

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY #04-60270 DDO

GEORGE JIM & ELIZABETH ANN MEYERANN
Debtor(s).

**NOTICE OF HEARING AND OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN**

Michael Farrell, Chapter 13 trustee, by and through his undersigned attorney, hereby objects to confirmation of the Chapter 13 plan filed by Debtor.

1. The Court will hold a hearing on this motion at 10:00 a.m. on June 22, 2004, in US Bankruptcy Court, 118 South Mill Street, Fergus Falls, Minnesota.
2. Any response to this motion must be filed and delivered not later than 10:00 a.m. on June 21, 2004, which is 24 hours (1 business day) before the time set for the hearing, or filed and served by mail not later than June 17, 2004, which is three business days prior to the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
3. Michael Farrell is the Chapter 13 trustee ("Trustee") of the Debtor in the above-referenced bankruptcy case. This case is pending before this Court.
4. This Court has jurisdiction over this matter under 28 U.S.C. Section 157 and 1334. This objection is brought pursuant to 11 U.S.C. § 1324 and 1325, Bankruptcy Rule 3015 and Local Rule 3015. This matter is a core proceeding.
5. Debtors commenced this case by filing a voluntary Chapter 13 petition on March 10, 2004. The Plan provides for payments of over a period of 36 months, resulting in a dividend to unsecured creditors of 5.8 percent.
6. The Trustee objects on the basis that the Debtors have proposed a Plan that does not state that they are submitting all of their projected disposable income during the first three years into the Plan. The Debtor's Schedules I and J reflect a negative cash flow, thus questioning Plan feasibility. Their Schedules I and J list net income at \$1,127.69 per month and family expenses of \$3,911.06 per month.
7. The Trustee objects to the confirmation of the Plan on the basis that the Debtor's Plan does

not include a provision that all of the Debtor's disposable income during the first three years of the Plan will be submitted to payment of the Plan. The Plan as proposed with supporting Schedules appears to lack good faith as defined by bankruptcy law. This filing has failed to show feasibility of the proposed effort.

WHEREFORE, Michael Farrell requests an order as follows:

- (A) Denying confirmation of the Chapter 13 plan; and
- (B) Granting any other relief the Court deems just and proper.

Dated: May 25, 2004

/e/ Michael J Farrell
Michael J. Farrell
Chapter 13 Trustee
P O Box 519
Barnesville, MN 56514
(218) 354-7356

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

BKY CASE #04-60270 DDO

GEORGE & ELIZABETH MEYERAAN

UNSWORN DECLARATION FOR
PROOF OF SERVICE

Debtor(s).

The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the following:

Notice of Trustee's Objection to Confirmation of Plan
and Unsworn Declaration of 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 Barnesville, Minnesota, addressed to each of them as follows:

Debtor(s):

George Jim and Elizabeth Ann Meyerann
488 Birchwood Road Northwest
Alexandria, MN 56308

Debtor's Attorney:

John Hatling
1005 Pebble Lake Road
Fergus Falls, MN 56537

Additional Copy(s) addressed to:

United States Trustee
205 PO Building Courtroom #2
118 South Mill Street
Fergus Falls, MN 56537

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

Dated: May 25, 2004

/s/ Patricia L. Halverson

Patricia L. Halverson
Chapter 13 Office

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

GEORGE JIM & ELIZABETH ANN MEYERANN

BKY #04-60270 DDO

**ORDER DENYING
CONFIRMATION OF
CHAPTER 13 PLAN**

Debtor(s).

This case came before the Court on the confirmation of Debtor's Chapter 13 plan. An objection to confirmation has been filed by Michael Farrell, Chapter 13 Trustee. Appearances were noted on the record. Based on the file, record and proceedings herein,

IT IS HEREBY ORDERED: Confirmation of Debtor's Chapter 13 plan is hereby denied.

BY THE COURT

Dated: _____

U.S. Bankruptcy Judge