

20-40126-TLS Daniel John Fritz and Cindy Ann Fritz
Case type: bk **Chapter:** 12 **Asset:** Yes **Vol:** v **Chief Judge:** Thomas L. Saladino
Date filed: 01/27/2020 **Date of last filing:** 02/18/2020

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Case Summary

Office: Lincoln Office
County: SALINE-NE
Fee: Paid

Origin: 0
Previous term:

Joint: y
Original chapter: 12
Current chapter: 12

Filed: 01/27/2020
Terminated:
Debtor discharged:
Joint debtor discharged:
Reopened:
Converted:
Debtor dismissed:
Joint debtor dismissed:
Confirmation hearing:

Nature of debt: business
Flags: PlnDue

Trustee: James A. Overcash **City:** Lincoln **Phone:** 402-437-8500 **Email:** trustee@woodsaitken.com
Trustee: Jerry Jensen **City:** Omaha **Phone:** **Email:** ustpreion13.om.ecf@usdoj.gov

Party 1: Fritz, Daniel John (Debtor)
 SSN / ITIN: xxx-xx-3863

Party 2: Fritz, Cindy Ann (Joint Debtor)
 SSN / ITIN: xxx-xx-2496

Atty: John C. Hahn **Represents party 1:** Debtor **Phone:** 402-474-1507
Email: bankruptcy@wolfesnowden.com
Atty: John C. Hahn **Represents party 2:** Joint Debtor **Phone:** 402-474-1507
Email: bankruptcy@wolfesnowden.com

Location of case files:

Volume: CS1
 The case file may be available.

| | | | |
|-----------------------------|--------------|-------------------------|--------------|
| PACER Service Center | | | |
| Transaction Receipt | | | |
| 02/20/2020 14:16:43 | | | |
| PACER Login: | tcn22015 | Client Code: | |
| Description: | Case Summary | Search Criteria: | 20-40126-TLS |
| Billable Pages: | 1 | Cost: | 0.10 |

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Case type: bk **Chapter:** 12 **Asset:** Yes **Vol:** v **Chief Judge:** Thomas L. Saladino
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Parties

First Nebraska Bank

Added: 02/04/2020
(Creditor)

represented
by

Ryan J. Dougherty

Bradford & Coenen
1620 Dodge Street, Suite 1800
Omaha, NE 68102-1505
(402) 342-4200
(402) 342-4202 (fax)
rdougherty@bradfordcoenen.com
Assigned: 02/10/20

Warren R. Whitted, Jr

Houghton Bradford Whitted PC, LLO
6457 Frances Street
Suite 100
Omaha, NE 68106
402-344-4000
wwhitted@houghtonbradford.com
Assigned: 02/04/20

Cindy Ann Fritz

1269 County Road 2200
Wilber, NE 68465-2511
SSN / ITIN: xxx-xx-2496
Added: 01/27/2020
(Joint Debtor)

represented
by

John C. Hahn

Wolfe Snowden Hurd Ahl Sitzmann Tannehill & Hahn, LLP
1248 O Street, Suite 800
Lincoln, NE 68508
402-474-1507
bankruptcy@wolfesnowden.com
Assigned: 01/27/20

Daniel John Fritz

1269 County Road 2200
Wilber, NE 68465-2511
SSN / ITIN: xxx-xx-3863
Added: 01/27/2020
(Debtor)

represented
by

John C. Hahn

Wolfe Snowden Hurd Ahl Sitzmann Tannehill & Hahn, LLP
1248 O Street, Suite 800
Lincoln, NE 68508
402-474-1507
bankruptcy@wolfesnowden.com
Assigned: 01/27/20

Jerry Jensen

Assistant UST
U.S. Trustee's Office
111 South 18th Plz, Suite 1148
Omaha, NE 68102
ustprefregion13.om.ecf@usdoj.gov
Added: 01/27/2020
(U.S. Trustee)

James A. Overcash

James A. Overcash, Trustee
301 South 13th Street, Ste 500

Woods & Aitken LLP
Lincoln, NE 68508
402-437-8500
trustee@woodsaitken.com
Added: 01/27/2020
(Trustee)

William E. Rut
Home & Country, LLC
133 Maple Street
Friend, NE 68359
Added: 02/18/2020
(Realtor)

| | | | |
|-----------------------------|------------|-------------------------|--------------|
| PACER Service Center | | | |
| Transaction Receipt | | | |
| 02/20/2020 14:16:58 | | | |
| PACER Login: | tcn22015 | Client Code: | |
| Description: | Party List | Search Criteria: | 20-40126-TLS |
| Billable Pages: | 1 | Cost: | 0.10 |

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF NEBRASKA

Case number (if known) _____

Chapter you are filing under:

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

Check if this is an amended filing

Official Form 101 Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Daniel
First name

John
Middle name

Fritz
Last name and Suffix (Sr., Jr., II, III)

Cindy
First name

Ann
Middle name

Fritz
Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

xxx-xx-3863

xxx-xx-2496

Debtor 1 Daniel John Fritz
Debtor 2 Cindy Ann Fritz

Case number (if known)

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

I have not used any business name or EINs.

I have not used any business name or EINs.

Include trade names and doing business as names

Business name(s)

Business name(s)

EINs

EINs

5. Where you live

1269 County Road 2200
Wilber, NE 68465-2511

Number, Street, City, State & ZIP Code

If Debtor 2 lives at a different address:

Number, Street, City, State & ZIP Code

Saline

County

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

Number, P.O. Box, Street, City, State & ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason. Explain. (See 28 U.S.C. § 1408.)

I have another reason. Explain. (See 28 U.S.C. § 1408.)

Debtor 1 Daniel John Fritz
Debtor 2 Cindy Ann Fritz

Case number (if known)

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under. Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.
[] Chapter 7
[] Chapter 11
[] Chapter 12
[] Chapter 13

8. How you will pay the fee. [] I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
[] I need to pay the fee in installments. If you choose this option, sign and attach the Application for Individuals to Pay The Filing Fee in Installments (Official Form 103A).
[] I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years? [] No. [] Yes.
District _____ When _____ Case number _____
District _____ When _____ Case number _____
District _____ When _____ Case number _____

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate? [] No. [] Yes.
Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____

11. Do you rent your residence? [] No. Go to line 12. [] Yes. Has your landlord obtained an eviction judgment against you?
[] No. Go to line 12.
[] Yes. Fill out Initial Statement About an Eviction Judgment Against You (Form 101A) and file it as part of this bankruptcy petition.

Debtor 1 Daniel John Fritz
Debtor 2 Cindy Ann Fritz

Case number (if known)

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

- No. Go to Part 4.
- Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number, Street, City, State & ZIP Code

Check the appropriate box to describe your business:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

- No. I am not filing under Chapter 11.
- No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.
- Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

- No.
- Yes.
 - What is the hazard? _____
 - If immediate attention is needed, why is it needed? _____

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property? _____

Number, Street, City, State & Zip Code

Debtor 1 **Daniel John Fritz**
 Debtor 2 **Cindy Ann Fritz**

Case number (if known) _____

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity.
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability.
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty.
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

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If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity.
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability.
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty.
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 **Daniel John Fritz**
 Debtor 2 **Cindy Ann Fritz**

Case number (if known) _____

Part 6: Answer These Questions for Reporting Purposes

16. **What kind of debts do you have?**
- 16a. **Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- No. Go to line 16b.
 Yes. Go to line 17.
- 16b. **Are your debts primarily business debts?** *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
- No. Go to line 16c.
 Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts
-

17. **Are you filing under Chapter 7?**
- No. I am not filing under Chapter 7. Go to line 18.
- Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?**
- Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- No
 Yes
-

18. **How many Creditors do you estimate that you owe?**
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |
-

19. **How much do you estimate your assets to be worth?**
- | | | |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |
-

20. **How much do you estimate your liabilities to be?**
- | | | |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |
-

Part 7: Sign Below

For you I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, 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.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

| | |
|---|---|
| <u>/s/ Daniel John Fritz</u> Daniel John Fritz Signature of Debtor 1 | <u>/s/ Cindy Ann Fritz</u> Cindy Ann Fritz Signature of Debtor 2 |
| Executed on <u>January 27, 2020</u> MM / DD / YYYY | Executed on <u>January 27, 2020</u> MM / DD / YYYY |

Debtor 1 Daniel John Fritz
Debtor 2 Cindy Ann Fritz

Case number (if known)

For your attorney, if you are represented by one

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

If you are not represented by an attorney, you do not need to file this page.

/s/ John C. Hahn

Date

January 27, 2020

Signature of Attorney for Debtor

MM / DD / YYYY

John C. Hahn 15068

Printed name

Wolfe, Snowden, Hurd, Ahl, Sitzmann, Tannehill & Hahn, LLP

Firm name

**Wells Fargo Center
1248 "O" St., Suite 800
Lincoln, NE 68508-1424**

Number, Street, City, State & ZIP Code

Contact phone **402-474-1507**

Email address

bankruptcy@wolfesnowden.com

15068 NE

Bar number & State

Bryan Health
2910 Betten Drive
Crete, NE 68333

First Nebraska Bank
3225 23rd St.
Columbus, NE 68601

Internal Revenue Service
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

John Deere Financial
8402 Excelsior Drive
PO Box 5328
Madison, WI 53705-0328

PHI Financial
PO Box 733250
Dallas, TX 75373-3250

RCIS
3501 Thurston Ave.
Anoka, MN 55303

Saline County Attorney
Box 713
Wilber, NE 68465

Saline County Treasurer
Box 865
Wilber, NE 68465

Warren R. Whitted, Jr., Attorney
6457 Frances St., Ste. 100
Omaha, NE 68106

Wessler Law, LLC
101 S. State St., Ste. 240A
Decatur, IL 62523