

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 04-43218

Amy M. Lemanski,

Debtor(s).

**RESPONSE TO MOTION FOR
DISMISSAL OR CONVERSION**

Amy M. Lemanski (Debtor), by the undersigned attorneys, hereby makes this response to the Motion of the United States Trustee to dismiss the above-entitled case and states in response as follows:

1. That she is the Debtor in this case. The case was commenced on June 8, 2004.
2. Ms. Lemanski filed these proceeding in good faith.
3. That Debtor acknowledges that her payments into her employee stock option plan and 401(k) plan are voluntary. However, if she did not make these contributions she would be paying income taxes on these funds and at most would receive approximately \$428 a month.
4. That Debtor has not worked the Minneapolis Hilton Hotel for several months.
5. That Debtor is employed as a meeting planner for Boston Scientific. This employment requires her to coordinate meetings throughout the country. As a result she believes that most of the expenses listed in her schedule of expenses are reasonable. She is unable to economize on meals, is required to dress in a professional manner and needs a cell phone to communicate with not only co-workers but family and friends.
6. In addition, Debtor's motor vehicle, a 1997 Dodge Neon, needs in excess of \$1,600 in repairs to continue to operate. Debtor has looked for a new vehicle and discovered that an economical car will cost her in excess of \$300.00 per month in car payments plus increased insurance. These expenses are reasonable and necessary but will result in the use of any potential disposable income.
7. For the foregoing reason Debtor believes that her expenses are reasonable and that if, in fact, she was forced into a Chapter 13 proceeding the unsecured creditors would not receive a substantial dividend.
8. If there are factual issues that are not resolved at the time of the hearing Debtor requests that the matter be held over for an evidentiary hearing.

WHEREAS, Debtor, by her undersigned attorney, hereby requests that the motion of the Office of

the United States Trustee for dismissal of the above-entitled case hereby be denied.

Hedback, Arendt & Carlson, PLLC

Dated: September 22, 2004

___/e/ John A. Hedback_____
John A. Hedback, #142438
2855 Anthony Lane South, Suite 201
St. Anthony, MN 55418
(612) 789-1331
Attorney for the Debtor

VERIFICATION

The undersigned, being the Debtor named in the foregoing document, verify under penalty of perjury that the information contained in the foregoing response is true to the best of my knowledge, information and belief.

Dated: 9/20/07

Amy Marie Lemanski

Amy Marie Lemanski

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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Amy M. Lemanski,

Debtors.

**UNSWORN DECLARATION FOR
PROOF OF SERVICE**

The undersigned, being an employee of Hedback, Arendt & Carlson, PLLC, attorneys licensed to practice law in this Court, with offices located at 2855 Anthony Lane South, St. Anthony, Minnesota, declares that on the date indicated below, I served the following:

1. Response to Motion for Dismissal or Conversion; and
2. Unsworn Declaration for Proof of Service

upon each of the entities named below by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at St. Anthony, Minnesota, addressed to each of them as follows:

United States Trustee
1015 US Courthouse.
330 South Fourth Street
Minneapolis, MN 55415

By Facsimile

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: September 22, 2004

_____/e/ John A. Hedback_____