

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

Neil W. Simonson,

Debtor.

RESPONSE TO OBJECTION TO
TO PLAN CONFIRMATION

BKY 04-61018

TO: MICHAEL J. FARRELL, CHAPTER 13 TRUSTEE, and other parties in interest.

Neil W. Simonson, Debtor, opposes the objection of the Chapter 13 trustee to plan confirmation for the reasons more fully stated below:

1. Debtor filed his Chapter 13 petition on August 27, 2004. At the time of his filing, Debtor was self-employed as an attorney with an estimated gross income of approximately \$1,500 per month.

2. Debtor is in the process of confirming the fair market value of his Vanguard funds, monies on deposit, and other personal property. To the extent that the value exceeds the amounts allowed by law, Debtor intends to modify his Chapter 13 plan to extend the payment term in order to meet the “best interests of creditors” test for confirmation.

3. Debtor’s Chapter 13 plan, paragraph 10 provides language committing all of debtor’s income necessary for the execution of Debtor’s plan. The trustee’s request for additional language to be inserted in the plan as a condition of confirmation is contrary to Local Bankruptcy Rules 3015-1(a) and 3015-2(a) and Local Form 3015-1, and contrary to 11 U.S.C. §1325.

4. Debtor will testify at the hearing in support of the proposed plan, his current and future projected income, and current and future projected expenses. Debtor will also call Michael J. Farrell, Chapter 13 Trustee, for testimony relevant to the trustee’s objection to plan confirmation.

5. Debtor’s attorney will be out of the state from October 22, 2004 through October 27, 2004 and will be unable to appear at the confirmation hearing scheduled for October 26, 2004. Debtor respectfully requests that the hearing on the trustee’s objection to confirmation

be continued to the November confirmation calendar in order to provide Debtor with sufficient time to modify his plan to address the “best interests of creditors” issue, and to permit Debtor’s attorney to appear before the court on the issue of the trustee’s request for additional plan language if the matter is still unresolved.

WHEREFORE, Debtor requests that the hearing be continued to the November, 2004 confirmation calendar and for such other relief as is just and equitable.

/e/ Ian Traquair Ball

Ian Traquair Ball #4285
Attorney for Debtor
326 Plymouth Building, Suite 326
12 South Sixth Street
Minneapolis, MN 55402
Tel: (612) 338-1313

Dated: October 18, 2004

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

**CERTIFICATE OF
SERVICE**

Neil W. Simonson,

BKY 04-61018

Debtor(s).

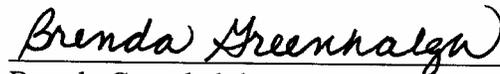
I, Brenda Greenhalgh, declare under penalty of perjury that on October 18, 2004,
I mailed copies of the foregoing Response to Objection to Plan Confirmation to each
entity named below at the stated addresses.

Michael J. Farrell
Chapter 13 Trustee
P.O. Box 519
Barnesville, MN 56514

United States Trustee
1015 US Courthouse
300 South 4th Street
Minneapolis MN 55415

Neil W. Simonson
P.O. Box 653
Morris, MN 56267

Dated: October 18, 2004



Brenda Greenhalgh