

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:) Case No.: 04-34838
Roshelle L. Chavez,)
Debtor.) MEMORANDUM OPPOSING MOTION TO
FOR RELIEF FROM STAY
Chapter 7

Debtor's mortgage lender has moved for relief from the Automatic Stay, on the grounds that Debtor was late with two mortgage payments that came due following the filing of this action. Debtor has made the payments at issue and they have been rejected by the lender. The motion should be denied.

This motion was made on September 14, 2004. At the time, Debtor had not made her August or September mortgage payments. She made these by payment of \$1000 by check and \$1370 by money order on September 20, 2004. These payments have been rejected by Wells Fargo and the check and money order forwarded to Wells Fargo's attorneys. She will make the October payment as soon as she receives an assurance that this will not also be rejected.

The motion should be denied.

Respectfully submitted,

Dated October 1, 2004

UAW – FORD LEGAL SERVICES PLAN

By: /e/ Randall Smith
Randall Smith
Attorney Registration No. 102684
Suite 235 Wright Building
2233 University Avenue
St. Paul, MN 55414
(651) 641-0647

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:) Case No.: 04-34838
Roshelle L. Chavez,)
Debtor.) DECLARATION OF ROSHELLE L.
CHAVEZ
Chapter 7

I make the following statements under penalty of perjury.

1. I am the Debtor in this Chapter 7 case.
2. Wells Fargo says I did not make my mortgage payments for August and September for \$1,151.85 each, which would total \$3,303.70.
3. On or about September 20, 2004, I sent Wells Fargo a personal check for \$1000 and a money order for \$1370. My lawyer tells me that Wells Fargo has rejected the payments and sent the check and money order to its lawyers. I attach documents showing that I made these payments.
4. I will make my October 2004 payment as soon as I have reason to believe it will be accepted.

Dated October 1, 2004

By: /e/ Roshelle L. Chavez

TRAVELERS EXPRESS COMPANY, INC. DRAWER
P.O. BOX 9476
MINNEAPOLIS, MN 55480
1-800-542-3590

715 (4/04) 700/14000

		DATE/AMOUNT
4496363134		09/20/04
111 YN		\$500.00
904488095960005		12

KEEP THIS STUB
FOR YOUR RECORDS

PLEASE SEE TERMS ON REVERSE SIDE
44963631340 EMPLOYEE

▼DETACH HERE▼

TRAVELERS EXPRESS COMPANY, INC. DRAWER
P.O. BOX 9476
MINNEAPOLIS, MN 55480
1-800-542-3590

715 (4/04) 700/14000

		DATE/AMOUNT
4496363136		09/20/04
111 NN		\$370.00
904488095960005		12

KEEP THIS STUB
FOR YOUR RECORDS

PLEASE SEE TERMS ON REVERSE SIDE
44963631361 EMPLOYEE

▼DETACH HERE▼

TRAVELERS EXPRESS COMPANY, INC. DRAWER
P.O. BOX 9476
MINNEAPOLIS, MN 55480
1-800-542-3590

715 (4/04) 700/14000

		DATE/AMOUNT
4496363135		09/20/04
111 YN		\$500.00
904488095960005		12

KEEP THIS STUB
FOR YOUR RECORDS

PLEASE SEE TERMS ON REVERSE SIDE
44963631350 EMPLOYEE

▼DETACH HERE▼

ROSHELLE CHAVEZ 01/97
C-120-744-584-476
1745 EUCLID ST. 851-776-4853
SAINT PAUL, MN 55108-5908

17-2810

8372

9-9-04

00

*Well Fargo Mortgage
Two thousand fifty and 00/100*

BALANCE FORWARD	1000 ⁰⁰
THIS PAYMENT	
BALANCE	
OTHER	
BALANCE FORWARD	

US BANK, N.A.
1-800-US BANKS
(612) US BANKS



⑆091000022⑆173102851198⑈ 8372

TAX DEDUCTIBLE ITEM

NOT NEGOTIABLE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chavez, Roshelle L.

SIGNATURE DECLARATION

Case No. **04-34838**

Debtor(s).

- PETITION, SCHEDULES & STATEMENTS
- CHAPTER 13 PLAN
- SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
- AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
- MODIFIED CHAPTER 13 PLAN
- OTHER (Please describe) Declaration

I/We, the undersigned debtor(s) or authorized representative of the debtor, ***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, 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: 10-1-04

x Roshelle L Chavez
Signature of Debtor or Authorized Representative
Signature of Joint Debtor

x _____

Chavez, Roshelle L.
Printed Name of Debtor or Authorized Representative

Printed Name of Joint Debtor

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the attached

Memorandum and Affidavit

was mailed by First Class US Mail and transmitted by facsimile on the date set forth below to the following individuals addressed to each of them as follows:

Jasmine Z. Keller
Chapter 13 Trustee
310 Plymouth Building
12 South 6th Street, Suite 310
Minneapolis, MN 55402
FAX: 612-338-4529

US Trustee
1015 US Courthouse
300 South 4th Street
Minneapolis, MN 55415
FAX: 612-664-5516

Thomas J. Reiter
Reiter & Schiller
25 North Dale Street, 2d Floor
St. Paul, MN 55102-2227
FAX: 651-292-9482

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

Dated: October 1, 2004

/e/ Randall Smith
Randall Smith
Attorney at Law