

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Kathleen G. Wehmhoff,

Debtor.

Case Number 04-33997-GFK

Chapter 13 Case

STIPULATION REGARDING RELIEF FROM STAY

Whereas City-County Federal Credit Union (“City-County”) has brought a motion for relief from the stay in the above case relating to post-petition payments on its loan secured by real estate of the debtor; and

Whereas the debtor has agreed to make payment of the post-petition amounts due to City-County following the service of its motion for relief from stay; and

Whereas the debtor wishes to cure the post-petition default on the City-County loan secured by real estate of the debtor; and

Whereas the debtor and City-County, through their undersigned attorneys, in order to compromise and settle the motion of City-County now pending, stipulate and agree that the Court may enter an order herein as follows:

1. The motion of City-County for relief from the stay with respect to real property described as Lot 9, Block 1, Pennock Shores, Dakota County, Minnesota, is denied at this time.
2. On or before September 30, 2004, the debtor shall pay to City-County any existing post-petition installments due on the subject loan secured by the subject real estate, and shall pay the post-petition monthly payments due thereafter on the same loan on the monthly due dates thereafter, together with any late fees which may apply.

3. Debtor shall pay regular plan payments to the Chapter 13 Trustee as required by the confirmed plan.

4. If the debtor fails to comply with the terms set forth above or fails to make any other future payment required by the terms of the subject loan and mortgage, City-County may obtain relief from the stay on an ex parte, expedited basis by serving written notice of default by mail upon the debtor at her last known address, with a copy to any counsel of record, and providing debtor with 10 days to cure the default. If the default is not cured, the filing of an affidavit of default with proof of service as required herein shall allow the Court to enter an order for relief from the stay in favor of City-County, its successors and assigns, without further notice or hearing.

5. The debtor agrees that \$750.00 shall be added to the mortgage loan balance as the costs and expenses, including attorney's fees, for bringing this motion for relief from stay herein.

Dated: September 24, 2004.

/e/ Lee W. Mosher
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case Number 04-33997-GFK

Kathleen G. Wehmhoff,

Chapter 13 Case

Debtor.

ORDER REGARDING RELIEF FROM STAY

The motion of City-County Federal Credit Union (“City-County”) for relief from the automatic stay and the agreement of City-County and the debtor regarding relief from stay came before the undersigned on September 27, 2004. The appearances were as noted on the record.

Based on the arguments of counsel, all of the files, records, and proceedings herein, the court being advised in the premises, and the court's findings of fact and conclusions of law, if any, having been stated orally and read in open court following the closing of evidence.

IT IS HEREBY ORDERED:

1. The motion of City-County for relief from the stay with respect to real property described as Lot 9, Block 1, Pennock Shores, Dakota County, Minnesota, is denied at this time.
2. On or before September 30, 2004, the debtor shall pay to City-County any existing post-petition installments due on the subject loan secured by the subject real estate, and shall pay the post-petition monthly payments due thereafter on the same loan on the monthly due dates thereafter, together with any late fees which may apply.
3. Debtor shall pay regular plan payments to the Chapter 13 Trustee as required by the confirmed plan.
4. If the debtor fails to comply with the terms set forth above or fails to make any other

future payment required by the terms of the subject loan and mortgage, City-County may obtain relief from the stay on an ex parte, expedited basis by serving written notice of default by mail upon the debtor at her last known address, with a copy to any counsel of record, and providing debtor with 10 days to cure the default. If the default is not cured, the filing of an affidavit of default with proof of service as required herein shall allow the Court to enter an order for relief from the stay in favor of City-County, its successors and assigns, without further notice or hearing.

5. The debtor agrees that \$750.00 shall be added to the mortgage loan balance as the costs and expenses, including attorney's fees, for bringing this motion for relief from stay herein.

Dated: _____, 2004.

Gregory F. Kishel
Chief United States Bankruptcy Judge

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