UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: **CHAPTER 13 CASE**

Christine K. Hanner
SSN XXX-XX-7704
Richard F. Hanner
SSN XXX-XX-9644 **CASE NO. 03-38687 DDO**

RESPONSE TO MOTION FOR RELIEF FROM STAY

TO: Select Portfolio Servicing, Inc. (fka Fairbanks Capital Corp.), its attorney, James A. Geske, 7650 Currell Blvd., Suite 300, Woodbury, Minnesota 55125 and other parties in interest.

1) Select Portfolios Servicing, Inc. (Movant) filed a motion for relief from stay on July 15, 2004 with the Court and served Debtor via U.S. Mail on July 16, 2004.

2) The motion alleges non-payment of post-petition monthly mortgage payments from April 2004 through July 2004.

3) The post petition payments beginning in March, 2004 were sent in the form of Official Checks via certified mail return receipt requested to Movant's attorney, Wilford and Geske with a written request of notification of where to send future payments. (Exhibit "A" attached). Payments are still being mailed to Movant's attorney via certified mail return receipt requested and are current.

4) Movant has been informed on several occasions of the payment information, and has been informed Debtor has the signed return receipt requested cards. Movant's attorney has acknowledged in early August they still have some payment checks in their possession.

28

5) Debtor's attorney has expended 5.25 hours of time consulting with Debtor, verifying the payment history, collecting relevant documents, communicating with Movant's counsel, and filing a response to this motion. Additional attorney time will be expended attending the August 23, 2004 hearing.

WHEREFORE, Christine K. Hanner and Richard F. Hanner move the Court for an Order denying or dismissing Movant's motion for relief from stay, denying or dismissing Movant's request for attorney fees and costs, and for an Order awarding Debtor's attorney fees incurred in defending this matter.

Dated: August 20, 2004

Robert J. Wendling #183957
Attorney for Debtors
201 W. Burnsville Parkway, Suite #106
Burnsville, MN 55337
952-894-2546

March House payment
2004 1st mortgage & letter

3/2004

03235 — Office AU #
11-24 — 1210(8)

OFFICIAL CHECK

SERIAL #: 0323501776
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main7174

March 31, 2004

PAY TO THE ORDER OF ***FAIRBANKS CAPITAL CORP.***
LOAN#4000322018 CHRISTINE K HANNER

One thousand two hundred seventeen dollars and no cents **$1,217.00**

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER–IF THIS INSTRUMENT IS LOST, STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION AND REISSUANCE. AS A CONDITION TO CANCELLATION AND REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US $ 1,217.00

NON-NEGOTIABLE

Purchaser Copy

FB004 M4203

03235 — Office AU #
11-24 — 1210(8)

OFFICIAL CHECK

SERIAL #: 0323501776
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main7174

March 31, 2004

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VOID IF OVER US $ 1,217.00

NON-NEGOTIABLE

Purchaser Copy

FB004 M4203

EXHIBIT "A"

March 2004
1st & 2nd Mortgages

March 30, 2004

Dear Mr. Geske,

Enclosed please find mortgage payments for the Month of March, 2004 on the two accounts that we have with Fairbanks Capital Corporation. Please inform us where to send future payments to. Fairbanks has not provided us with statements on our First and Second Mortgages.

Sincerely,

Christine K. Hanner

Christine K. Hanner and Richard F. Hanner
Bankruptcy Case No. 03-38687 DDO

First mortgage (check) Cashier's 1,217.00 CK# 0323501776 March 2004 payment. Loan# 4000322018

Second mortgage (check) Cashier's 270.00 CK# 0323501742 March 2004 payment Loan# 0001788546

March 2nd mortgage

03235 — Office AU #
11-24 — 1210(8)

OFFICIAL CHECK

SERIAL #: 0323501742
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main4604

March 19, 2004

PAY TO THE ORDER OF ***FARIBANKS CAPITAL CORP***
LOAN NUMBER 0001788546

Two hundred seventy dollars and no cents Christine K Hanner **$270.00**

VOID IF OVER US $ 270.00

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

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NON-NEGOTIABLE

Purchaser Copy

FB004 M4203

03235 — Office AU #
11-24 — 1210(8)

OFFICIAL CHECK

0323501742

Operator I.D.: main4604

March 19, 2004

PAY TO THE ORDER OF ***FAIRFARIBANKS CAPITAL CORP***
LOAN NUMBER 0001788546

Two hundred seventy dollars and no cents **$270.00**

Christine K. Hanner

VOID IF OVER US $ 270.00

Richard Levy
CONTROLLER

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

⑈0323501742⑈ ⑆121000248⑆4861 507275⑈

Sent Payments Certified mail to Atty James Gesi
Proof of mailing

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X E. Wilford ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 6-2

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service lat
7003 3110 0005 0574 7878

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

Lawyer March payment
1 & 2nd Mortgage

PRIOR LAKE PO
PRIOR LAKE, Minnesota
553729998
2663650882-0097
04/01/2004 (800)275-8777 03:59:47 PM

Sales Receipt

Product Description	Sale Qty	Unit Price	Final Price
SAINT PAUL MN 55125			$0.37
First-Class			
Return Receipt			$1.75
Certified			$2.30
Label Serial #: 70033110000505747878			
Issue PVI:			$4.42
Total:			$4.42

Paid by:
Cash $20.00
Change Due: -$15.58

Bill#: 100030198553 6
Clerk: 09

— All sales final on stamps and postage. —
Refunds for guaranteed services only.
Thank you for your business.
Customer Copy

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

SAINT PAUL MN 55125

	$0.37	
	$2.30	0882
		09
	$1.75	
	$0.00	
	$4.42	04/01/2004

Lawyer (March 1 & 2nd Mortgage

7003 3110 0005 0574 7878

03235 — Office AU #
11-24 — 1210(8)

OFFICIAL CHECK

SERIAL #: 0323501913
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main1013

May 05, 2004

PAY TO THE ORDER OF ***FAIRBANKS CAPITAL CORP***
LOAN #4000322018 CHRISTINE K. HANNER

One thousand two hundred seventeen dollars and no cents **$1,217.00**

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER–IF THIS INSTRUMENT IS LOST, STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION AND REISSUANCE. AS A CONDITION TO CANCELLATION AND REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US $ 1,217.00

NON-NEGOTIABLE

Purchaser Copy

FB004 M4203

03235 — Office AU #
11-24 — 1210(8)

OFFICIAL CHECK

0323501913

Operator I.D.: main1013

May 05, 2004

PAY TO THE ORDER OF ***FAIRBANKS CAPITAL CORP***
LOAN #4000322018 CHRISTINE K. HANNER

One thousand two hundred seventeen dollars and no cents **$1,217.00**

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US $ 1,217.00

Richard Leary
CONTROLLER

April 2004 payment

03235 — Office AU #
11-24 — 1210(8)

OFFICIAL CHECK

SERIAL #: 0323501913
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main1013

May 05, 2004

PAY TO THE ORDER OF ***FAIRBANKS CAPITAL CORP***
LOAN #4000322018 CHRISTINE K. HANNER

One thousand two hundred seventeen dollars and no cents **$1,217.00**

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
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VOID IF OVER US $ 1,217.00

NON-NEGOTIABLE

Purchaser Copy

FB004 M4203

April 2004 House 5/3/04
1st & 2nd mortgage

Dear Mr. Geske

Enclosed please find mortgage payments for the month of April 2004 on the two accounts that we have with Fairbanks Capital Corporation. Fairbanks has not provided us with statements on our first and second mortgage. I will keep sending this payments to you untill all things are cleared up and statements start comeing to our house.

Thank You,
Christine Hanner

Christine K. Hanner and Richard F. Hanner
Bankruptcy Case no. 03-38687 DDO

First Mortgage Cashiers Check 1,217.00
CK # 0323501913 April 2004 payment on
Loan # 4000322018

Second mortgage Cashiers check 270.00
CK # 0323501912 April 2004 payment on
Loan # 0001788546

April's replacement 2nd

03235 Office AU # | 11-24 1210(8)

OFFICIAL CHECK

SERIAL #: 0323502038
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main1013

June 15, 2004

PAY TO THE ORDER OF ***REAL-TIME SOLUTIONS***
LOAN #1788546 - CHRISTINE K. HANNER

****Two hundred seventy dollars and no cents****

****$270.00****

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER--IF THIS INSTRUMENT IS LOST, STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION AND REISSUANCE. AS A CONDITION TO CANCELLATION AND REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND

VOID IF OVER US $ 270.00

NON-NEGOTIABLE

Purchaser Copy

FB004 M4202

May's CK 2nd

03235 Office AU # | 11-24 1210(8)

OFFICIAL CHECK

SERIAL #: 0323502039
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main1013

June 15, 2004

PAY TO THE ORDER OF ***REAL-TIME SOLUTIONS***
LOAN #1788546 - CHRISTINE K. HANNER

****Two hundred seventy dollars and no cents****

****$270.00****

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER--IF THIS INSTRUMENT IS LOST, STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION AND REISSUANCE. AS A CONDITION TO CANCELLATION AND REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US $ 270.00

NON-NEGOTIABLE

Purchaser Copy

FB004 M4202

May's 1st Mortgage

03235 Office AU # | 11-24 1210(8)

OFFICIAL CHECK

SERIAL #: 0323502040
ACCOUNT#: 4861-507275

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main1013

June 15, 2004

PAY TO THE ORDER OF ***FAIRBANKS CAPITAL CORP.***
LOAN #4000322018 - CHRISTINE K. HANNER

****One thousand two hundred seventeen dollars and no cents****

****$1,217.00****

Wells Fargo and Company Issuer
420 MONTGOMERY STREET
SAN FRANCISCO, CA 94163
PAYABLE AT WELLS FARGO BANK, N.A.
FOR INQUIRIES CALL (480) 394-3122

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VOID IF OVER US $ 1,217.00

NON-NEGOTIABLE

Purchaser Copy

FB004 M4203

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James A. Geske
Attorney At Law
7650 Currell Blvd
Suite 300
Woodbury, MN. 55125

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x [illegible] ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 6-16-4

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7004 0750 0000 9898 6302

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

TO ATTY James Geske
MAY Mortgage payment

PRIOR LAKE PO
PRIOR LAKE, Minnesota
553729998
2663650882-0098
06/07/2004 (800)275-8777 11:10:43 AM

Sales Receipt

Product Description	Sale Qty	Unit Price	Final Price
Single Certificate	1	$0.90	$0.90
$7.40 Love Candy Heart PSA Bk	1	$7.40	$7.40
Total:			$8.30

Paid by:
Cash $10.00
Change Due: -$1.70

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.
Bill#: 1000202573282
Clerk: 08

03235 — Office AU #
11-24 — 1210(8)

PERSONAL MONEY ORDER

SERIAL #: 0323502160
ACCOUNT#: 4861-507267

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9996901618
Operator I.D.: main1809

July 13, 2004

PAY TO THE ORDER OF ***REAL-TIME RESOLUTIONS INC.***
CHRISTINE K. AND RICHARD HANNER #1788546

Two hundred seventy dollars and no cents

$270.00

Wells Fargo Bank, N.A.
16817 DULUTH AVE SE
PRIOR LAKE, MN 55372
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER–IF STOP PAYMENT IS PLACED ON THIS INSTRUMENT, WELLS FARGO BANK MAY IMPOSE A WAITING PERIOD BEFORE ISSUING A REPLACEMENT OR REFUND.

VOID IF OVER US $ 270.00

NON-NEGOTIABLE

June's Payment
2nd mortgage
2004

Purchaser Copy

FB004 M4203

03235 — Office AU #
11-24 — 1210(8)

PERSONAL MONEY ORDER

0323502160

Operator I.D.: main1809

July 13, 2004

PAY TO THE ORDER OF ***REAL-TIME RESOLUTIONS INC.***
CHRISTINE K. AND RICHARD HANNER #1788546

Two hundred seventy dollars and no cents

$270.00

Wells Fargo Bank, N.A.
16817 DULUTH AVE SE
PRIOR LAKE, MN 55372
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US $ 270.00

Christine K Hanner
Purchaser's Signature

Loan # 1788546 June 2004 Payment

⑈0323502160⑈ ⑆121000248⑆4861 507267⑈

03235 — Office AU #
11-24 — 1210(8)

PERSONAL MONEY ORDER

SERIAL #: 0323502161
ACCOUNT#: 4861-507267

Purchaser: CHRISTINE K HANNER
Purchaser Account: 9906001618
Operator I.D.: main1809

July 13, 2004

PAY TO THE ORDER OF ***REAL-TIME RESOLUTIONS INC.***
CHRISTINE K. AND RICHARD HANNER #1788546

Two hundred seventy dollars and no cents **$270.00**

Wells Fargo Bank, N.A.
16817 DULUTH AVE SE
PRIOR LAKE, MN 55372
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER–IF STOP PAYMENT IS PLACED ON THIS INSTRUMENT, WELLS FARGO BANK MAY IMPOSE A WAITING PERIOD BEFORE ISSUING A REPLACEMENT OR REFUND.

VOID IF OVER US $ 270.00

NON-NEGOTIABLE

July's Payment
2nd Mortgage
2004

Purchaser Copy

FB004 M4203

03235 — Office AU #
11-24 — 1210(8)

PERSONAL MONEY ORDER

0323502161

Operator I.D.: main1809

July 13, 2004

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CHRISTINE K. AND RICHARD HANNER #1788546

Two hundred seventy dollars and no cents **$270.00**

Wells Fargo Bank, N.A.
16817 DULUTH AVE SE
PRIOR LAKE, MN 55372
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US $ 270.00

Christine K. Hanner
Purchaser's Signature

L004 #1788546 July 2004 Payment

⑈0323502161⑈ ⑆121000248⑆4861 507267⑈

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: **CHAPTER 13 CASE**

Christine K. Hanner
SSN XXX-XX-7704
Richard F. Hanner
SSN XXX-XX-9644 **CASE NO. 03-38687 DDO**

Debtor. **UNSWORN DECLARATION FOR PROOF OF SERVICE.**

Frances Kuhn, employed by Wendling & Associates, attorneys licensed to practice law in this Court, with office address at 201 W. Burnsville Parkway , Suite #106, Burnsville, MN 55337, declares that on August 20, 2004, I served the annexed Response To Relief From Stay to each person referenced below, a copy thereof by enclosing the same in an envelope with first class mail postage prepaid and depositing the same in the post office at Woodbury, Minnesota addressed to each of them as follows, and faxed to each of them at the listed numbers:

Christine K. Hanner
Richard F. Hanner
16009 St. Paul Avenue SE
Prior Lake, MN 55372

Jasmine Z. Keller
12 South 6th Street, Suite 310
Minneapolis, MN 55402
FAX 612-338-4529

James A. Geske
WILFORD & GESKE
7650 Currell Blvd., Ste. 300
Woodbury, MN 55125
FAX 651-209-3339

U.S. Trustee
1015 U. S. Courthouse
300 South 4th Street
Minneapolis, MN 55415
FAX 651-664-5516

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

Dated this 20th day of August, 2004 Frances Kuhn
Frances Kuhn