

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

John W. and Carrie L. Zink,

Chapter 7

Debtor(s).

BK 04-31521 GFK

WITHDRAWAL OF MOTION TO DISMISS CHAPTER 7 CASE

1. The United States Trustee withdraws his motion to dismiss this case pursuant to 11 U.S.C. § 707.
2. The debtors have incurred arrearage on their home in the amount of approximately \$ 18,805.04 since the bankruptcy petition was filed through a post-petition loan (\$ 8,000) and through arrearage to the mortgagor (\$ 10,805.04).
3. The arrearage dissipates the ability to pay any significant distribution to unsecured creditors.
4. The evidentiary hearing set for November 2, 2004, at 9:30 a.m. may be stricken.

Dated: October 22, 2004

Respectfully submitted,

HABBO G. FOKKENA
United States Trustee
Region 12

By: /s/ Sarah J. Wencil
Sarah J. Wencil
Trial Attorney
United States Trustee's Office
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CERTIFICATE OF MAILING

The undersigned certifies under penalty of perjury that I am an employee in the Office of the United States Trustee for the District of Minnesota and am a person of such age and discretion as to be competent to serve papers.

On October 22, 2004, I served a copy of the Withdrawal of Motion to Dismiss Under 11 U.S.C. §707 in the above-referenced case by fax to counsel for the debtors' and by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Minneapolis, Minnesota.

Addressee(s):

David Keller
Grannis & Hauge PA
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Eagan, MN 55121

Nauni Jo Manty
Rider Bennett LLP
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John and Carrie Zink
6411 Beckman Court
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Office of the United States Trustee
Nancy Poole