

Document Page 1 of 14  
**UNITED STATES BANKRUPTCY COURT**  
**WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: ) Bankruptcy No. 14-22576-CMB  
 )  
RICHARD A. WHITE and )  
BRENDA L. WHITE, ) Chapter 11  
Debtors )

**DISCLOSURE STATEMENT**  
**TO ACCOMPANY AMENDED PLAN DATED OCTOBER 12, 2016**

The Debtors furnish this Disclosure Statement to creditors in the above-captioned matter pursuant to Federal Bankruptcy Code 11 USC §1125 to assist them in evaluating Debtor's proposed Chapter 11 plan, a copy of which is attached hereto. Creditors may vote for or against the plan of reorganization. Creditors who wish to vote must complete their ballots and return them to the following address before the deadline noted in the order approving the disclosure statement and fixing said time. The Court will schedule a hearing on the plan pursuant to 11 USC §1129. Pursuant to 11 USC Section 1126(a), the holder of a claim or interest allowed under Section 502, Title 11 may accept or reject a Plan. Under 11 USC Section 1126(c), a class of claims has accepted a Plan if such Plan has been accepted by creditors that hold at least two-thirds (2/3) of an amount, and more than one-half (1/2) in number, of the allowed claims of such class. Pursuant to 11 USC Section 1126(f), a class that is not impaired under a Plan, and each holder of a claim or interest of such class is conclusively presumed to have accepted the Plan and solicitation of acceptances with respect of such class from the holders of claims or interests of such class is not required.

Title 11 USC Section 1125(b) prohibits solicitation of votes on the Plan until the Disclosure Statement is approved by the Court as having adequate information. The Debtor has attempted to set forth, in reasonable detail, all relevant information concerning the debts and assets of the business.

NO INFORMATION CONCERNING THE DEBTORS IS AUTHORIZED OTHER THAN THE INFORMATION SET FORTH IN THIS STATEMENT. ANY REPRESENTATIONS OR INDUCEMENTS MADE TO SECURE YOUR ACCEPTANCE OR REJECTION OF THE PLAN WHICH ARE OTHER THAN AS CONTAINED IN THIS DISCLOSURE STATEMENT SHOULD NOT BE RELIED UPON BY YOU IN ARRIVING AT YOUR DECISION.

Address for return of ballots:

*Edgardo D. Santillán, Esquire*  
*Counsel for Debtors*  
Santillán Law Firm, PC  
775 Fourth Street  
Beaver, PA 15009  
724-770-1040  
412-774-2266 fax  
[eds@debtlaw.com](mailto:eds@debtlaw.com)

## I. Background

1. Name of Debtors: Richard A. White and Brenda A. White.

2. Type of Debtor (individual, partnership, corporation)

*Individuals.*

3. Debtor's Business or Employment

The Debtor-Husband is self employed as a Tri-Axle Dump Truck driver. Debtor-Wife works part time as a Cook at G&D Market and homemaker.

4. Date of Chapter 11 Petition

*The bankruptcy was initiated by the filing of a Voluntary Petition under Chapter 11 on June 25, 2014.*

5. Events that Caused the Filing:

*The Debtors had previously filed a voluntary Chapter 13 case on October 31, 2011 at Case No. 11-26668-CMB. Their prior Chapter 13 plan provided for monthly payments of \$3,500.00 per month dedicated to the cure and reinstatement of their first mortgage to HSBC, payoff of the vehicle loan to Springfield Financial, Cramdown action against Household Realty, payment of delinquent real estate taxes to Fayette County Tax Claim Bureau, payment of income taxes to Central Tax Bureau, IRS and PA Dept of Rev., as well as, 0% distribution to unsecured creditors. Their Plan was confirmed, on an interim basis, by the Court on December 5, 2011. However and amended plan dated July 18, 2012 was denied on April 17, 2013.*

*Due to significantly increased fuel expenses by the Debtor-Husband, their plan became unfeasible, and their case was converted to Chapter 7 on May 13, 2013. The Debtors received their Chapter 7 discharge on September 8, 2013.*

*Following their Discharge, the Debtor-Husband, was involved in a tragic, fatal, automobile - truck accident on September 25, 2013. The driver of the vehicle crossed the center lane of traffic and struck Mr. White's former Tri-Axle Dump Truck. The accident killed the driver and occupants of the other vehicle. The accident was investigated by the Pennsylvania State Police - who cleared the Debtor of any fault.*

*Following the fatal accident, the Debtors awaiting compensation for the loss of the Dump Truck, however, the driver of the other vehicle was uninsured and did not possess a valid driver's license. After a couple of months, the Debtor did receive partial payment from insurance - based upon Uninsured Motorist Coverage, however, the amount tendered was insufficient to purchase a*

replacement truck. During the period following the accident, the Debtors attempted to purchase a replacement, pre-owned, Tri-Axle Dump truck. They contacted several local banks and credit unions, as well as, attempted to obtain dealer financing on a replacement vehicle. Due to their Chapter 7 discharge, they were denied by prospective creditors. The lack of funding was a dark time in the Debtors' lives as they investigated all possible options to return to employment. The Debtors were forced to survive on the small UIM coverage check.

On or about May 23, 2014, Mr. White created a limited liability company, RA White Trucking, LLC upon the suggestion of a truck dealership, and applied for credit under the LLC to purchase a used Tri-Axle truck. As a result of same, the Debtors were able to obtain financing toward the purchase of a replacement truck. Accordingly, Mr. White began his trucking business once again as an LLC. The LLC owns the tri-axle truck.

### **UPDATE**

***The Debtors experienced a sizeable reduction in income during the winter months of 2015 - 2016 as local area temperatures were higher than usual due to El Niño. As a result, the Debtor did not have as many jobs which required the use of hauling gravel & cinders to various location. This reduced income. Additionally, the Debtor-Wife presented with medical problems which kept her from performing full time employment - further exacerbating their financial problems. Since then, the Debtors have experienced an increase in revenue, depicted in their current monthly operation reports, as hauling jobs have increased. The Debtor-Wife is seeking employment to increase household income sufficient to fund their Chapter 11 plan and pay household expenses.***

#### **6. Anticipated Future of the Company & Source of this Information and Opinion.**

*Mr. White is now operating a trucking company under the new LLC. He has a long standing contract with several slag sites near their home, and in their county. These relationships are expected to continue and flourish allowing the Debtor to haul slag, soil and misc. raw materials. Mr. White is paid by the mile for hauling - these rates include a component for fuel costs.*

*The Debtors are very optimistic that the hauling business will rebound and grow following their extended hiatus from the business due to the loss of their former truck. As suppliers become more aware of Mr. White's return to hauling, the Debtors expect a marked increased and sustainable income stream.*

*The Debtors will fund their Chapter 11 reorganization through their incomes derived from truck hauling.*

7. Summarize all Significant Features of the Plan Including When and How Each Class of Creditor Will Be Paid and What, If Any, Liens Will Be Retained By Secured Creditors or Granted to Any Creditor Under the Plan

*Class I claims shall remain unimpaired and be paid in full on or before the 30<sup>th</sup> day after the entry of the Confirmation Order, or in the ordinary course of business or as otherwise agreed to by the parties and approved by the Court. Claims of the professionals engaged by the Debtor, or claims in this class disputed by the Debtor are subject to Bankruptcy Court approval.*

*The Class II claim of the creditors are impaired. The first mortgage secured claim of HSBC Mortgage Services, Inc. in the amount of \$338,391.15 against the Debtors' property located at 229 Kessler School Road, Acme, PA 15610 shall be reamortized over 4.5% over thirty (30) years. The monthly P/I payment shall be \$1,714.58 per month plus an additional monthly amount of \$200.00 per month toward escrow for taxes and insurance for a total monthly amount \$1,914.58 commencing 30 days following confirmation of the Plan. As such, for notice purposes, the Debtors assert that the mortgage on their residence is being modified pursuant to In re Szostek, In re, 886 F.2d 1405 (C.A.3 (Pa.), 1989)(Court may confirm a Plan over the lack of objections of mortgagee); In re Till, 541 U.S. 465 (2004)(Debtor may modify his first residential mortgage interest rates in light of 11 USC 1123(b)(5)); In re Scarborough, 461 F.3d 406 (3rd Cir., 2006)(Debtors may modify mortgage on residence that is mixed use). This creditor shall retain its respective lien on Debtor's residence. In the event that Debtors make payments (prior to confirmation) to Creditor, Debtors shall be given credit for said payments toward the reamortized monthly amounts from the initial filing date.*

*The Debtors shall file a 506 complaint against Household Realty Corporation (with claim of \$34,473.00) and unsecure the claim against the Debtors' residence located at 229 Kessler School Road, Acme, PA 15610. The unsecured claim of Household Realty Corporation shall be paid in accordance with other unsecured claims in Debtors' plan.*

*The Class III allowed secured tax claim of the secured tax claim of the Pennsylvania Department of Revenue (Proof of Claim #2) in the amount of \$9,210.91 in accordance with the Order of Court dated August 23, 2016 approving the Stipulation and Agreement between the parties as to the treatment of the claim of the Pa. Department of Revenue.*

*Revenue's claim shall be paid pursuant to the proposed Bankruptcy Plan in the manner required by 11 U.S.C. 1129(b)(2)(a) and more specifically payment will be made as follows:*

*(A). The secured claim of \$9,210.00 will be paid through 36 monthly payments of \$267.84 which includes statutory interest of 3%. The first payment is due within either 30 days of the Plan Confirmation Date or the date of an Order Approving the Modification of the April 6, 2016 Plan.*

*This Class is impaired.*

*Class IV shall consist of the timely filed, allowed priority tax claims of the Internal Revenue Service. The Debtor incorporates the Order dated September 12, 2016 approving the Stipulation and Agreed Order dealing with the claim of the I.R.S.*

*The total claim of the IRS in the total amount of \$58,603.91 shall be paid as follows:*

*(a). The priority and administrative claim in the amount of \$52,213.61, which is comprised of (i) the unsecured priority claim totaling \$43,367.56 (\$45,838.54, less the prior confirmed plan payments in the amount of \$2,470.98) and (ii) the administrative claim in the amount of \$8,846.05 (calculated through October 11, 2016) owed for 2015 income taxes, together with interest thereon at the rate of 4 percent per annum, shall be paid in monthly installments of \$1,542.00 over a thirty-six (36) month period. The first such installment shall be due on the 15<sup>th</sup> day of the month following the Effective Date of the plan, and each subsequent payment shall be due on the 15<sup>th</sup> day of each month thereafter until such time as the amount of such claim plus interest has been fully paid.*

*(b). The general unsecured claim of \$6,390.30 shall be paid in accordance with the treatment given to other general unsecured creditors under the plan.*

*Any additional unpaid federal tax liabilities of the Debtors arising between the filing of this Stipulation and the confirmation of the plan of reorganization will be paid in full on or before the plan effective date.*

*The claim Central Tax Bureau in the amount of \$2,731.21. This Class is impaired. The Debtors shall pay these claims over 60 months, along with statutory interest (3%) . The monthly amount toward the claim of the Internal Revenue Service pursuant to the terms of the parties' agreement above and the monthly amount toward the claim of Central Tax Bureau of \$49.08 shall commence 30 days following confirmation of the Plan.*

*The Class V shall consist of the timely filed, allowed secured claims of Springleaf Financial (Proof of Claim # 5) secured against a 2004 Ford F 250 truck in the amount of \$4,006.66. The Debtors shall reamortize the Springleaf loan at 5.0% over 36 months at \$120.08 per month; and the secured vehicle loan with Capital One Auto Finance secured against a 2012 Ford Escape in the amount of \$26,576.89. The Debtors shall reamortize the Capital One Auto Finance loan at 5.0% over 60 months at \$500.54 per month. Payments shall commence 30 days following confirmation. Upon payment in full of this claim, pursuant to the terms above, Capital One Auto Finance shall release its lien within days thereof. This Class is impaired.*

*The Class VI general unsecured claims shall be impaired, undisputed, timely filed, unsecured creditors will be paid a total of five percent (5%) of their allowed claims. The following creditors have filed timely claims: PNC Bank (Proof Claim # 1) in the amount of \$6,696.11; Internal Revenue Service (Proof Claim #3) in the amount of \$6,390.30; and, Candica, LLC (Proof Claim # 4) in the amount of \$832.66.*

*However, the claim of Candica LLC is disputed as a claim listed originally as, Capital One, in the Debtors' prior bankruptcy case, Case No. 11-26668-CMB, W.D.Pa. The Debtors received their discharge of this debt on September 8, 2013. As such, Candica LLC shall not receive any distribution (and shall not be entitled to vote) as no valid, legal claim exists.*

*Accordingly, the amount of \$654.32 shall be prorated between PNC and the IRS and shall be paid within one (1) year following confirmation of the plan.*

*The Plan does not provide for the release of non-debtor parties.*

8. Are All Monthly Operating Statements Current and on File With The Clerk of Court?

Yes X No     

9. Does the plan provide for releases of non-debtor parties?

*No*

10. Identify all executory contracts that are to be assumed or assumed and assigned.

*The Debtors do not have any leases which will be assumed.*

11. Has a bar date been set?

*Yes. November 18, 2014 for general creditors and December 22, 2014 for Governmental creditors.*

12. Has an election under 11 U.S.C. Sec. 1121(e) been filed with the Court to have the case be treated as a small business case?

*No*

13. Specify any property that will be transferred subject to 11 U.S.C. Sec. 1146(c).

*None*

## II. Creditors

### A. Secured Claims

Creditor	Total Amount Owed	Arrearages	Type of Collateral Priority of Lien (1, 2, 3)
HSBC Mortgage Services	338,391.15	20,000.00+	First Mortgage on residence
Household Realty Corp	34,473.00	Unknown	Second Mortgage on residence
PA. Dept. Of Revenue	9,210.91		All property - State Tax Lien
Springleaf Financial	4,066.66	0.00	2004 Ford F250
Capital One Auto Finance	26,576.89	0.00	2012 Ford Escape
<b>TOTAL</b>	<b>\$412,718.61</b>		

### B. Priority Claims

Creditor	Total Amount Owed	Type of Claim
Internal Revenue Service	52,213.61	Income Tax
Central Tax Bureau	2,731.21	Wage Tax
<b>TOTAL</b>	<b>\$54,944.82</b>	

· Disputed (D), Liquidated (L), or Unliquidated (U)

C. Unsecured Claims

1.	Amount Debtor Scheduled (Disputed and Undisputed)	\$14,219.07
2.	Amount of Unscheduled Unsecured Claims <sup>2</sup>	\$0.00
3.	Total Claims Scheduled	\$4,904.00
4.	Amount Debtor Disputes	\$832.66
5.	Estimated Allowable Unsecured Claims	\$13,386.41

**The claims docket in this case is a public record and may be viewed by any creditor. Debtor's counsel will provide a copy of the claims docket to any creditor upon request.**

---

<sup>2</sup>

Includes a.) unsecured claims filed by unscheduled creditors; b.) that portion of any unsecured claims filed by a scheduled creditor that exceeds the amount debtor scheduled; and c.) any unsecured portion of any secured debt not previously scheduled.

III.Assets	Value	Basis for Value	Name of Lien Holder (if any) (Fair Market Value/Book Value)	Amount of Debtor's Equity (Value Minus Liens)
Residence located at 299 Kessler School Road, Acme, PA 15610	200,000	FMV	HSBC Mortgage Services, Inc., Household Realty Corp., Pa. Dept of Rev.	0.00
Checking accounts with First National Bank and PNC Bank	159.00	FMV	Pa. Dept of Rev	0.00
Misc. Household goods, furnishings, furniture, appliances, electronics & clothing	3,000.00	FMV	Pa. Dept of Rev	0.00
Wedding rings, earrings	150.00	FMV	Pa. Dept of Rev	0.00
Deer rifle, 30-06	400.00	FMV	Pa. Dept of Rev	0.00
Term Life policies with Prudential, Great American	0.00	FMV		0.00
Whole Life policy with State Farm	0.00	FMV		0.00
Stock in RA White Trucking, LLC	0.00	FMV		0.00
2004 Ford F250	7,000.00	FMV	Springleaf Financial	0.00
2005 New Holland Tractor	3,500.00	FMV	Pa. Dept of Rev	0.00
2012 Ford Escape	19,600.00	FMV	Capital One Auto Finance	773.00
<b>TOTAL</b>	\$233,809.00			
	233,809.00			\$0.00* TOTAL

\* The Pa. Dept of Revenue Lien attaches to all debtors property regardless of bankruptcy exemptions until the claim is Paid in Full/Satisfied pursuant to 11 USC 363(a) and State Law.

### III. Assets

- Are any assets which appear on Schedule A or B of the bankruptcy petition not listed above?

*No.*

If so, identify asset and explain why asset is not in estate:

2. Are any assets listed above claimed as exempt? If so attach a copy of Schedule C and any amendments.  
Yes.

#### IV. SUMMARY OF PLAN

1. Effective Date of Plan:  
*30 Days after Confirmation*
2. Treatment of Claims and Interests:

*Class I claims shall remain unimpaired and be paid in full on or before the 30<sup>th</sup> day after the entry of the Confirmation Order, or in the ordinary course of business or as otherwise agreed to by the parties and approved by the Court. Claims of the professionals engaged by the Debtor, or claims in this class disputed by the Debtor are subject to Bankruptcy Court approval.*

*The Class II claim of the creditors are impaired. The first mortgage secured claim of HSBC Mortgage Services, Inc. in the amount of \$338,391.15 against the Debtors' property located at 229 Kessler School Road, Acme, PA 15610 shall be reamortized over 4.5% over thirty (30) years. The monthly P/I payment shall be \$1,714.58 per month plus an additional monthly amount of \$200.00 per month toward escrow for taxes and insurance for a total monthly amount \$1,914.58 commencing 30 days following confirmation of the Plan. As such, for notice purposes, the Debtors assert that the mortgage on their residence is being modified pursuant to In re Szostek, In re, 886 F.2d 1405 (C.A.3 (Pa.), 1989)(Court may confirm a Plan over the lack of objections of mortgagee); In re Till, 541 U.S. 465 (2004)(Debtor may modify his first residential mortgage interest rates in light of 11 USC 1123(b)(5)); In re Scarborough, 461 F.3d 406 (3rd Cir., 2006)(Debtors may modify mortgage on residence that is mixed use). This creditor shall retain its respective lien on Debtor's residence. In the event that Debtors make payments (prior to confirmation) to Creditor, Debtors shall be given credit for said payments toward the reamortized monthly amounts from the initial filing date.*

*The Debtors shall file a 506 complaint against Household Realty Corporation (with claim of \$34,473.00) and unsecure the claim against the Debtors' residence located at 229 Kessler School Road, Acme, PA 15610. The unsecured claim of Household Realty Corporation shall be paid in accordance with other*

*The Class III allowed secured tax claim of the secured tax claim of the Pennsylvania Department of Revenue (Proof of Claim #2) in the amount of \$9,210.91 in accordance with the Order of Court dated August 23, 2016 approving the Stipulation and Agreement between the parties as to the treatment of the claim of the Pa. Department of Revenue.*

*Revenue's claim shall be paid pursuant to the proposed Bankruptcy Plan in the manner required by 11 U.S.C. 1129(b)(2)(a) and more specifically payment will be made as follows:(A). The secured claim of \$9,210.00 will be paid through 36 monthly payments of \$267.84 which includes statutory interest of 3%. The first payment is due within either 30 days of the Plan Confirmation Date or the date of an Order Approving the Modification of the April 6, 2016 Plan. This Class is impaired.*

*Class IV shall consist of the timely filed, allowed priority tax claims of the Internal Revenue Service. The Debtor incorporates the Order dated September 12, 2016 approving the Stipulation and Agreed Order dealing with the claim of the I.R.S.*

*The total claim of the IRS in the total amount of \$58,603.91 shall be paid as follows:*

*(a). The priority and administrative claim in the amount of \$52,213.61, which is comprised of (i) the unsecured priority claim totaling \$43,367.56 (\$45,838.54, less the prior confirmed plan payments in the amount of \$2,470.98) and (ii) the administrative claim in the amount of \$8,846.05 (calculated through October 11, 2016) owed for 2015 income taxes, together with interest thereon at the rate of 4 percent per annum, shall be paid in monthly installments of \$1,542.00 over a thirty-six (36) month period. The first such installment shall be due on the 15<sup>th</sup> day of the month following the Effective Date of the plan, and each subsequent payment shall be due on the 15<sup>th</sup> day of each month thereafter until such time as the amount of such claim plus interest has been fully paid.*

*(b). The general unsecured claim of \$6,390.30 shall be paid in accordance with the treatment given to other general unsecured creditors under the plan.*

*Any additional unpaid federal tax liabilities of the Debtors arising between the filing of this Stipulation and the confirmation of the plan of reorganization will be paid in full on or before the plan effective date.*

*The claim Central Tax Bureau in the amount of \$2,731.21. This Class is impaired. The Debtors shall pay these claims over 60 months, along with statutory interest (3%) . The monthly amount toward the claim of the*

*Internal Revenue Service pursuant to the terms of the parties' agreement above and the monthly amount toward the claim of Central Tax Bureau of \$49.08 shall commence 30 days following confirmation of the Plan.*

*The Class V shall consist of the timely filed, allowed secured claims of Springleaf Financial (Proof of Claim # 5) secured against a 2004 Ford F 250 truck in the amount of \$4,006.66. The Debtors shall reamortize the Springleaf loan at 5.0% over 36 months at \$120.08 per month; and the secured vehicle loan with Capital One Auto Finance secured against a 2012 Ford Escape in the amount of \$26,576.89. The Debtors shall reamortize the Capital One Auto Finance loan at 5.0% over 60 months at \$500.54 per month. Payments shall commence 30 days following confirmation. Upon payment in full of this claim, pursuant to the terms above, Capital One Auto Finance shall release its lien within days thereof. This Class is impaired.*

*The Class VI general unsecured claims shall be impaired, undisputed, timely filed, unsecured creditors will be paid a total of five percent (5%) of their allowed claims. The following creditors have filed timely claims: PNC Bank (Proof Claim # 1) in the amount of \$6,696.11; Internal Revenue Service (Proof Claim #3) in the amount of \$6,390.30; and, Candica, LLC (Proof Claim # 4) in the amount of \$832.66.*

*However, the claim of Candica LLC is disputed as a claim listed originally as, Capital One, in the Debtors' prior bankruptcy case, Case No. 11-26668-CMB, W.D.Pa. The Debtors received their discharge of this debt on September 8, 2013. As such, Candica LLC shall not receive any distribution (and shall not be entitled to vote) as no valid, legal claim exists.*

*Accordingly, the amount of \$654.32 shall be prorated between PNC and the IRS and shall be paid within one (1) year following confirmation of the plan.*

*The Plan does not provide for the release of non-debtor parties.*

#### IV. Distributions

The Debtors will make the required distributions to creditors under the Plan.

#### V. Executory Contracts

On the Confirmation Date, the Debtors will reject all executory contracts and unexpired leases of the Debtor.

#### VI. Discharge of Debt

On the date the Confirmation Order becomes a Final Order, the promises and obligations of the Debtors provided for in the Plan will bind the Debtors, and any creditor of the Debtors, whether or not such creditor is impaired under the Plan, and whether or not such creditor has accepted the Plan. Confirmation of the Plan will also release and forever discharge the Debtors from any rights or claims of creditors of the Debtors arising prior to the confirmation Date.

#### VII. Modification of the Plan

The Debtors may propose amendments or modifications to the Plan at any time prior to confirmation, with leave of Court, and notice to affected unsecured creditors, the U.S. Trustee and attorneys for secured creditors. After confirmation the Debtors may, with approval of the Court, and so long as it does not materially or adversely affect the interest of creditors, remedy any defect or omission, or reconcile any inconsistencies in the Plan, or in the Order of Confirmation, in such manner as may be necessary to carry out the purposes and effect of the Plan.

#### VIII. Management and Ownership

After the entry of a Final Order Confirming the Plan, the Debtors will continue to own their real and personal property located in Somerset County, Pennsylvania.

#### X. Comparison of Plan with Chapter 7 Liquidation

If debtors' proposed plan is not confirmed, the potential alternatives would include proposal of a different plan or dismissal of the case. **The Debtors were in a previous Chapter 7 case, at Case No. 11-26668-CMB. They received their Discharge on September 8, 2013 and their assets were exempted in that case. Therefore, their assets are exempt from process and/or claims of unsecured creditors.** Using the Alternative Liquidation Test, all secured claims and priority claims, including all expenses of administration, must be paid in full before any distribution is made to unsecured claimants.

Total value of Chapter 7 estate	\$233,809.00
(See Section III)	
1. Less secured claims (See II-A)	( \$412,718.61)
2. Less administrative expenses and exempt property(	15,000.00) Est.

3. Less other priority claims (See II-B) \$ ( 48,570.85)

4. Less Exemptions (8,132.00)

**Total Amount Available for  
Distribution to Unsecured Creditors  
in a Chapter 7 Liquidation. \$0.00**

**Percentage of dividend proposed to timely filed,  
allowed Unsecured creditors under this Plan is 5% .**

Will the creditors fare better under the plan than they would in a Chapter 7 liquidation?

Yes   X   No       

Explain: *Unsecured creditors will receive **no distribution** if the case is converted to a Chapter 7. All assets will be sold to pay administrative and secured claims. Furthermore,*

I. XI. Feasibility

*Feasibility of the Plan depends upon the continued employment of Debtor-Husband as a Tri-Axle Dump Truck driver.*

XII. Certification

The undersigned hereby certify that the information herein is true and correct to the best of their knowledge and belief formed after reasonable inquiry.

Dated: October 12, 2016 /s/ Edgardo D. Santillan  
Edgardo D. Santillan, Esq.  
Santillan Law Firm, PC  
775 Fourth Street  
Beaver, PA 15009  
(724) 770-1040  
Pa. I.D. # 60030

Dated: October 12, 2016 /s/ Richard A. White  
Richard A. White.

Dated: October 12, 2016 /s/ Brenda L. White  
Brenda L White