

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 03-47138

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In re:

Rick Howard Pinkus,

Debtor.

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**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

TO: The Debtor above-named and her attorney,

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 10:30 a.m. on September 22, 2004 Courtroom No. 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than September 15, 2004 which is 3 days before the above date or file and served by mail not later than September 10, 2004 which is 7 days before the time set for hearing in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(e) and 11 U.S.C. §543 and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on October 10, 2003. The case is now pending in this Court.

6. The Trustee requested the following documents from the Debtor in October 2003:

- a. Checking account statements and registers for the Debtor for the time period of July 1, 2003 to date.
- b. Pay stubs for October 1, 2003 to date.
- c. 2002 tax return, together with attachments thereto.

7. In January, 2004, the Trustee corresponded with the Debtor requesting copies of his 2003 tax return and advising the Debtor to forward any unnegotiated refund checks directly to the Trustee.

8. The Trustee has not received any of the above requested items, nor has he received any monies from the Debtor.

9. The Trustee has received voice mail from the Debtor requesting further time to provide the Trustee with the above items.

WHEREFORE, the Trustee requests that the Debtor be required to immediately turnover to the Trustee the following items:

1. Checking account statements and registers for the Debtor for the time period of July 1, 2003 to date.
2. Pay stubs for October 1, 2003 to date.
3. 2002 tax return, together with attachments thereto
4. 2003 tax returns together with attachments thereto, together with an amount equal to 77.53% of all 2003 tax refunds.

Dated: August 11, 2004

/e/ Randall L. Seaver

Randall L. Seaver, Trustee  
12400 Portland Avenue South, Suite 132  
Burnsville, MN 55337  
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Rick Howard Pinkus, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on August 11, 2004

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 03-47138

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In re:

Rick Howard Pinkus,

Debtor.

**UNSWORN DECLARATION  
FOR PROOF OF SERVICE**

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Kari L. Fogarty, employed by Randall L. Seaver, attorney licensed to practice law in this Court, with office address of 12400 Portland Avenue South, Suite 132, Burnsville, MN 55337, declares that on August 11, 2004 I served the annexed Notice of Hearing and Motion for Turnover of Property and proposed Order upon each of the entities named below by mailing each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at Minneapolis, Minnesota, addressed to each of them as follows:

Rick Howard Pinkus  
2610 Xylon Avenue South  
St. Louis Park, MN 55426

Thomas H. Olive  
Olive Taber & Owens  
5270 W. 84th Street, Suite 300  
Bloomington, MN 55437

Office of United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

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

Dated: August 11, 2004

/e/ Kari L. Fogarty  
Kari L. Fogarty

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 03-47138

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In re:

Rick Howard Pinkus,

**ORDER**

Debtor.

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This matter came on for hearing before this court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate. Appearances, if any, were noted upon the record.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein., and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that within seven (7) days from the entry of this Order the Debtor shall turnover to the Trustee the following items:

1. Checking account statements and registers for the Debtor for the time period of July 1, 2003 to date.
2. Pay stubs for October 1, 2003 to date.
3. 2002 tax return, together with attachments thereto
4. 2003 tax returns together with attachments thereto, together with an amount equal to 77.53% of all 2003 tax refunds.

**BY THE COURT:**

Dated: \_\_\_\_\_, 2004

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Nancy C. Dreher  
U.S. Bankruptcy Judge