

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

_____)	Chapter 7
In re:)	BKY Case No. 04-44394-NCD
David M. Pecoraro,)	
)	
Debtor(s))	
_____)	

RESPONSE TO MOTION FOR RELIEF FROM STAY

Julia A. Christians, Trustee, for her response to the Motion for Relief from Stay filed by Town & Country Credit Corp., states as follows:

1. I am the duly appointed and acting Chapter 7 Trustee in the above referenced matter.
2. As provided in the Motion for Relief from Stay filed by Town & Country Credit Corp. the mortgage in question was dated May 12, 2004. The perfection of the lien occurred on June 25, 2004 by filing in the offices of the Registrar of Titles for Hennepin County, Minnesota.
3. Debtor filed his bankruptcy petition on August 6, 2004. Debtor did not assert any exemption in his interest in the real property.
4. The lien was perfected within the 90 day preference period preceding the bankruptcy filing and may be subject to avoidance by the trustee. Accordingly, the trustee objects to the lifting or modification of the automatic stay to the extent the estate's rights to investigate and proceed as necessary with an action to avoid the mortgage and assert the estate's interest in the real property as property of the estate available for liquidation for the benefit of creditors.

Dated: October 12, 2004

/e/ Julia A. Christians
Julia A. Christians, Trustee
One Financial Plaza, Suite 2500
120 South Sixth Street
Minneapolis, MN 55402
(612) 338-5815

VERIFICATION

Julia A. Christians, being duly sworn, says that she is the Chapter 7 Trustee in this action, that she has read this Response to Motion for Relief from Stay and that it is true of her own knowledge, to the best of her information.

/e/ Julia A. Christians
Julia A. Christians

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Debtor.)

UNSWORN CERTIFICATE OF SERVICE

I, Sarah L. Fortin, declare under penalty of perjury that on October 12, 2004, I mailed copies of the attached **Response to Motion for Relief from Stay** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Office of the U.S. Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

David M. Pecoraro
16006 Temple Lane
Minnetonka, MN 55345

Joseph W. Dicker
1406 West Lake Street
Suite 208
Minneapolis, MN 55408

VIA U.S. MAIL AND FACSIMILE

Lawrence P. Zielke
Shapiro & Nordmeyer, LLP
7300 Metro Boulevard, Suite 390
Edina, MN 55439-2306

FAX: 952-831-4734

Executed on: October 12, 2004

/s/ Sarah L. Fortin
Sarah L. Fortin, Legal Secretary
Lapp, Libra, Thomson, Stoebner &
Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612/338-5815