

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

GEORGE J. MEYERAAN  
ELIZABETH A. MEYERAAN

BKY Case No. 04-60270 DDO  
Chapter 13

Debtor(s).

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**NOTICE OF HEARING AND  
MOTION FOR DISMISSAL**

Michael J. Farrell, Chapter 13 Trustee, hereby moves dismiss the above-entitled Chapter 13 case.

1. The Court will hold a hearing on this motion at 10:00 a.m. on July 27, 2004 in Courtroom 2 – 2<sup>nd</sup> Floor, 118 South Mill Street, Fergus Falls, Minnesota, 56537.
2. Any response to this motion must be filed and delivered not later than 10:00 a.m. on July 22, 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 July 9, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **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. The Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334. This motion is brought pursuant to 11 U.S.C. §1307, Bankruptcy Rule 1017 and Local Rule 1017.
5. The Debtor commenced this case by filing a voluntary Chapter 13 petition on March 10, 2004.
6. The Debtor(s) filed a plan with the court on March 24, 2004. On May 25, 2004, the Trustee filed an objection to the confirmation of the plan. On June 22, 2004, the Court entered an order denying the plan. Therefore, the Trustee moves for dismissal of this case based on the fact that the Debtor(s) does not have a plan.

**WHEREFORE**, the Trustee requests an order as follows:

- (A) Dismissing the above entitled Chapter 13 case; and
- (B) Granting any other relief the Court deems just and proper.

Dated: July 2, 2004

/s/ Michael J. Farrell  
Michael J. Farrell, Standing Trustee  
PO Box 519  
Barnesville, MN 56514  
(218) 354-7356

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

Notice of Hearing and Trustee's Motion to Dismiss  
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 J. MEYERAAN  
ELIZABETH A. MEYERAAN  
488 BIRCHWOOD RD. NW  
ALEXANDRIA, MN 56308

**Debtor's Attorney:**

JOHN HATLING  
1005 PEBBLE LAKE RD.  
FERGUS FALLS, MN 56537

**Additional Copy(s) addressed to:**

UNITED STATES TRUSTEE  
1015 U.S. COURTHOUSE  
300 W. 4<sup>TH</sup> ST.  
MINNEAPOLIS, MN 55415

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

Dated: July 2, 2004

/s/ Belinda D. Kurtz  
Belinda D. Kurtz  
Chapter 13 Office

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This matter came before the Court on July 27, 2004 at 10:00 a.m., or as soon thereafter as could be heard, on a motion by the Chapter 13 Trustee to dismiss this case. The appearances are as noted on the record. The court made its findings and conclusion on the record. Based on the Local and Federal Rules of Bankruptcy Procedure, it is

HEREBY ORDERED:

That this Chapter 13 Case is dismissed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge Dennis D. O'Brien  
U.S. Bankruptcy Judge