

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION**

In Re: Cory R. Wagner
 Lynn E. Wagner

Case No. Bky 04-44275-RJK
Chapter 13 Case

Debtor(s).

OBJECTION TO CONFIRMATION OF PLAN

TO: Cory R. Wagner, 18916 Vickers St NE, Wyoming, Minnesota 55092, Lynn E. Wagner, 18916 Vickers St NE, Wyoming, Minnesota 55092, Debtor(s) and his/her/their attorney, Jeffrey Michael Bruzek, Prescott and Pearson, 443 Old Hwy 8, #208, New Brighton, MN 55112, and other parties in interest:

WFS Financial, a secured creditor in the above-referenced matter, hereby objects to

Confirmation of the Debtor's plan on the following grounds:

1. The Petition commencing this Chapter 13 case was filed on August 2, 2004. The Court will hold a hearing on this matter at 10:30 a.m. on Thursday, October 21, 2004 in Courtroom No. 8 West, U.S. Bankruptcy Court, U.S. Courthouse, #301, Minneapolis, MN 55415

2. Any response to this Objection must be filed and delivered not later than Monday, October 18, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and Holidays), or filed and served by mail not later than Tuesday, October 12, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and Holidays). UNLESS A RESPONSE OPPOSING THE OBJECTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

3. WFS Financial has a claim secured by a 1999 Dodge Durango. The present balance on the claim is \$16,221.01. WFS Financial's monthly payments under its Retail Installment Contract are \$520.73.

4. Defendant signed the Retail Installment Contract on February 21, 2002. Under the proposed Chapter 13 plan, WFS Financial is listed as a secured creditor only to the extent of \$7,200.00. The NADA value of the vehicle is \$10,800.00.

5. The value of the property to be distributed under the plan to WFS Financial is less than the amount of WFS Financial's claim and thus the plan does not comply with 11 U.S.C. §1325(a)(5). In addition, based on the above, the Debtor's plan has not been proposed in good faith in violation of 11 U.S.C §1325(a)(3).

WHEREFORE, WFS Financial requests that the Court deny Confirmation of Debtor's proposed plan and dismiss this case, and for such other relief as the Court deems just and equitable.

Dated: 10/7/14

MESSERLI & KRAMER, P.A.



William C. Hicks, #142505
Attorneys for Movant
3033 Campus Drive
Suite 250
Plymouth, MN 55441
Telephone: (763) 548-7900

IMPORTANT NOTICE

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

04-59358-0

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Ryan Leddy, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on 10/7/04, he served by U.S. mail the following documents:

1. Objection to Confirmation of Plan;

to:

United States Trustee
1015 U.S. Courthouse
300 S. 4th St.
Minneapolis MN 55415

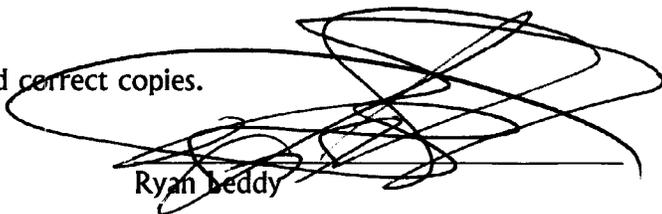
Jeffrey Michael Bruzek
Prescott and Pearson
443 Old Hwy 8, #208
New Brighton, MN 55112

Lynn E. Wagner
18916 Vickers St NE
Wyoming, Minnesota 55092

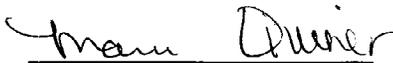
Jasmine Z. Keller, Trustee
310 Plymouth Building
12 S. 6th St.
Minneapolis MN 55402

Cory R. Wagner
18916 Vickers St NE
Wyoming, Minnesota 55092

by depositing and mailing to them true and correct copies.


Ryan Leddy

Subscribed and sworn to before me
this 7th day of October, 04.


Notary Public



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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ORDER

This matter is before the Court on WFS Financial's Objection to Confirmation of Chapter 13 Plan. The Objection came on for hearing on Thursday, October 21, 2004 at 10:30 a.m., at Minneapolis, MN. Appearances are as noted in the record.

The Court being advised fully in the Premises, and upon the Affidavit and all files and records herein,

NOW ORDERS:

That the Confirmation of Debtor's Plan 13 is hereby denied and this case is dismissed. Notwithstanding Federal Rule of Bankruptcy Procedure 4001 (a)(3), this Order shall be effective immediately.

Dated: _____

BY THE COURT:

United States Bankruptcy Judge