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September 14, 2004

Becky A. Moshier, Esq.
2233 University Ave. W. Suite 420
St. Paul, MN 55114

Re: Faith N. Zwemke
CASE #03-31689
Our File - 04-29100

Dear Ms. Moshier:

Enclosed herewith for your file please find our proposed Order relative to the above-captioned matter, which we have submitted to the Court for their approval at the hearing on September 22, 2004.

Please be advised that there will be a $50.00 charge to the debtor, which will be included in the demand letter, if a demand letter is mailed as a result of the debtor(s) non-payment of any of the terms described in said stipulated order.

If you have any questions, please contact our office.

Sincerely,

Lori Wirth
Legal Assistant

LW/

cc:

AMC #9000144943
Faith N. Zwemke
Jasmine Z. Keller, Trustee

04-29100

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Faith N. Zwemke,

Debtor(s)

Chapter 13 Case:
Case Number BKY 03-31689-DDO

ORDER

The above-entitled matter came for hearing on September 22, 2004, on the Motion of TCF Mortgage Corporation, By Everhome Mortgage Company, Its Authorized Servicer, for relief from the automatic stay. Appearances were as noted in the record.

Based on the agreement of the parties,

IT IS ORDERED: The Motion is denied upon the following conditions:

1. Debtors will pay TCF Mortgage Corporation, By Everhome Mortgage Company, Its Authorized Servicer the amount of $3,252.00 on or before September 22, 2004, which represents a portion of the post-petition arrearages and attorneys fees and costs in the total amount of $6,395.77. Said total amount consists of post-petition payments for the months of May, 2004 through September, 2004 in the amount of $1,084.00 each; accrued late charges of $25.77; and, attorney's fees and costs in the amount of $950.00.

2. Debtors will pay the October mortgage payment of $1,084.00 each, and all subsequent payments when due, and will pay an extra installment amount of $523.96 per month from October 15, 2004 through March 15, 2005 and will continue to pay each consecutive month thereafter until paid in full.

3. In the event that this Chapter 13 case converts to a Chapter 7 case, this would constitute a breach of agreement per se, and upon filing an affidavit that the loan is not paid current contractually, Movant is entitled to an Order for Relief without further notice.

4. All payments to be applied towards arrearages must be in the form of cash or certified funds made payable to:

TCF Mortgage Company
c/o Everhome Mortgage Company
8120 Nations Way, Bldg. 100
Jacksonville, FL 32256

If said arrearages are not cured by said date, or in the event Debtors again become delinquent in respect of any payments due under the terms of the note and mortgage, or in debtor's plan, and such default remains uncured following ten days' written notice from the date sent by first class mail to the debtor(s) and counsel for debtor(s), and upon TCF Mortgage Company's, by Everhome Mortgage Company, its authorized servicer, filing of an affidavit establishing debtor's default and failure to cure, the court may enter an order terminating the stay with respect to TCF Mortgage Company, by Everhome Mortgage Company, its authorized servicer, to permit TCF Mortgage Company by Everhome Mortgage Company, its authorized servicer, and its successors and/or assigns to foreclose that mortgage dated October 24, 1991, between Faith N. Zwemke, mortgagor(s) and Great Lakes Mortgage, mortgagee, in the original principal amount of $107,225.00, which was filed in the office of the recorder, on November 22, 1991, as Document No. 235680, regarding certain land located in Chisago County, Minnesota, described as follows:

> Lot Six (6), in Block One (1), of Kline's Beach, according to the Plat thereof, on file and of record in the office of the County Recorder in and for Chisago County, Minnesota. Subject to road, sewer,water and electric Easements, and subject to the present road as it crosses said property as well as the sewer and water pipes and electric poles presently thereon,

there existing cause to terminate the stay, including lack of adequate protection. Debtor(s) are not allowed more than (2) defaults as to the terms of the stipulated order, and upon a third default, TCF Mortgage Company, by Everhome Mortgage Company, its authorized servicer may file an affidavit, without serving a ten day default letter, establishing debtor(s) default and that it is the third such default, and the court may enter an order terminating the stay accordingly.

Dated: _____

BY THE COURT:

_____

Judge of Bankruptcy Court