3austin.com, courtdownloads@chl3austin.com
Eddie R. Jimenez on behalf of Creditor GMAC Mortgage, LLC ecftxbw@aldridgepите.com,
ERJ@ecf.inforuptcy.com/ejimenez@aldridgepите.com
Lee Norton Bain on behalf of Debtor James Nelson Ott leebain@leebainlaw.com
Lee Norton Bain on behalf of Debtor Elizabeth Annette Ott leebain@leebainlaw.com
Paul K. Kim on behalf of Creditor Bank of America, N.A. wdecf@BDFGROUP.com
United States Trustee - AU12 ustpreion07.au.ecf@usdoj.gov

TOTAL: 6

Exhibit I

United States Bankruptcy Court
WESTERN DISTRICT OF TEXAS

In Re: ELIZABETH ANNETTE OTT

Case No. 11-11079

Court ID (Court use only) _____

NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. Section 1111(a). Green Tree Servicing LLC hereby gives notice pursuant to Rule 3001 (e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this notice.

Green Tree Servicing LLC
Name of Transferee

GMAC Mortgage, LLC
Name of Transferor

Name and Address where notices to Transferee should be sent:

Court Record Address of Transferor:
(Court use only)

Green Tree Servicing LLC
P.O. Box 6154
Rapid City, SD 57709-6154
888-298-7785

GMAC Mortgage, LLC
Attn: Bankruptcy Department
1100 Virginia Drive
Fort Washington, PA 19034
800-850-4622

Name and Address where Transferee Payments should be sent to (if different From above):

Court Claim # 15
Amount of Claim: \$92,269.12
Date Claim filed: 7/12/2011

Green Tree Servicing LLC
PO BOX 0049
Palatine, IL 60055-0049

Account #: 5525
(Last four digits only)
New Acct # to reference: 9022
(Last four digits only)

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my knowledge and belief.

By: /s/ Davy Mattson

Date: 02/12/2013

GT Bankruptcy Representative

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. Sections 152 & 3571

DEADLINE TO OBJECT TO TRANSFER

The transferor of claim named above is advised that this Notice of Transfer of Claim Other Than for Security has been filed in the clerk's office of this court as evidence of the transfer. Objections must be filed with the court within (20) days of mailing of this notice. If no objection is timely received by the court, the transferee will be substituted as the original claimant without further notice of the court.

Date: _____

CLERK OF COURT