

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Bky. No. 03-47780 (RJK)

Romie Obi Ogbolu, Jr.,

Chapter 13 Case

Debtor.

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**NOTICE OF HEARING AND MOTION FOR LIMITED NOTICE AND EXPEDITED  
HEARING ON TRUSTEE'S MOTION TO CONVERT CASE TO CHAPTER 7**

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TO: Romie Obi Ogbolu, Jr., the Debtor, and his attorney, Alan J. Albrecht, 7066 Brooklyn Boulevard, Brooklyn Center, MN 55429; and those parties on the attached service list.

1. Dwight R.J. Lindquist, Chapter 7 Trustee in the above case, prior to its conversion to Chapter 13 on or about October 27, 2004, and Best & Flanagan LLP, holder of an administrative claim ("Movants"), by their attorney, move the Court for the relief requested below and give notice of hearing.

2. The Court will hold a hearing on this motion at 9:30 a.m. on November 3, 2004, in Courtroom Number 8 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.

3. Because of the expedited nature of this motion, and the limited notice, Movants will not object to any response filed prior to the time and place of hearing. **IF NO RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. § 157 and § 1334 and Bankruptcy Rule 5005. This proceeding is a core proceeding. The petition commencing this case, as a

Chapter 7 case, was filed on November 4, 2003. Debtor filed a notice of conversion on or about October 26, 2004. The case is now pending in this court.

5. This motion arises under Federal Rules of Bankruptcy Procedure 1017(f)(2), 9014 and 9006(c).

6. Movants' request an expedited hearing on the Movants' motion to convert this case under 11 U.S.C. § 1307(c). Expedited relief is required because the Trustee had scheduled a hearing to approve the sale of certain real property of the bankruptcy estate, which hearing is scheduled for November 3, 2004, on a sale scheduled to close within five days after such hearing and entry of an order approving the sale. This sale has already been delayed by actions of the Debtor, as more fully set forth in the Trustee's motion, and the Trustee is concerned that further delay, which would be a breach of the Purchase Agreement by the Trustee, would lead to loss of the sale.

7. Federal Rule of Bankruptcy Procedure 1017(f)(2), 9014, and 9006(d), as well as Local Rule 9006-1(a) govern the time periods for service and filing of a motion to dismiss or convert a Chapter 13 case. These rules normally require (Local Rule 9006-1) service not later than 10 days by delivery or 14 days by mail prior to the hearing.

8. Federal Rule of Bankruptcy Procedure 9006(c) authorizes the Court, on motion, to shorten the notice periods otherwise required by Rules 9014 and 9006(d) or otherwise by the rules. Local Rule 9006-1 requires a separate request for expedited relief by motion.

9. The Chapter 7 Trustee has expended substantial time, effort and incurred substantial expenses to discover the Maryland real estate, which was not scheduled by the Debtor in his Chapter 7 schedules, to obtain the title work and identify the debt thereon without the assistance of the Debtor, who refused to provide title documentation, abstracts, or any other information regarding the property, and to

sort out and litigate potential claims against the property by the Debtor's parents. The Trustee has obtained a purchase offer which will result in net proceeds to the bankruptcy estate of at least \$26,000.00 and as much as \$83,000.00 (depending upon the termination of the debt owed to CitiFinancial Mortgage). The net amount of the sale proceeds will be impaired substantially by continued delay, as additional real estate taxes accrue, and interest accrues on the first and second mortgages.

WHEREFORE, the Movants request the Court approve an expedited hearing on Movants' motion for conversion of this case to a Chapter 7 case.

Date: October 29, 2004

BEST & FLANAGAN LLP

By /e/ Patrick B. Hennessy

Patrick B. Hennessy  
Atty. Registration No. 124412  
Attorneys for Dwight R.J. Lindquist,  
Chapter 7 Trustee  
225 South Sixth Street, Suite 4000  
Minneapolis, MN 55402  
(612) 339-7121

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**DECLARATION REGARDING ELECTRONIC FILING AND  
UNSWORN CERTIFICATE OF SERVICE**

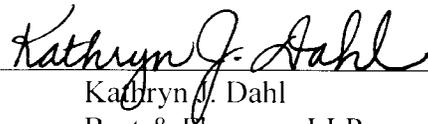
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I, Kathryn J. Dahl, declare under penalty of perjury that on October 29, 2004, I mailed copies of the Notice of Hearing and Motion for Limited Notice and Expedited Hearing on Trustee's Motion to Convert Case to Chapter 7, proposed Order, Notice of Hearing and Motion to Convert Case to Chapter 7, Memorandum of Law, Affidavit of Patrick B. Hennessy and proposed Order, which documents were electronically filed on October 29, 2004, by first class mail postage prepaid and, where indicated on the attached list, by facsimile, to each entity named on the attached service list at the address and/or facsimile number stated therein.

I will scan the original of this Declaration and save it in PDF format and understand it will be inserted into the electronic submission of the motion. I consent to this Declaration being electronically filed with the United States Bankruptcy Court. Best & Flanagan LLP will retain the original of this unsworn declaration in its file for 2 years.

Executed on: October 29, 2004.

Signed: \_\_\_\_\_



Kathryn J. Dahl  
Best & Flanagan LLP  
225 South Sixth Street, Suite 4000  
Minneapolis, MN 55402

SERVICE LIST

RE: Romie Obi Ogbolu, Jr.  
Bankruptcy Case No. 03-47780 (RJK)

Romie Obi Ogbolu, Jr.  
5220 Lincoln Drive, Apartment 328  
Edina, MN 55436  
By Mail

Mr. Alan J. Albrecht  
Albrecht & Associates, Ltd.  
7066 Brooklyn Boulevard  
Brooklyn Center, MN 55429  
Attorney for Debtor  
By Mail and Facsimile (763) 561-1561

Jasmine Z. Keller  
Chapter 13 Trustee  
310 Plymouth Building  
12 South Sixth Street  
Minneapolis, MN 55402  
By Mail and Facsimile (612) 338-4529

Office of the U.S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
By Mail and Facsimile (612) 664-5516

CitiFinancial Mortgage Company, Inc.  
c/o Steven H. Bruns  
Peterson Fram & Bergman, P.A.  
50 East 5<sup>th</sup> Street, Suite 300  
St. Paul, MN 55101  
By Mail and Facsimile (651) 228-1753

Capital Asset Research Corporation Ltd.  
Attn: George Gunderson, Vice President  
3960 RCA Boulevard, Suite 6002  
Palm Beach Gardens, FL 33410-4289  
By Facsimile (561) 776-5010

Wells Fargo Bank, N.A.  
Loss Recovery Center  
PO Box 30095  
Walnut Creek, CA 94598  
By Mail

Ameriquest  
P.O. Box 1100  
Santa Anna, CA 92711-1000  
By Mail

Nancy Nordmeyer  
Shapiro & Nordmeyer, LLP  
7300 Metro Boulevard, Suite 390  
Edina, MN 55439-2306  
By Mail and Facsimile (952) 831-4734

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**ORDER**

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Dwight R.J. Lindquist, the Chapter 7 Trustee in this bankruptcy case prior to its conversion to Chapter 13, and Best & Flanagan LLP, the attorneys retained by the Chapter 7 Trustee to represent the Chapter 7 Trustee during the bankruptcy case, and holder of an administrative claim, have filed a motion seeking to convert this Chapter 13 case to a Chapter 7 case, and have moved for an Order approving hearing on such motion on limited notice and an expedited basis. Movants' motion for limited notice and expedited hearing came on for hearing before this Court on November 3, 2004 at 9:30 a.m. Appearances were noted on the record. Counsel were heard.

NOW, THEREFORE, based upon the moving papers and arguments of counsel, and this Court's Findings of Fact and Conclusions of Law, if any, having been set forth on the record pursuant to rule,

IT IS HEREBY ORDERED that the Movants' motion for an Order approving hearing on Movants' motion to convert this case on limited notice and expedited hearing is hereby granted.

Date: November \_\_\_\_\_, 2004

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Robert J. Kressel  
U.S. Bankruptcy Judge