

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

BKY 04-33699 GFK
ADV 04-3379

Tammy J. Loesch,
Debtor.

Patricia Ann Anderson,

Plaintiff,

v.

DEFENDANT'S ANSWER

Tammy J. Loesch,

Defendant.

Defendant Tammy J. Loesch, through her undersigned counsel, comes now for her answer to Plaintiff's Complaint, states and alleges:

1. Defendant denies each and every thing, matter, and statement in the Complaint, unless otherwise admitted or qualified herein.
2. Defendant admits that money was loaned to her by the Plaintiff in September of 2003.
3. Defendant admits that she attended a mediation conference, without first conferring with her bankruptcy attorney and under fear of an entering of a judgment if she did not attend, with regard to the Complaint the Plaintiff filed against her in Rice County Conciliation Court.
4. Defendant admits she entered into an agreement to settle that dispute by offering to pay the Plaintiff \$500.00. Defendant denies that there was a judgment in the matter.

AFFIRMATIVE DEFENSES

5. Defendant reincorporates and realleges her answers made in paragraphs 1 through 4 of this answer.
6. Plaintiff's claim for damages for lost wages for appearances in this matter has no legal basis.
7. Plaintiff's claim that the mediation agreement binds the Defendant to payment of that debt is no more than an unenforceable reaffirmation agreement under 11 U.S.C. Section 524(c).
8. Plaintiff's Complaint fails to state any legal basis for excepting the debt from the Defendant's discharge.
9. Plaintiff's Complaint fails to state a claim for which relief may be granted.

WHEREFORE, The Defendant request judgment against the Plaintiff:

- I). Determining that the debt incurred by the Defendant to the Plaintiff is discharged pursuant to 11 U.S.C. Section 727.
- II). Awarding attorney fees for defending this matter in the amount of \$750.00 pursuant to 11 U.S.C. Section 523(d).
- III). For other relief the Court deems just and equitable.

Dated this 26th day of October, 2004

PRESCOTT & PEARSON, P.A.

/s/ Jeffrey M. Bruzek
Jeffrey M. Bruzek
Atty Reg. No. 319260
Attorneys for Defendant
443 Old Highway 8
Suite 208
New Brighton, MN 55112
Tel. 651/633-2757

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

LOESCH, TAMMY
PATRICIA AN ADNERSON v.
TAMMY J. LOESCH

BKY No.04-33699
Chapter 7
ADV 04-3379

Debtor(s)

**UNSWORN DECLARATION
OF SERVICE**

Lindy Voss, an employee at Prescott & Pearson, P.A., a law firm licensed to practice law in this court, with offices at 443 Eighth Avenue Northwest, New Brighton, Minnesota 55112, declares that on October 27, 2004, she served the annexed DEFENDANT'S ANSWER, upon each of the entities listed below or on the attached sheet by mailing to each of them a copy thereof by enclosing same in an envelope with first class postage prepaid and depositing same in the post office at New Brighton, Minnesota, addressed to each of them as listed.

PATRICIA ANN ANDERSON
116 1ST ST N
DUNDAS MN 5019

US TRUSTEE OFFICE
1015 US COURTHOUSE
300 SO FOURTH ST
MINNEAPOLIS MN 55415

MICHAEL J IANNACONE
TRUSTEE IN BANKRUPTCY
8687 BALD EAGLE BLVD
LAKE ELMO MN 55042

And he declares under penalty of perjury that the foregoing is true and correct.

Dated: October 27, 2004

/s/ Lindy Voss

Lindy Voss