

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:
Charles E. Esch,
and
Mary A. Esch,

Debtor(s).

Bkry Case Number: 04-32315
Chapter 13 Case

**RESPONSE TO MOTION
TO DISMISS**

TO: Movant and other entities specified in Local Rule 1204(b).

Charles E. Esch and Mary A. Esch, debtor(s), through their attorneys, Hoglund, Chwialkowski, Greeman & Bergmanis, P.L.L.C., through Robert J. Hoglund, respond to the Motion by the Trustee, which is scheduled to be heard on October 28, 2004, and allege as follows:

1. The debtor(s) have reviewed their pre- and post-petition outstanding indebtedness and have stated to their attorney that they are unable to provide the payments as scheduled in the Chapter 13 Plan. The debtor(s) require additional time to consult with their attorney in order to modify the plan in accordance with U.S.C. §1223 and §1329 of the United States Bankruptcy Code.

2. The debtor(s) respectfully request a thirty (30) day continuance in order to modify the payment plan in their bankruptcy proceeding.

WHEREFORE, the debtor(s) request this motion for dismissal be continued for thirty (30) days so the debtor(s) may have the opportunity to cure the arrears in the Chapter 13 Plan.

Dated: 10/27/04

Signed: /e/ Charles E. Esch
Debtor

Signed: /e/ Mary A. Esch
Debtor

VERIFICATION

I, Robert J. Hoglund, the undersigned, attorney for the Debtor(s), under penalty of perjury, do hereby swear that I have read the foregoing and it is true and correct to the best of my knowledge, information, and belief.

Dated: 10/27/04

HOGLUND, CHWIALKOWSKI, GREEMAN & BERMANIS, P.L.L.C.

Signed: /s/ ***Robert J. Hoglund***

Robert J. Hoglund #210997

Attorney for Debtors

1611 West County Road B, Suite 106

P.O. Box 130938

Roseville, Minnesota 55113

Telephone No: (651) 628-9929

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and

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**UNSWORN CERTIFICATE
OF SERVICE**

I, Robin Nori, employed by Hoglund, Chwialkowski, Greeman & Bergmanis, P.L.L.C., attorneys licensed to practice law in this Court, with office address of 1611 West County Road B, Suite 106, Roseville, Minnesota 55113, declare that on October 27, 2004, I served the Response to the Motion for Dismissal, to each of the entities named below, by mailing to each of them a copy thereof by enclosing the same in an envelope with first class mail postage prepaid, and depositing the same in the post office in Roseville, Minnesota, addressed to each of the entities as follows:

Ms. Jasmine Z. Keller (facsimile)
Trustee in Bankruptcy
12 South Sixth Street, Suite 310
Minneapolis, Minnesota 55402

United States Trustee (facsimile)
1015 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota 55415

Charles E. Esch and Mary A. Esch
2741 Gresham Avenue North
Oakdale, Minnesota 55128

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

Dated: October 27, 2004

Signed: /e/ Robin Nori
Paralegal

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Bankruptcy Case Number: 04-32315

Charles E. Esch,

and

SIGNATURE DECLARATION

Mary A. Esch,

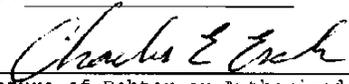
Debtor(s).

- () PETITION, SCHEDULES & STATEMENTS
() CHAPTER 13 PLAN
() SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
() AMENDMENT TO PETITION, SCHEDULES AND STATEMENTS
() MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING
(X) OTHER: (Please describe) Response to the Motion to Dismiss
(X) VERIFICATION: I(We), debtor(s) named in the attached Response, declare under penalty of perjury that the foregoing is true and correct.

I[We], the undersigned debtor(s) or authorized representative of the debtor(s), make the following declarations under penalty of perjury:

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 10/27/04


Signature of Debtor or Authorized Representative


Signature of Joint Debtor

Charles E. Esch
Printed Name of Debtor or Authorized Representative

Mary A. Esch
Printed Name of Joint Debtor

HOGLUND, CHWIALKOWSKI, GREEMAN & BERGMANIS, P.L.L.C.

Signed: /e/ Robert J. Hoglund
Robert J. Hoglund #210997
1611 West County Road B, Suite 106
P.O. Box 130938
Roseville, Minnesota 55113
Telephone Number: (651) 628-9929