

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

CHARLES F. ZACHOW

BKY Case No. 04-31553 GFK
Chapter 13

Debtor(s).

**NOTICE OF HEARING AND
MOTION FOR DISMISSAL**

Michael J. Farrell, Chapter 13 Trustee, hereby moves to dismiss the above-entitled Chapter 13 case.

1. The Court will hold a hearing on this motion at 10:00 a.m. on August 26, 2004 in Courtroom 228B - 2nd Floor, 316 North Robert Street, St. Paul, Minnesota, 55101.
2. Any response to this motion must be filed and delivered not later than 10:00 a.m. on August 23, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than August 17, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
3. The Debtor commenced this case by filing a voluntary Chapter 13 petition on March 16, 2004. This case is pending before this Court.
4. The Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334. This motion is brought pursuant to 11 U.S.C. §1307, Bankruptcy Rule 1017 and Local Rule 1017.
5. The Debtor filed a plan with the Court on March 16, 2004. On July 29, 2004, the Court denied the Debtor's plan on an objection filed on June 16, 2004 by the Trustee. To date, no other plan has been filed. Therefore, the Trustee moves for dismissal of this case based on the fact that the Debtor does not have a plan.

WHEREFORE, the Trustee requests an order as follows:

- (A) Dismissing the above entitled Chapter 13 case; and
- (B) Granting any other relief the Court deems just and proper.

Dated: August 3, 2004

/s/ Michael J. Farrell

Michael J. Farrell, Standing Trustee
PO Box 519
Barnesville, MN 56514
(218) 354-7356

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

CHARLES F. ZACHOW

BKY Case No. 04-31553 GFK
Chapter 13

Debtor(s).

The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the following:

Notice of Hearing and Trustee's Motion to Dismiss
and Unsworn Declaration of Proof of Service

Upon each of the entities named below, by mail (unless otherwise indicated 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 Barnesville, Minnesota, addressed to each of them as follows:

Debtor(s):

CHARLES F. ZACHOW
30320 200TH ST.
WABASSO, MN 56293

Debtor's Attorney:

ROBERT J. HOGLUND
HOGLUND, CHWIALKOWSKI, GREEMAN,
AND BERGMANIS, PLLP
PO BOX 130938
ROSEVILLE, MN 55113

Additional Copy(s) addressed to:

MBNA AMERICA BANK, NA
ECAST SETTLEMENT CORPORATION
BECKET AND LEE LLP, ATTORNEYS/AGENT
PO BOX 35480
NEWARK, NJ 07193-5480

UNITED STATES TRUSTEE
1015 U.S. COURTHOUSE
300 W. 4TH ST.
MINNEAPOLIS, MN 55415

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

Dated: August 3, 2004

/s/ Belinda D. Kurtz
Belinda D. Kurtz
Chapter 13 Office

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

CHARLES F. ZACHOW

BKY Case No. 04-31553 GFK
Chapter 13

Debtor(s).

This matter came before the Court on August 16, 2004 at 10:00 a.m., or as soon thereafter as could be heard, on a motion by the Chapter 13 Trustee to dismiss this case. The appearances are as noted on the record. The court made its findings and conclusion on the record. Based on the Local and Federal Rules of Bankruptcy Procedure, it is

HEREBY ORDERED:

That this Chapter 13 Case is dismissed.

Dated: _____

Judge Gregory F. Kishel
U.S. Bankruptcy Judge