

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: Darryl K. Maddox
Patricia S. Maddox

Case No: 04-30190 GFK
Chapter 13

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

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

The debtor(s), through their attorney undersigned, file this response to the motion to dismiss this case filed by the Chapter 13 Trustee, Jasmine Z. Keller. The default to be cured is the \$1,600.00 listed in the motion plus \$800.00 due for September for a total default of \$2,400.00. The debtors will pay \$900.00 to the Trustee by the time of the hearing. The debtors will pay an additional \$250.00 per month to the Trustee for 6 months starting October 25, 2004. The debtor shall resume their regular monthly payments to the Trustee by the end of October 2004.

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

Dated: September 17, 2004

/s/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:
Darryl K. Maddox
Patricia S. Maddox

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 20, 2004, I served the annexed:

Memorandum in Opposition to Trustee's Motion to Dismiss

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:

U.S. Bankruptcy Court
(Electronic Filed Service)

Jasmine Z. Keller
Chapter 13 Trustee
12 South 6th Street Ste 310
Minneapolis, MN 55402

Office of the U. S. Trustee
1015 US Courthouse
300 South 4th Street
Minneapolis, MN 55415

Darryl K. & Patricia S. Maddox
319 Caesar Avenue
Lakeville, MN 55044

Americredit
Acct: 418114658
PO Box 183853
Arlington, TX 76096

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

Executed: 09/20/2004

Signed: 