

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In Re: Thomas L. Valley
Susan O. Valley

Case No: 04-30977 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 debtor(s) request that the Trustee's Motion to Dismiss be continued until September 23, 2004 to allow the debtor(s) time to convert their case to Chapter 7.

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

Dated: August 16, 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:
Thomas L. Valley
Susan O. Valley

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 August 16 , 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

Thomas L. & Susan O. Valley
5935 South Park Road
Shoreview, MN 55126

HomeEq Servicing Corporation
1270 Northland Drive Ste 200
Mendota Heights, MN 55120

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

Executed: 08/16/2004

Signed:

