

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re: Tracy R. Cunningham

Case No: 03-37876 GFK  
Chapter 13

**MEMORANDUM IN OPPOSITION TO TRUSTEE'S  
MOTION TO DISMISS CASE**

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This memorandum is submitted in opposition to the Chapter 13 Trustee's motion to dismiss this case.

The debtor(s), through her attorney undersigned, file this response to the motion to dismiss this case filed by the Chapter 13 Trustee, Jasmine Z. Keller. The debtor requests that the Trustee's Motion to Dismiss be continued for one month to allow the debtor to modify her plan.

Wherefore, the debtor(s) request that the trustee's motion to dismiss be denied and an order entered with the above term.

Dated: September 14, 2004

/e/Robert J. Everhart  
Robert J. Everhart #180671  
Everhart Law Office, Ltd.  
Attorney for Debtors  
PO Box 120534  
New Brighton, MN 55112  
651-636-9212

**In RE:**  
**Tracy R. Cunningham**

**U.S. Bankruptcy Court**  
**District of Minnesota**

**Debtor(s)**

**Unsworn Declaration**  
**Proof of Service**

**Mari M. Scotch, employed by Robert J. Everhart attorney(s) licensed to practice law in this court, with office address of P. O. Box 120534, New Brighton, Minnesota 55112, declares that on September 14, 2004, I served the annexed:**

Memorandum in Opposition to Trustee's Motion to Dismiss Case

**upon each of the entities named 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 New Brighton, Minnesota addressed to each of them as follows:**

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**U.S. Bankruptcy Court**  
**(Electronic Filed Service)**

**Jasmine Z. Keller**  
**Chapter 13 Trustee**  
**12 South 6<sup>th</sup> Street Ste 310**  
**Minneapolis, MN 55402**

**Office of the U. S. Trustee**  
**1015 US Courthouse**  
**300 South 4<sup>th</sup> Street**  
**Minneapolis, MN 55415**

**Tracy R. Cunningham**  
**1318 Lafond Avenue**  
**St. Paul, MN 55104**

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

**Executed: 09/14 /2004**

**Signed:**

