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US DISTRICT &
BANKRUPTCY COURTS
2003 OCT 16 P 7:15
CLERK OF DISTRICT COURT
POCATELLO, IDAHO

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO
THE HONORABLE JIM D. PAPPAS**

In Re:)
)
JOHN L. MERZLOCK,)
)
Debtor.)

Case No. 03-41775 JDP

**OBJECTION TO PROPOSED
PLAN OF DEBTOR**

DAREN KUHN, a judgment creditor, through the undersigned counsel objects to preliminary proposed Plan of the Debtor on the following grounds:

1. **Trustee's Objections Incorporated.** This Debtor objects to the proposed Plan, and adopts by reference, all of the objections and reasons set forth in the "Objections To Confirmation" enumerated by the Trustee in his Findings and Recommendations dated October 15, 2003 and filed October 16, 2003.
2. **Underfunded.** The proposed Plan is underfunded and does not include all known creditors.
3. **Incomplete.** The proposed Plan is incomplete and contingent and it is not possible to determine what Debtor in fact intends in good faith to do.

4. **Lacks Full Known Debt Disclosure.** The proposed Plan is insufficient to pay all debts and is insufficient to pay even tax liabilities. At a minimum the proposed plan is based in material part upon incomplete tax liabilities without disclosure to the Court and Trustee of the full tax liability; the Debtor has filed no tax returns since filings for the calendar year 1994 so there are tax liabilities with interest and penalties for eight years and, among other liabilities, the full eight-year tax liability has not been considered. At the First Meeting of Creditors the Debtor advised that all tax returns for all years since 1994 would be filed shortly with the assistance of an Idaho Falls certified public accountant. As such it may be possible to more accurately determine tax liabilities and as appropriate for determination of whether a workable Plan has been presented.

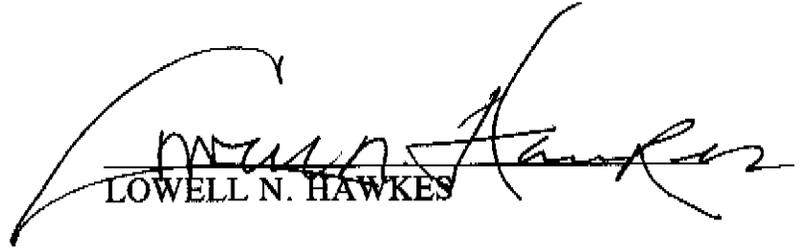
5. **Available Assets Being Withheld.** The proposed Plan does not make available to known creditors all available assets.

DATED this 16th day of October, 2003.


LOWELL N. HAWKES

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2003 I served a copy of the foregoing upon David E. Rayborn (Attorney for Debtor), P.O. Box 1, Pocatello, ID 83204 (by first class mailing); Norman C. Reece, Jr. (Attorney for Scheis), 151 North 3rd Avenue, Pocatello, ID 83201 (by fax to 233-4895); L.D. Fitzgerald (Trustee), P.O. Box 6199, Pocatello, ID 83205 (via fax to 233-1339); David Nye, attorney at law, P.O. Box 991, Pocatello, ID 83204 (via fax to 232-2499); Office of the U.S. Trustee, 304 North 8th Street, Suite 347, Boise, ID 83702 (via fax to 208-334-9756); and Craig W. Christensen (Attorney for Citizens Community Bank), P.O. Box 130, Pocatello, ID 83204-0130 (via fax to 234-9357).


LOWELL N. HAWKES