

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

JAMES B. MORRIS  
LEILANI L. MORRIS

Bky Case No 04-60773 DDO  
Chapter 13

Debtor(s)

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OBJECTION TO CONFIRMATION OF PLAN

TO: All parties in interest under Local Rule 9013-3.

1. I, Michael J. Farrell, am the standing trustee assigned to the above-mentioned case.
2. A confirmation hearing has been set for 10:00 a.m. on August 24, 2004 in Courtroom No. 2, 205 Post Office Building, 118 South Mill Street, Fergus Falls, Minnesota.
3. Any response to this motion must be filed and delivered not later than 10:00 a.m. on August 19, 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 August 13, 2004, which is seven days prior to 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.
4. The Court has jurisdiction pursuant to 28 U.S.C. § § 157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on June 29, 2004. This case is now pending in this Court.
5. This motion arises under 11 U.S.C. § 1322 and 1325 and Bankruptcy Rule 3015. This motion is filed under Bankruptcy Rule 9014 and Local Rules 3015-3, 9006-1, 9013-1 through 9013-5, and such other Local Rules as may apply. Movant requests relief with respect to denial of confirmation of the debtors' proposed Chapter 13 Plan filed on June 29, 2004 (the "Plan").

6. The Debtor's proposed Plan shows less the zero dollars to be paid to the unsecured creditors.

7. There is an \$8600.00 debt owed to the IRS. This unsecured priority claim is not listed in the Plan.

8. The Debtor testified at the 341 meeting held on August 6, 2004 that her income has increased by approximately \$1000.00 per month.

9. The Trustee objects to the Plan in that it is not feasible, it fails to pay all priority claims, and the Debtor has not pledged all disposable income to the benefit of the unsecured creditors for the first 36 months of the Plan.

Therefore, the trustee requests that the proposed plan be denied and any other action the court deems fit.

Dated August 12, 2004

/s/ Michael J. Farrell

Michael J. Farrell, Trustee

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 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):**

JAMES B. MORRIS  
LEILANI L. MORRIS  
22796 500<sup>TH</sup> ST.  
STAPLES, MN 56479

**Debtor's Attorney:**

KENNETH J. KLUDT  
1001 CENTER AVE. #C  
MOORHEAD, MN 56560

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

COUNTRYWIDE HOME LOANS, INC.  
PO BOX 829009  
DALLAS, TX 75382-9009

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: August 12, 2004

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

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This matter came before the Court on August 24, 2004 at 10:00 a.m., or as soon thereafter as could be heard on Confirmation of Debtor's Chapter 13 Plan. 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:

Confirmation of Debtor's Chapter 13 Plan is DENIED.

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

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