

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Chapter 13  
EDMUND B. BRUYERE, SR., )  
 ) Case No. BKY 04-44773  
Debtor. )

OBJECTIONS OF THE UNITED STATES  
OF AMERICA TO THE CONFIRMATION OF THE  
DEBTOR'S CHAPTER 13 PLAN AND MOTION TO DISMISS

THE UNITED STATES OF AMERICA, Internal Revenue Service ("IRS"), by and through its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota and Roylene A. Champeaux, Assistant United States Attorney, submits the following objections to the Confirmation of Chapter 13 Plan proposed by this debtor and Motion to Dismiss:

1. The confirmation hearing is scheduled for November 4, 2004, at 10:30 a.m. at U.S. Bankruptcy Court, U.S. Courthouse, Courtroom 7 West, 300 South Fourth Street, Minneapolis, Minnesota 55415.

2. The Court has jurisdiction over these objections and Motion to Dismiss pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005 and Loc. R. Bankr. P. (D. Minn.) 1070-1. This is a core proceeding. The petition commencing this Chapter 13 case was filed August 25, 2004. This case is now pending in this Court.

3. These objections and Motion to Dismiss arise under 11 U.S.C. §§ 1322(a)(2); 1325(a)(6); and 1307(c) and Fed. R. Bankr. P. 3015. These objections and Motion to Dismiss are filed under Fed.

R. Bankr. P. 9013 and 9014 and Loc. R. Bankr. P. (D. Minn.) 3015-3, 3020-1 and 3020-3.

4. The United States, IRS, has an unsecured priority claim of \$16,394.83 and an unsecured general claim of \$5,302.82 against this debtor. The total claim is \$21,697.65, as set forth in the filed Proof of Claim of the IRS, a copy of which is attached hereto as Exhibit A.

5. This is Mr. Bruyere's third Chapter 13 filing. His first Chapter 13 case, Bankruptcy No. 97-42201, was filed March 25, 1997 and dismissed April 16, 1999. The second Chapter 13 case, Bankruptcy No. 01-42116, was filed May 9, 2001 and dismissed on the motion of the Chapter 13 Trustee on November 26, 2003. Mr. Bruyere also filed a Chapter 7 bankruptcy, Bankruptcy No. 99-42704 on May 19, 1999. The discharge was entered August 17, 1999. See Declaration of Roylene A. Champeaux attached hereto as Exhibit B.

6. The Plan does not comply with 11 U.S.C. § 1325(a)(6) in that the debtor will not be able to make all of the payments under the Plan and comply with the Plan as evidenced by the failure of the last two Chapter 13 bankruptcy cases. The debtor has already remained in a Chapter 13 bankruptcy for four and a half years without completing a Plan.

7. Additionally the Plan is not feasible because it provides for significant increases in Plan payments in the fifth and twenty-fifth month without describing any source of increased funding.

The debtor, who filed his 2001 Chapter 13 Petition with his wife, was unable to make monthly payments of \$570.00 in November 2003. The United States questions how the debtor will be able to make monthly Plan payments of \$1,265.00 (months 25-60 of Plan) with monthly disposable income of \$310.00 in the instant case.

WHEREFORE, for the foregoing reasons, the United States prays that the Chapter 13 Plan filed by this debtor be denied confirmation and that the case be dismissed pursuant to 11 U.S.C. § 1307(c).

Date: October 12, 2004

THOMAS B. HEFFELFINGER  
United States Attorney

/e/ Roylene A. Champeaux  
By: ROYLENE A. CHAMPEAUX  
Assistant United States Attorney  
Attorney ID Number 154805  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 664-5685

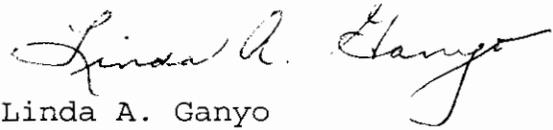
Attorneys for the United States  
of America, IRS

VERIFICATION

I, Linda A. Ganyo, Bankruptcy Specialist for the Internal Revenue Service, the movant named in the foregoing Chapter 13 Bankruptcy for Edmund B. Bruyere, Sr., as stated on the petition, Bankruptcy No. 04-44773, declares under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: October 7, 2004

Signed:

A handwritten signature in cursive script that reads "Linda A. Ganyo". The signature is written in black ink and is positioned above the printed name and title.

Linda A. Ganyo  
Bankruptcy Specialist



# Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service

Form 10  
Attachment

In the Matter of: EDMUND B BRUYERE SR  
2730 WINNETKA AVE N  
APT 9  
NEW HOPE, MN 55427

Docket Number	04-44773
Type of Bankruptcy Case	Chapter 13
Date of Petition	08/25/2004

The United States has not identified a right of setoff or counterclaim. However, this determination is based on available data and is not intended to waive any right to setoff against this claim debts owed to this debtor by this or any other federal agency. All rights of setoff are preserved and will be asserted to the extent lawful.

PRIOR BANKRUPTCY(S) AFFECT THE PRIORITY DETERMINATION.

## Unsecured Priority Claims under section 507(a)(8) of the Bankruptcy Code

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Interest to Petition Date
XXX-XX-3890	INCOME	12/31/1999	05/22/2000	\$5,996.83	\$2,415.21
XXX-XX-3890	INCOME	12/31/2000	05/21/2001	\$6,568.00	\$1,276.53
XXX-XX-3890	INCOME	12/31/2003	05/17/2004	\$136.00	\$2.26
				<u>\$12,700.83</u>	<u>\$3,694.00</u>

Total Amount of Unsecured Priority Claims: \$16,394.83

## Unsecured General Claims

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Interest to Petition Date
XXX-XX-3890	INCOME	12/31/1994	06/05/1995	\$0.00	\$352.95
XXX-XX-3890	INCOME	12/31/1995	06/03/1996	\$0.00	\$159.22
XXX-XX-3890	INCOME	12/31/1997	10/16/2000	\$0.00	\$1,334.21
				<u>\$0.00</u>	<u>\$1,846.38</u>

Penalty to date of petition on unsecured priority claims (including interest thereon) . . . . . \$3,456.44

Total Amount of Unsecured General Claims: \$5,302.82

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Chapter 13  
EDMUND B. BRUYERE, SR., )  
 ) Case No. BKY 04-44773  
Debtor. )

DECLARATION OF ROYLENE A. CHAMPEAUX

1. This declaration and the attached exhibits are submitted pursuant to 28 U.S.C. § 1746 in connection with the Objections of the United States of America to the Confirmation of the Debtor's Chapter 13 Plan and the United States Motion to Dismiss. I am the Assistant United States Attorney to whom this case is assigned.

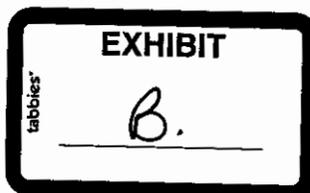
2. Attached are certified copies of the following:

- A. Docket - Bankruptcy No. 97-42201
- B. Claims Register - Bankruptcy No. 97-42201
- C. Docket - Bankruptcy No. 99-42704
- D. Docket - Bankruptcy No. 01-42116
- E. Claims Register - Bankruptcy No. 01-42116

3. Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12 2004 in Minneapolis, Minnesota.

  
ROYLENE A. CHAMPEAUX



CERTIFIED COPY - Certified a true copy  
 5 pages on (date) 10-12-09  
 Lori Vosejka, Acting Clerk, United States  
 Bankruptcy Court, District of Minnesota  
 (SEAL) BY [Signature], Deputy Clerk

Return to Search Results Page

U.S. Bankruptcy Court  
District of Minnesota (Minneapolis)

Bankruptcy Petition #: 97-42201

Date filed: 3/25/97 Date terminated: 8/16/99  
Assigned to: Judge NANCY C DREHER  
Chapter 13 voluntary asset

\* Attorneys \*

EDMUND BERNARD BRUYERE  
3913 THOMAS AVE N  
MINNEAPOLIS, MN 55412  
SSN: XXX-XX-3890  
(null) - \* Debtor \*

MICHAEL K HOVERSON  
RICHARD G NADLER & ASSOCIATES  
510 DEGREE OF HONOR BLDG  
ST PAUL, MN 55101  
612-227-7873

JASMINE Z KELLER  
12 S 6TH ST STE 310  
MINNEAPOLIS, MN 55402  
(null) - \* Trustee \*

J J MICKELSON  
12 S 6TH ST #310  
MINNEAPOLIS, MN 55402  
(null) - \* Trustee \*  
[term 09/30/98]

US TRUSTEE  
331 2ND AVE S RM 540  
MINNEAPOLIS, MN 55401  
(null) - \* U S Trustee \*

Proceedings include all events.

CLOSED ARCHIV

- 3/25/97 1 Voluntary Petition missing documents: Schedules A through J ;Proof of Claim (gov) Deadline: 9/22/97 ( Filing Fee \$ 160.00 Receipt # 83996) (lab) [EOD 03/25/97]
- 3/25/97 2 Order Upon Partial Case Filing ; Incomplete Filings Due: 4/9/97 Certificate of Mailing. (lab) [EOD 03/25/97]
- 4/3/97 3 Schedules (lab) [EOD 04/03/97]
- 4/3/97 4 Chapter 13 Plan. (pab) [EOD 04/07/97]

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Proceedings include all events.

CLOSED ARCHIV

97-42201

In re: EDMUND BERNARD BRUYERE

DISMSD 041699

4/3/97 5 Notice of First Meeting of Creditors under 11 USC 341(a) Scheduled For 3:00 5/2/97 At Ch. 13 Office Minneapolis Confirmation Hearing Set For 10:00 6/5/97 At Courtroom West 7 (Minneapolis) ;Last Day to File Proofs of Claim: 7/31/97 (pab) [EOD 04/07/97]

4/9/97 6 Courts Certificate of Mailing Re: [4-1] Chapter 13 Plan # of Notices: 27. (pab) [EOD 04/11/97]

4/9/97 7 Courts Certificate of Mailing Re: [5-1] First Meeting # of Notices: 27. (pab) [EOD 04/11/97]

5/2/97 -- Meeting of Creditors Held. (lab) [EOD 05/05/97]

5/7/97 8 Notice of Appearance And Request For Service Of Notice By NANCY A NORDMEYER for Interested Party RELIASTAR MORTGAGE CORP. . (pab) [EOD 05/07/97]

5/8/97 10 Application By Attorney MICHAEL K HOVERSON For Compensation ( Fees: \$ 647.98, ) . (dbs) [EOD 05/13/97]

5/9/97 9 Order For employer MCTO To Pay Trustee \$ 161.54 BIWEEKLY. Certificate of Mailing. (dbs) [EOD 05/09/97]

6/5/97 11 Minute Sheet Re: [4-1] Chapter 13 Plan . PLAN CONFIRMED. (pab) [EOD 06/09/97]

6/9/97 12 Order Confirming [4-1] Chapter 13 Plan . Granting Attorney's Fees in the Amount of: \$ 647.98. Certificate of Mailing. (pab) [EOD 06/09/97]

3/12/98 13 Motion By Trustee J J MICKELSON To Dismiss Case . AFFIDAVIT. CERTIFICATE OF SERVICE. (slw) [EOD 03/13/98]

3/12/98 -- Hearing Re: [13-1] Motion To Dismiss Case by J J MICKELSON SCHEDULED For 10:00 4/2/98 at Courtroom West 7 (Minneapolis) (slw) [EOD 03/13/98]

4/2/98 14 Minute Sheet Re: [13-1] Motion To Dismiss Case by J J MICKELSON . HEARING CONTINUED. (pab) [EOD 04/08/98]

4/2/98 -- Hearing Re: [13-1] Motion To Dismiss Case by J J MICKELSON Continued For 10:00 5/7/98 at Courtroom West 7 (Minneapolis) (pab) [EOD 04/08/98]

5/7/98 15 Minute Sheet Re: [13-1] Motion To Dismiss Case by J J MICKELSON . MOTION STRICKEN. (pab) [EOD 05/12/98]

8/10/98 16 Motion By Trustee J J MICKELSON To Dismiss Case . AFFIDAVIT & CERTIFICATE OF SERVICE. (pab) [EOD 08/12/98]

8/10/98 -- Hearing Re: [16-1] Motion To Dismiss Case by J J MICKELSON Scheduled For 10:00 9/3/98 at Courtroom West 7 (Minneapolis) (pab) [EOD 08/12/98]

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Proceedings include all events.

CLOSED ARCHIV

97-42201 In re: EDMUND BERNARD BRUYERE

DISMSD 041699

9/3/98 17 Minute Sheet Re: [16-1] Motion To Dismiss Case by J J MICKELSON . HEARING CONTINUED. (pab) [EOD 09/10/98]

9/3/98 -- Hearing Re: [16-1] Motion To Dismiss Case by J J MICKELSON Continued For 10:00 10/1/98 at Courtroom West 7 (Minneapolis) (pab) [EOD 09/10/98]

10/1/98 18 Minute Sheet Re: [16-1] Motion To Dismiss Case by J J MICKELSON . HEARING CONTINUED. (pab) [EOD 10/07/98]

10/1/98 -- Hearing Re: [16-1] Motion To Dismiss Case by J J MICKELSON Continued For 10:00 11/5/98 at Courtroom West 7 (Minneapolis) (pab) [EOD 10/07/98]

10/17/98 -- Due to Retirement of J.J. Mickelson, Jasmine Z. Keller Apptd as Ch 13 Standing Trustee for the Dist. of MN, Effective 10/1/98. See Misc. Proc. 98-408, [2-1] for Designation and Ratification and Approval of same. (drd) [EOD 10/17/98]

11/5/98 19 Minute Sheet Re: [16-1] Motion To Dismiss Case by J J MICKELSON . MOTION STRICKEN. (gaw) [EOD 11/12/98]

12/30/98 20 Motion By Creditor RELIASTAR MORTGAGE CORP For Relief From Stay . Affidavit. Memorandum. Certificate of Service. Proposed Order. (gaw) [EOD 12/30/98]

12/30/98 -- Filing Fee Paid in Full RE: [20-1] Motion For Relief From Stay by RELIASTAR MORTGAGE CORP ( Filing Fee \$ 75.00 Receipt # 105751) (gaw) [EOD 12/30/98]

12/30/98 -- Hearing Re: [20-1] Motion For Relief From Stay by RELIASTAR MORTGAGE CORP Scheduled For 2:30 1/21/99 at Courtroom West 7 (Minneapolis) (gaw) [EOD 12/30/98]

1/7/99 21 Report of Trustee Re: [20-1] Motion For Relief From Stay by RELIASTAR MORTGAGE CORP (smj) [EOD 01/07/99]

1/13/99 22 Motion by Trustee JASMINE Z KELLER To Dismiss or Convert Case . Affidavit. Certificate of Service. (gaw) [EOD 01/14/99]

1/13/99 -- Hearing Re: [22-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER Scheduled For 10:00 2/4/99 at Courtroom West 7 (Minneapolis) (gaw) [EOD 01/14/99]

1/15/99 23 Copy of Letter From SHAPIRO & NORDMEYER TO DEBTOR BRUYERE ON INSUFFICIENT FUNDS TO REINSTATE ACCT. (ddj) [EOD 01/19/99]

1/21/99 -- HEARING ON MOTION OF RELIASTAR FOR RELIEF FROM STAY RESCHEDULED TO JANUARY 28, 1999, AT 2:30 P.M. AT REQUEST OF

COUNSEL. (rte) [EOD 01/21/99]

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Proceedings include all events.

CLOSED ARCHIV

97-42201 In re: EDMUND BERNARD BRUYERE

DISMSD 041699

1/21/99 -- Hearing Re: [20-1] Motion For Relief From Stay by RELIASTAR MORTGAGE CORP RESCHEDULED For 2:30 1/28/99 at Courtroom West 7 (Minneapolis) (rte) [EOD 01/21/99]

1/22/99 24 Letter by Creditor RELIASTAR MORTGAGE CORP RESCHEDULING HEARING TO JANUARY 28, 1999, AT 2:30 P.M. Re: [20-1] Motion For Relief From Stay. CERTIFICATE OF SERVICE. (rte) [EOD 01/25/99]

2/1/99 25 Letter of Withdrawal by Creditor RELIASTAR MORTGAGE CORP. In Re: [20-1] Motion For Relief From Stay by RELIASTAR MORTGAGE CORP . (rte) [EOD 02/01/99]

2/4/99 26 Minute Sheet Re: [22-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . MATTER SETTLED. AGREED ORDER TO ENTER. (dbs) [EOD 02/08/99]

2/10/99 27 Order Denying [22-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER. CERTIFICATE OF MAILING (jl) [EOD 02/10/99]

4/16/99 28 Affidavit of Default by ANDREW MCDERMOTT In RE: [27-1] Order, [22-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER (dbs) [EOD 04/16/99]

4/16/99 29 Order Dismissing Case. (dbs) [EOD 04/16/99]

4/21/99 30 Court's Certificate of Mailing Re: [29-1] To Dismiss Order . (dbs) [EOD 04/26/99]

8/10/99 31 Trustee's Final Report in Chapter 13 Case - Dismissed. (cnn) [EOD 08/10/99]

8/16/99 32 Order Closing Case and Discharging Trustee. (cnn) [EOD 08/16/99]

8/16/99 -- Case Closed. (cnn) [EOD 08/16/99]

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Claims Data for Case 97-42201

CERTIFIED COPY - Certified a true copy  
 3 pages on (date) 10-12-04  
 Lori Vosejka, Acting Clerk, United States  
 Bankruptcy Court, District of Minnesota  
 (SEAL) BY: \_\_\_\_\_ Deputy Clerk

An 'underlined blue or purple' entry in the 'Creditor' column indicates that there is an image for the entry. The image can be accessed using either the Paperport viewer for MAX documents or the Adobe Acrobat Reader for PDF documents. These viewers may be downloaded free of charge by clicking on the Image Viewer Download hyperlink. Install help is available by clicking on the Viewer Install Help hyperlink. The buttons in the 'Link' column display text associated with the entry.

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Claim Date	Amount	Claim Number	Descriptive Text	Creditor	
04/22/97	283.14	1	289045-02	PARAGON CABLE TV 801 PLYMOUTH AVE N MINNEAPOLIS MN 55411	No Claim image
04/22/97	185.00	2	289045-02	PARAGON CABLE TV 801 PLYMOUTH AVE N MINNEAPOLIS MN 55411	No Claim image
04/24/97	105.12	3		HENNEPIN CTY MEDICAL CTR HCMC PO BOX 1238 MPLS MN 55440	No Claim image
04/29/97	671.47	4	16508898419	FINGERHUT 11 MCLELAND RD ST CLOUD MN 56395	No Claim image
05/08/97	2646.03	5	473-58-3890	DEPT OF TREASURY IRS 316 N ROBERT ST RM 320 STOP 5700 ST PAUL MN 55101-0000	No Claim image
				RELIASTAR MORTGAGE	

05/14/97	70734.84	6	Please refer to Claim Number 12 074423	CORPORATION 7015 VISTA DRIVE WEST DES MOINES IA 50266	No Claim image
05/16/97	70734.84	7	074423	RELIASTAR MORTGAGE CORPORATION 7015 VISTA DRIVE WEST DES MOINES IA 50266	No Claim image
05/28/97	371.85	8	500-112-787-519-9	MINNEGASCO C/O BANKRUPTCY RECOVERY SERVICES INC PO BOX 363 LORETTO MN 55357	No Claim image
07/14/97	589.50	9		DELANO ERICKSON 7415 WAYZATA BLVD MINNEAPOLIS MN 55426	No Claim image
08/15/97	1454.11	10	55184B00066	FINANCE AMERICA CORP PO BOX 9700 BOULDER CO 80301	No Claim image
06/30/98	40.00	11	27037044	NORTH MEMORIAL HEALTH CARE C/O PHOENIX MANAGEMENT SYSTEMS INC 430 OAK GROVE ST STE 115 MINNEAPOLIS MN 55403	No Claim image
				PRINCIPAL RESIDENTIAL	

12/03/98	71034.84	12	Amendment of Claim Number 6	MORTGAGE 711 HIGH ST DES MOINES IA 50392-0780	No Claim image
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**U S Bankruptcy Court - District of Minnesota**  
**Last revised: October 24, 2000**

CERTIFIED COPY - Certified a true copy  
 3 pages on (date) 10-12-04  
 Lori Vosejka, Acting Clerk, United States  
 Bankruptcy Court, District of Minnesota  
 (SEAL) BY *[Signature]*, Deputy Clerk

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U.S. Bankruptcy Court  
 District of Minnesota (Minneapolis)

Bankruptcy Petition #: 99-42704

Date filed: 5/19/99 Date terminated: 9/7/99  
 Assigned to: Judge ROBERT J KRESSEL  
 Chapter 7 voluntary no asset

\* Attorneys \*

EDMUND BERNARD BRUYERE  
 3913 THOMAS AVE N  
 MINNEAPOLIS, MN 55412  
 SSN: XXX-XX-3890  
 \* Debtor \*

MICHAEL K HOVERSON  
 RICHARD G NADLER & ASSOCIATES  
 510 DEGREE OF HONOR BLDG  
 ST PAUL, MN 55101  
 612-227-7873

EDWARD W BERGQUIST  
 400 2ND AV S #600  
 MINNEAPOLIS, MN 55401  
 (null) - \* Trustee \*

US TRUSTEE  
 331 2ND AVE S RM 540  
 MINNEAPOLIS, MN 55401  
 (null) - \* U S Trustee \*

Proceedings include all events.

CLOSED ARCHIV

- 5/19/99 1 Voluntary Petition all schedules and statements. ( Filing Fee \$ 175.00 Receipt # 109111) (nll) [EOD 05/20/99]
- 5/19/99 2 Worksheet Re: Meeting of Creditors. (nll) [EOD 05/20/99]
- 5/19/99 3 Matrix. (nll) [EOD 05/20/99]
- 5/19/99 4 Appointment of Interim Trustee and Approval of Bond. (nll) [EOD 05/20/99]
- 5/19/99 5 Notice of Meeting of Creditors under 11 USC 341(a) Scheduled For 9:00 6/15/99 At U.S. Courthouse 10th Floor Last Day To Oppose Discharge: 8/16/99 (nll) [EOD 05/20/99]
- 5/22/99 6 Courts BNC Certificate of Service Re: [5-1] Meeting . # of Notices: 34 were sent out. (auto) [EOD 05/24/99]
- 6/15/99 -- Meeting of Creditors Held. (kbn) [EOD 06/22/99]

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Proceedings include all events. CLOSED ARCHIV  
99-42704 In re: EDMUND BERNARD BRUYERE

6/18/99 7 Trustee's Report of No Assets. (wmm) [EOD 06/25/99]

7/6/99 8 Added Party to Matrix. MAX RECOVERY DIRECT MERCHANTS (ddj)  
[EOD 07/07/99]

7/6/99 9 Added Party to Matrix. MAX RECOVERY FINGERHUT (ddj)  
[EOD 07/07/99]

8/17/99 10 Order Discharging Debtor EDMUND BERNARD BRUYERE (nll)  
[EOD 08/17/99]

8/19/99 11 Courts BNC Certificate of Service Re: [10-1] Discharge  
Order by EDMUND BERNARD BRUYERE . # of Notices: 36 were  
sent out. (auto) [EOD 08/20/99]

9/7/99 12 Order Closing Case and Discharging Trustee. (jlc)  
[EOD 09/07/99]

9/7/99 -- Case Closed. (jlc) [EOD 09/07/99]

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 Lori Vosejпка, Acting Clerk, United States  
 Bankruptcy Court, District of Minnesota  
 (SEAL) BY [Signature], Deputy Clerk

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U.S. Bankruptcy Court  
 District of Minnesota (Minneapolis)

Bankruptcy Petition #: 01-42116

Date filed: 5/9/01 Date terminated: 4/7/04  
 Assigned to: JUDGE ROBERT J KRESSEL  
 Chapter 13 voluntary individual asset joint

\* Attorneys \*

EDMUND BENARD BRUYERE  
 3913 THOMAS AVE N  
 MINNEAPOLIS, MN 55412  
 SSN: XXX-XX-3890  
 \* Debtor \*

CRAIG W ANDRESEN  
 2001 KILLEBREW DR STE 330  
 BLOOMINGTON, MN 55425  
 952-831-1995

JOYCE MARIE BRUYERE  
 3913 THOMAS AVE N  
 MINNEAPOLIS, MN 55412  
 SSN: XXX-XX-2813  
 \* Debtor \*

CRAIG W ANDRESEN  
 (See above)

JASMINE Z KELLER  
 12 S 6TH ST STE 310  
 MINNEAPOLIS, MN 55402  
 \* Trustee \*

US TRUSTEE  
 1015 US COURTHOUSE  
 300 S 4TH ST  
 MINNEAPOLIS, MN 55415  
 \* U S Trustee \*

Proceedings include all events.

CLOSED

- 5/9/01 1 Voluntary Petition all schedules and statements. ;Proof of Claim (gov) Deadline: 11/5/01 ( Filing Fee \$ 185.00 Receipt # 124001) (slw) [EOD 05/10/01]
- 5/9/01 2 Chapter 13 Plan. (slw) [EOD 05/10/01]
- 5/9/01 3 Notice of Meeting of Creditors under 11 USC 341(a) Scheduled For 1:15 6/15/01 At Ch. 13 Office Minneapolis Confirmation Hearing Set For 10:00 7/19/01 At Courtroom 8 West (Minneapolis) ;Last Day to File Proofs of Claim: 9/13/01 (slw) [EOD 05/10/01]

Docket as of October 12, 2004 10:21 am

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Proceedings include all events. CLOSED  
01-42116 In re: EDMUND BENARD BRUYERE and JOYCE MARIE BRUYERE ISMSD 112603

5/12/01 4 Courts BNC Certificate of Service Re: [3-1] Meeting . #  
of Notices: 17 were sent out. (auto) [EOD 05/15/01]

5/12/01 5 ENTRY EDITED: MAILING OF CHAPTER 13 PLAN, NOT VOLUNTARY  
PETITION, AS ORIGINALLY ENTERED. Court's Certificate of  
Mailing Re: [1-1] Voluntary Petition . (slw) [EOD 05/15/01]  
[Edit date 04/07/04]

6/18/01 6 Application For Compensation Filed by CRAIG W ANDRESEN  
Attorney for Debtor. For Compensation ( Fees: \$ 835.00, )  
(dbs) [EOD 06/19/01]

6/21/01 8 Objection by Creditor INTERNAL REVENUE SERVICE to  
Confirmation of [2-1] Plan AND MOTION TO DISMISS.  
AFFIDAVIT. MEMORANDUM. CERTIFICATE OF SERVICE. PROPOSED  
ORDER. (dbs) [EOD 06/22/01]

6/22/01 7 Notice of Appearance and Request for Service of Notice by  
ROYLENE ANN CHAMPEAUX for Interested Party IRS . (slw)  
[EOD 06/22/01]

7/12/01 9 Modified Chapter 13 Plan filed by Debtor JOYCE MARIE  
BRUYERE, Debtor EDMUND BENARD BRUYERE . NOTICE OF HEARING.  
CERTIFICATE OF SERVICE. (dbs) [EOD 07/13/01]

7/16/01 10 Withdrawal of [8-1] confirmation of plan Objection by  
INTERNAL REVENUE SERVICE by Creditor INTERNAL REVENUE  
SERVICE. CERTIFICATE OF SERVICE. (dbs) [EOD 07/18/01]

7/16/01 11 AMENDED Notice of Hearing Re: Modified Plan [9-1] by Debtor  
EDMUND BENARD BRUYERE, JOYCE MARIE BRUYERE. CERTIFICATE OF  
SERVICE. (dbs) [EOD 07/18/01]

7/19/01 12 Minute Sheet Re: [9-1] Modified Plan by EDMUND BENARD  
BRUYERE, JOYCE MARIE BRUYERE . HEARING CONTINUED (slw)  
[EOD 07/19/01]

7/19/01 -- Hearing Re: [9-1] Modified Plan by EDMUND BENARD BRUYERE,  
JOYCE MARIE BRUYERE ; Confirmation Hearing Set For 10:00  
8/16/01 at Courtroom 8 West (Minneapolis) . (slw)  
[EOD 07/19/01]

8/16/01 13 Minute Sheet Re: [9-1] Modified Plan by EDMUND BENARD  
BRUYERE, JOYCE MARIE BRUYERE . PLAN CONFIRMED (slw)  
[EOD 08/22/01]

8/22/01 14 Order Confirming [9-1] Modified Plan by EDMUND BENARD  
BRUYERE, JOYCE MARIE BRUYERE . Granting Attorney's Fees in  
the Amount of \$ 835.00. CERTIFICATE OF MAILING (slw)  
[EOD 08/22/01]

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Proceedings include all events. CLOSED  
01-42116 In re: EDMUND BENARD BRUYERE and JOYCE MARIE BRUYERE ISMSD 112603

1/24/03 15 Notice of Hearing and Motion by Trustee JASMINE Z KELLER  
To Dismiss or Convert Case . Hearing Scheduled for 10:00  
2/20/03 at Courtroom 8 West (Minneapolis) Affidavit, Proof  
of Service. (A149) [EOD 01/24/03]

2/20/03 -- Minutes Re: [15-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER . MOTION STRICKEN. (lms) [EOD 02/25/03]

6/25/03 16 Notice of Hearing and Motion by Trustee JASMINE Z KELLER  
To Dismiss or Convert Case . Hearing Scheduled for 10:30  
7/17/03 at Courtroom 8 West (Minneapolis) Affidavit, Proof  
of Service. (A149) [EOD 06/25/03]

7/17/03 -- Minutes Re: [16-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER . MOTION STRICKEN (smd) [EOD 07/21/03]

10/22/03 17 Notice of Hearing and Motion by Trustee JASMINE Z KELLER  
To Dismiss or Convert Case . Hearing Scheduled for 10:30  
11/20/03 at Courtroom 8 West (Minneapolis) Affidavit, Proof  
of Service. (A324) [EOD 10/22/03]

11/20/03 -- Minutes Re: [17-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER . CASE DISMISSED (smd) [EOD 11/26/03]

11/26/03 18 Order Dismissing Case. Certificate of Service. (smd)  
[EOD 11/26/03]

12/9/03 19 Chapter 13 trustee's final report in dismissed case. (A324)  
[EOD 12/09/03]

4/7/04 20 Order Closing Case and Discharging Trustee. (cnn)  
[EOD 04/07/04]

4/7/04 -- Case Closed. (cnn) [EOD 04/07/04]

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http://www.mnb.uscourts.gov/ers-bin/mnb-651-main.pl  
**GERTIFIED COPY - Certified a true copy**  
 2 pages on (date) 10-12-04  
 Lori Vosejka, Acting Clerk, United States  
 Bankruptcy Court, District of Minnesota  
 (SEAL) BY [Signature] Deputy Clerk

**Claims Data for Case 1-42116**

An 'underlined blue or purple' entry in the 'Creditor' column indicates that there is an image for the entry. The image can be accessed using either the Paperport viewer for MAX documents or the Adobe Acrobat Reader for PDF documents. These viewers may be downloaded free of charge by clicking on the Image Viewer Download hyperlink. Install help is available by clicking on the Viewer Install Help hyperlink. The buttons in the 'Link' column display text associated with the entry.

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Claim Date	Amount	Claim Number	Descriptive Text	Creditor	
05/25/01	415.00	1	587806	<u>PMSI</u> PO BOX 3972 MPLS MN 55403	Claim image exists
05/25/01	392.00	2	579410	<u>PMSI</u> PO BOX 3972 MPLS MN 55403	Claim image exists
06/11/01	2989.00	3	6242	<u>NORTH UROLOGY</u> NORTH MEMORIAL MEDICAL CENTER 3300 OAKDALE AVE N ROBBINSDALE MN 55422-2900	Claim image exists
06/12/01	24513.08	4		<u>DEPT OF THE TREASURY</u> <u>IRS</u> 316 N ROBERT ST STOP 5700STP ST PAUL MN 55101	Claim image exists
06/14/01	5438.77	5	3978567042	<u>WELLS FARGO BANK MN</u> <u>NA</u> 7000 VISTA DR MAC #N8235-049 WEST DES MOINES IA 50266	Claim image exists
07/09/01	1739.96	6	Please refer to Claim Number 11	<u>PROVIDIAN N A BANK</u> FIRST DEPOSIT N A BANK 4900 JOHNSON DR PLEASANTON CA 94588	Claim image exists
07/17/01	4685.81	7		<u>MN DEPT OF REVENUE</u> BANKRUPTCY SECTION PO BOX 64447 ST PAUL MN 55164-0447	Claim image exists

**DECLARATION  
EXHIBIT E**

08/01/01	17.43	8	656289	<u>PMSI</u> PO BOX 3972 MPLS MN 55403	Claim image exists
08/01/01	296.12	9	634865	<u>PMSI</u> PO BOX 3972 MPLS MN 55403	Claim image exists
07/01/02	1465.63	10	p970144	<u>THE PARSONAGE</u> <u>RECEPTION HOUSE</u> C/O SPRINGER COLLECTIONS 876 E 7TH ST ST PAUL MN 55106	Claim image exists
01/23/03	1739.96	11	Assignment of Claim Number 6	<u>ECAST SETTLEMENT</u> PO BOX 35480 NEWARK NJ 07193 CLAIM ASSIGNMENT:	Claim image exists

**U S Bankruptcy Court - District of Minnesota**  
Last revised: October 24, 2000

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Chapter 13  
EDMUND B. BRUYERE, SR., )  
 ) Case No. BKY 04-44773  
Debtor. )

MEMORANDUM IN SUPPORT OF OBJECTIONS OF THE  
UNITED STATES OF AMERICA TO THE CONFIRMATION  
OF DEBTOR'S CHAPTER 13 PLAN AND MOTION TO DISMISS

THE UNITED STATES OF AMERICA, Internal Revenue Service ("IRS"), by and through its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota and Roylene A. Champeaux, Assistant United States Attorney, submits the following Memorandum in Support of its Objections to Confirmation of Debtor's Chapter 13 Plan and Motion to Dismiss.

1. The United States, IRS, has an unsecured priority claim of \$16,394.83 and an unsecured general claim of \$5,302.82 against this debtor. The total claim is \$21,697.65, as set forth in the filed Proof of Claim of the IRS.

2. Since no objections to the tax claims of the IRS have been filed, the claims are deemed allowed, pursuant to 11 U.S.C. § 502(a).

3. The debtor's Plan is not feasible because the Plan is significantly under-funded and provides for graduated payments that, at the \$1,265.00 level, are three times the debtor's current disposable income. Further the debtor has already remained under the protection of Chapter 13 of the Bankruptcy Code for four and

one-half years. The debtor's 2001 Chapter 13 Bankruptcy case was dismissed by the Chapter 13 Trustee less than one year ago when the debtor fell behind on monthly Plan payments of \$570.00.

4. The debtor's Plan is not feasible because the debtor cannot establish that he can make all the payments under the Plan and comply with the Plan. As the proponent of his Plan, the debtor bears the burden of proving the factors set forth in 11 U.S.C. § 1325(a) that his Plan is feasible. In re Wagner, 259 B.R. 694, 700-701 (8th Cir. B.A.P. 2001). This the debtor cannot do.

WHEREFORE, for the foregoing reasons, the United States prays that the Chapter 13 Plan filed by this debtor be denied confirmation and that the case be dismissed pursuant to 11 U.S.C. § 1307(c).

Date: October 13, 2004

THOMAS B. HEFFELFINGER  
United States Attorney

/e/ Roylene A. Champeaux  
By: ROYLENE A. CHAMPEAUX  
Assistant United States Attorney  
Attorney ID Number 154805  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 664-5685

Attorneys for the United States  
of America, IRS

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

EDMUND B. BRUYERE, SR.,

Chapter 13

Case Number: 04-44773

Debtor.

UNSWORN DECLARATION  
FOR PROOF OF SERVICE

I, Carla R. Kohl, employed by the Office of the United States Attorney, with office address 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, declares that on October 13, 2004, I served the Objections of the United States of America to Confirmation of Debtor's Chapter 13 Plan and Motion To Dismiss, Memorandum in Support of Objections and Motion to Dismiss and proposed Order on the entities named below by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage and depositing same in the post office at Minneapolis, Minnesota, addressed to each of them as follows:

-----

Robert J. Everhart, Esq.  
P.O. Box 120534  
New Brighton, MN 55112

Aurora Loan Services Inc.  
Attn: Cashiering Dept.  
P.O. Box 5180  
Denver, CO 80217

Jasmine Z. Keller, Esq.  
Chapter 13 Trustee  
12 S. 6th St., Ste. 310  
Minneapolis, MN 55402

Rose and Erickson, PLLC  
921 Main Street  
Hopkins, MN 55343

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

Wells Fargo  
Lines and Loans  
7000 Vista Drive Mac N8235-049  
Des Moines, IA 50266

Edmund B. Bruyere, Sr.  
2730 Winnetka Ave. N., Apt. 9  
New Hope, MN 55427

David E. Zins, Esq.  
5353 Gamble Drive, Ste. 125  
Minneapolis, MN 55416

Alice Whitten, Esq.  
AmeriCredit  
Account: 416472850  
P.O. Box 183853  
Arlington, TX 76096

Lowery P. Scott, Esq.  
10375 E. Harvard Ave., Ste. 410  
Denver, CO 80231

U.S. Dept. of Education  
P.O. Box 2287  
Atlanta, GA 30370

UNSWORN DECLARATION  
FOR PROOF OF SERVICE-continued

In re: **EDMUND B. BRUYERE, SR.**  
BKY No. 04-44773

Education Direct  
North East Credit Collection  
120 North Keyser Drive  
Scranton, PA 18504

Minnesota Department of Revenue  
Collection Enforcement Unit  
551 Bankruptcy Section  
P.O. Box 64447  
St. Paul, MN 55164

Craig Anderson  
Assistant Attorney General  
Office of MN Attorney General  
Tax Litigation Division  
1100 NCL Tower  
445 Minnesota Street  
St. Paul, MN 55101-2128

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

Executed: October 13, 2004

Signed: /e/ Carla R. Kohl  
CARLA R. KOHL

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Chapter 13  
EDMUND B. BRUYERE, SR., )  
 ) Case No. BKY 04-44773  
Debtor. )

ORDER

At Minneapolis, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_,  
2004.

This matter came before the Court for hearing on Confirmation of the debtor's Plan. The United States of America, on behalf of the Internal Revenue Service, filed objections to confirmation and requested an Order denying confirmation and for an Order dismissing this case. Roylene A. Champeaux, Assistant United States Attorney, appeared on behalf of the United States. Other appearances were noted on the record.

It appears to the satisfaction of the Court that the debtor's Plan is not confirmable.

IT IS THEREFORE ORDERED:

1. Confirmation is denied.
2. The case is dismissed.

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NANCY C. DREHER  
United States Bankruptcy Judge