

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re:

Case No. 04-35132 GFK

**William S. McClure,**

**RESPONSE TO MOTION FOR  
RELIEF FROM STAY**

Debtor.

Chapter 13 Case

Debtor William S. McClure responds to D. H. Gustafson's motion as follows:

1. Debtor has no post-petition lot rent pursuant to his lease obligations. His case was filed on September 1, 2004; therefore his first post-petition payment is due October 1, 2004.
2. Debtor has filed two previous Chapter 13 cases, both of which were confirmed by the court. His most recent case was dismissed because he lost his job. His first case was dismissed because his work hours were cut back to the point where the plan was not feasible.
3. Movant did not recover any rental arrearages in the Debtor's previous cases because no proofs of claim were filed by D. H. Gustafson.
4. The Bankruptcy Code does not entitle unsecured creditors to adequate protection, therefore the Debtor's plan properly treats D. H. Gustafson's claim.

WHEREFORE, Debtor asks that the Court deny this motion for relief from the automatic stay.

Dated: 9/17/04

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

/e/ Marie F. Martin

Marie F. Martin #287040

Attorney for Debtor

1611 W. County Road B, Suite 106

P.O. Box 130938

Roseville, MN 55113

(651) 628-9929

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:  
William S. McClure,

Chapter 13 Case  
Bkry Case No: 04-35132

**UNSWORN CERTIFICATE  
OF SERVICE**

Debtor(s).

I, Lauren Behm, employed by Hogleund, Chwialkowski, Grceman & 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 September 20, 2004, I served the Response to Motion for Relief From Stay, to 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:

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Ms. Jasmine Z. Keller  
Trustee in Bankruptcy  
12<sup>th</sup> South Sixth Street, Ste 310  
Minneapolis, Minnesota 55402

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

William S. McClure  
417 West 158<sup>th</sup> Street  
Burnsville, Minnesota 55306

Bonner & Borhart LLP  
220 South Sixth Street, Ste 1750  
Minneapolis, Minnesota 55402

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

Dated: September 20, 2004

Signed: /e/ Lauren Behm  
Paralegal

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Bankruptcy Case Number: 04-35132

William S. McClure,

**SIGNATURE DECLARATION**

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 Motion for Relief From Stay  
( X ) VERIFICATION: I(We), debtor(s) named in the attached amended schedules, 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: 9/18/04

William S. McClure

Signature of Debtor or Authorized Representative

\_\_\_\_\_  
Signature of Joint Debtor

William S. McClure

Printed Name of Debtor or Authorized Representative

\_\_\_\_\_  
Printed Name of Joint Debtor

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

Signed: /e/ Robert J. Hogleund

Robert J. Hogleund #210997

1611 West County Road B, Suite 106

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Roseville, Minnesota 55113

Telephone Number: (651) 628-9929