

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 04-40100

ADV No. 04-4 _____

Gerald Eugene Toberman,

Debtor.

Randall L. Seaver, Trustee,

Plaintiff,

vs.

COMPLAINT

Gerald Eugene Toberman,

Defendant.

Plaintiff, for his Complaint against Defendant Gerald Eugene Toberman, states and alleges as follows:

1. Randall L. Seaver is the duly qualified and acting Trustee in this case.
2. This is an action seeking a denial of discharge of the Debtor pursuant to 11 U.S.C. §727.
3. This Court has jurisdiction over this proceeding pursuant to 11 U.S.C. §727, 28 U.S.C. §157 and 28 U.S.C. §1334. This proceeding is a core proceeding.
4. This case was commenced by Gerald Eugene Toberman ("Debtor") by the filing of a voluntary petition under Chapter 7 of Title 11 of the United States Code on January 9, 2004. Attached hereto as Exhibit A is a true and correct copy of the Debtor's petition, schedules and

statement of financial affairs. The §341 meeting was held on February 19, 2004. The time for the Trustee to object to the Debtor's discharge was extended by stipulation and court order to June 18, 2004.

5. Nancy Toberman is the spouse of Gerald Toberman. Barbara Toberman is a daughter of Gerald Toberman. William Toberman is a son of Gerald Toberman.

6. In the six years prior to commencement of the Debtor's bankruptcy case, the Debtor has acted as managing agent of, or was an officer or director of various corporations and entities including, without limitation, Edison Homes, Inc., Bell Waterfront Corporation, d/b/a Excel Marina ("Excel Marina") and Bel Clare Estates, Inc.

7. The Debtor is the Trustee of the William Toberman Trust Agreement, which is a trust that holds assets previously owned by the Debtor and which pays to the Debtor's spouse in excess of \$90,000.00 per year.

8. The Trustee believes, and therefore alleges, that the Debtor also is, in reality, the owner of or held an ownership interest in:

a. real property located in Hennepin County, Minnesota, and legally described as:

Unit No. 3004, Condominium No. 532, West Oaks of Minnetonka Condominium, located in the County of Hennepin, State of Minnesota.

Together with the utility easements described in Registrar of Titles Document No. 1585358 pursuant to Order Document No. 1618581.

Together with the perpetual nonexclusive roadway easement described in Registrar of Titles Document No. 1608816, Files of the Registrar of Titles, pursuant to Order Document No. 1618581.

Certificate #1076483

("Minnetonka Condominium")

- b. real property in Dade County, Florida, legally described as:

Unit 505, Key Colony No. 2, according to the Declaration of Condominium thereof, recorded on July 25, 1979, in Official Records Book 10465, Page 318, of the Public Records of Dada County, Florida, including parking spaces No. B-08 and D-43,

("Florida Condominium")

- c. Bell Waterfront Corporation;
- d. Bel Clare Estates, Inc.;
- e. Edison Homes, Inc.;
- f. a Lincoln Continental automobile and Lexus automobile;
- g. jewelry and other collectibles as itemized in the homeowners policy, in the name of Gerald and Nancy Toberman, attached hereto as Exhibit B; and
- h. two checking accounts purportedly in the name of Nancy Toberman.

9. In the six years prior to commencement of the bankruptcy case, Gerald Toberman acted as, and held himself out to be an officer and/or managing agent of Bell Waterfront Corporation, Towns Edge Terrace, Edison Homes, Inc. and Bel Clare Estates, Inc. by various actions and statements including, but not limited to, the following:

- a. Signing letters of engagement on behalf of those entities for tax work;
- b. Signing various insurance documents as a "Vice President";
- c. Making application for a conditional use permit for Bell Waterfront Corporation, d/b/a Excel Marina; and
- d. Negotiating and entering into financing and refinancing transactions.

e. Negotiating and obtaining a dealer's bond for Edison Homes, Inc.

10. The Debtor knowingly and fraudulently, in connection with this case, made false oaths or accounts including, but not limited to, the following:

a. The Debtor stated at item 4 of Schedule B that he had no household goods or furnishings. That statement was false.

b. At item 5 of Schedule B, the Debtor stated that he had no books, pictures, art objects, etc. or other collections. That statement was false.

c. At item 7, the Debtor stated that he had \$200 in jewelry. In fact, jewelry owned by the Debtor and his spouse exceeded \$100,000 in value. See Exhibit B.

d. At item 12, the Debtor stated that he had no stock or interests in incorporated and unincorporated businesses. That statement was false.

e. At item 13, the Debtor stated that he had no interest in partnerships or joint ventures. That statement was false.

f. At item 23 of Schedule B, the Debtor stated that he had no interest in automobiles. That statement was false.

g. At Schedule D, the Debtor identified no secured creditors. That statement was false insofar as the Debtor was:

i. A signator on a mortgage for the Minnetonka Condominium;

ii. A signator on the mortgage for the Florida Condominium; and

iii. A borrower pursuant to an Amendment and Extension of Note, Mortgage and Assignment of Rents dated April 24, 2000 by and between the Debtor, as a borrower, and Bell Waterfront Corporation, as the lender.

h. At Schedule F, the Debtor identified only two unsecured claimants, Robert Belanger and Roger Belanger. That statement was false insofar as the Debtor:

i. Intentionally failed to disclose a guaranty of indebtedness of Bell Waterfront Corporation at Minnwest Bank;

ii. Intentionally failed to disclose the following judgments obtained against the Debtor, individually, as follows:

(1) Judgment in the amount of \$13,976.28, in favor of Lakeworth Road Development Associates, Ltd., Case No. 90-12165, filed April 27, 1994, Broward County, Florida.

- (2) Judgment in the amount of \$91,988.91, plus fees, costs and interest in favor of Federal Financial Group, Case No. 91-41, filed March 19, 1996, Broward County, Florida.
 - (3) Judgment in the amount of \$19,000.00, plus fees, costs and interest in favor of Fantastic Foods, Inc., Case No. 95-15473, filed December 7, 1999, Broward County, Florida.
 - (4) Judgment in the amount of \$57,006.68, plus attorney's fees (\$1,595.00), in favor of Federal Financial Group, Case No. 91-41, filed December 7, 1995, Dade County, Florida.
 - (5) Judgment in the amount of \$26,604.70 in favor of Kyle and Sharon Ernst, Case No. 92-6445, filed December 8, 1999, Palm Beach County, Florida.
- iii. Intentionally failed to disclose he was a borrower pursuant to an Amendment and Extension of Note, Mortgage and Assignment of Rents dated April 24, 2000 by and between the Debtor, as a borrower, and Bell Waterfront Corporation.
- i. At Schedule H, the Debtor indicated that he had no co-debtors when, in fact, his spouse, Nancy Toberman, was also obligated to the Department of Treasury for an amount in excess of \$2 million.
- j. At Schedule I, the Debtor indicated that he was an "unpaid consultant." In fact, the Debtor received payments from both Excel Marina and Edison Homes, Inc., within 30 days prior to commencement of the bankruptcy case. Additionally, Schedule I indicated the Debtor's only monthly income was social security payments. In fact, in the year prior to the commencement of the bankruptcy case, the Debtor received in excess of \$40,000.00 in payments from Edison Homes, Inc. and Excel Marina.
- k. At item 1 of the Statement of Financial Affairs, the Debtor indicated that in the last two years he had received no income from employment, trade or profession, or from operation of his business. That statement was false. In fact, in the two years prior to commencement of the bankruptcy case, the Debtor had received in excess of \$150,000 in payments from Excel Marina and Edison Homes, Inc.
- l. At item 10 of the Statement of Financial Affairs, the Debtor indicated that he had transferred no property other than in the ordinary course of business or financial affairs within the year prior to commencement of the bankruptcy case. That statement was false. In the year prior to commencement of the case, the Debtor deposited monies into a bank account or accounts purportedly held in the name of Nancy Toberman.

- m. At item 14 of the Statement of Financial Affairs, the Debtor stated that he neither held nor controlled any property of another. The Trustee believes and has alleged that the Debtor, in reality, owned or held an ownership interest in Edison Homes, Inc., Bell Waterfront Corporation, real property located in Minnetonka, MN, real property located in Key Biscayne, FL, jewelry, valuable art and collections, a Lexus automobile and a Lincoln Continental automobile. Alternatively, if the Debtor does not own an interest in those items, he held them or controlled them and, so if he did not own an interest in those items, his answer to item 14 of the Statement of Financial Affairs is false.
- n. At item 18 of the Statement of Financial Affairs the Debtor was required to disclose the names, addresses, taxpayer identification numbers, nature of business and beginning and ending dates of all business at which the Debtor was an officer, director, or managing executive, within the six years prior to commencement of the bankruptcy case. The Debtor disclosed no such information, stating his answer to be “none.” That answer was false. At a minimum, the Debtor was an officer or managing executive of Bell Waterfront Corporation, Edison Homes, Inc. and Towns Edge Terrace within the six years prior to commencement of the case, and it is believed that the Debtor, in reality, has an ownership interest in Bell Waterfront Corporation and Edison Homes, Inc.

11. The Debtor knowingly and fraudulently in connection with this case made further false oaths or accounts including, but not limited to, the following, which were made while the Debtor was under oath at the §341 meeting of creditors:

- a. The Debtor testified that he had not signed any real estate transfer deeds in the 6 years prior to filing (pages 4-5). That statement was false.
- b. The Debtor testified that he was not self-employed or engaged in any other business ventures (page 5). That statement was false.
- c. The Debtor stated that the shareholders of Bell Waterfront Corporation consisted of Martin Bell (page 7). That statement was false.
- d. The Debtor stated that he had no involvement in Bell Waterfront Corporation (page 7). That statement was false.
- e. The Debtor stated that he had “nothing to do with that [Bell Waterfront] corporation” (page 8). That statement was false.
- f. In response to the Trustee’s inquiries about assets owned by the Debtor’s spouse which were not listed in the Debtor’s schedules, the Debtor disclosed “a piece of

property in Excelsior, MN at 141 Minnetonka Boulevard (page 6), a home in Florida (page 8), and furnishings in “her apartment” (page 10). The Debtor’s testimony was false in that he did not disclose a purported ownership by his spouse of the Minnetonka Condominium ownership of, over \$100,000 in jewelry, and the other items identified in the homeowners policy attached hereto as Exhibit B.

- g. The Debtor testified that he was not on the mortgage for the Florida Condominium (page 9). That testimony was false.
- h. The Debtor testified that he was not on the mortgage for the Minnetonka Condominium (page 14). That testimony was false.
- i. The Debtor testified that he “didn’t do anything” at Excel Marina (page 20). That testimony was false.
- j. The Debtor testified that he had never deposited any monies into the Bremer Bank or Colonial Bank account purportedly held in the name of Nancy Toberman (page 37). That testimony was false.
- k. The Debtor testified that the information in the schedules, statements and related documents was true and correct (page 3). That testimony was false.
- l. The Debtor testified that there were no errors or omissions to bring to the Trustee or the court’s attention (page 3-4). That testimony was false.
- m. The Debtor testified that he listed all of his assets and all of his creditors in the schedules (page 4). That testimony was false.
- n. The Debtor testified that he was not self-employed or engaged in any other business ventures (page 5). That testimony was false.
- o. The Debtor testified that he had never filed for bankruptcy before (page 4). That testimony was false.

12. The Debtor has concealed or falsified, or failed to keep or preserve recorded information from which his financial condition or business transactions might be ascertained including, without limitation, his concealment from the Trustee of account statements into which monies of his were deposited, or obligations of his were paid in the year prior to filing,

and including, without limitation, falsification of tax return or amended tax return information, in violation of 11 U.S.C. §727(a)(3).

13. The Debtor withheld from an officer of the estate books, documents, records and paper relating to the Debtor's property or financial affairs, specifically, records evidencing the accounts into which the Debtor's income was deposited, and from which his bills were paid in the year prior to filing bankruptcy, which was done knowingly and fraudulently, in violation of 11 U.S.C. §727(a)(4)(D).

14. The Debtor, in the year prior to filing, with the intent to hinder, delay or defraud a creditor of the estate, transferred property by depositing monies into an account held in the name of Nancy Toberman, in violation of 11 U.S.C. §727(a)(2).

15. The Debtor, with the intent to hinder, delay or defraud an officer of the estate has transferred or concealed property of the estate, through failure to disclose his actual ownership interest in various entities, including but not limited to, Bell Waterfront Corporation, Edison Homes, Inc., and/or Bel Clare Estates, Inc. and through his purported transfer of an interest in the Minnetonka Condominium to his daughter, Barbara, after commencement of the bankruptcy case.

WHEREFORE, the Trustee seeks an order of this court granting the following:

1. Denying the discharge of the Debtor, Gerald Eugene Toberman, pursuant to 11 U.S.C. §727(a)(4)(A).

2. Denying the discharge of the Debtor, Gerald Eugene Toberman, pursuant to 11 U.S.C. §727(a)(2)(A) and (B).

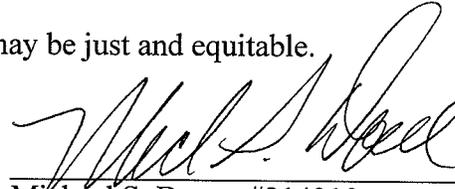
3. Denying the discharge of the Debtor, Gerald Eugene Toberman, pursuant to 11 U.S.C. §727(a)(3)(A).

4. Denying the discharge of the Debtor, Gerald Eugene Toberman, pursuant to 11 U.S.C. §727(a)(4)(D).

5. Awarding the Trustee's attorney its reasonable attorney's fees, costs and expenses.

6. Such other and further relief as may be just and equitable.

Dated this 17th day of June, 2004.



Michael S. Dove #214310
GISLASON & HUNTER LLP
Attorneys for Trustee
2700 South Broadway
P. O. Box 458
New Ulm, MN 56073-0458
Phone: 507-354-3111

NULIB:178930.1

FORM B1 (12/02)	UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA	Voluntary Petition
---------------------------	---	---------------------------

Name of debtor (if individual, enter Last, First, Middle): Toberman, Gerald Eugene	Name of Joint Debtor (Spouse)(Last, First, Middle): N/A,
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): N/A

Soc. Sec./Tax I.D. No. (if more than one, state all): XXX-XX-5902	Soc. Sec./Tax I.D. No. (if more than one, state all): N/A
---	---

Street Address of Debtor (No. & Street, City, State, & Zip Code) 251 Crandon Boulevard, Apartment 505 Key Biscayne, FL 33149	Street Address of Joint Debtor (No. & St., City, State & Zip Code) N/A
--	---

County of Residence or of the Principal Place of Business: Dade	County of Residence or of the Principal Place of Business: N/A
---	--

Mailing Address of Debtor (if different from street address): Same as above.	Mailing Address of Joint Debtor (if different from street address): N/A
---	--

Location of Principal Assets of Business Debtor (if different from street address above): N/A

Information Regarding the Debtor (Check the Applicable Boxes)

Venue: (Check any applicable box)

Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

<p>Type of Debtor (Check all boxes that apply)</p> <p><input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad</p> <p><input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker</p> <p><input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker</p> <p><input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank</p>	<p>Chapter or Section of Bankruptcy Code Under Which the Petition is filed (Check one box)</p> <p><input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13</p> <p><input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12</p> <p><input type="checkbox"/> Sec. 304- Case ancillary to foreign proceeding</p>
--	--

<p>Nature of Debts (Check one box)</p> <p><input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business</p> <p>Chapter 11 Small Business (Check all boxes that apply)</p> <p><input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. ' 101</p> <p><input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. ' 1121(e)(Optional)</p>	<p>Filing Fee (Check one box)</p> <p><input checked="" type="checkbox"/> Full Filing Fee attached</p> <p><input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(e). See Official Form No. 3.</p>
--	---

<p>Statistical/Administrative Information (estimates only)</p> <p><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.</p> <p><input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.</p>	<p>THIS SPACE IS FOR COURT USE ONLY</p>																
<p>Estimated Number of Creditors</p> <table style="width:100%; text-align:center;"> <tr> <td>1-15</td> <td>16-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1000-over</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	1-15	16-49	50-99	100-199	200-999	1000-over	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
1-15	16-49	50-99	100-199	200-999	1000-over												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
<p>Estimated Assets</p> <table style="width:100%; text-align:center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million										
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
<p>Estimated Debts</p> <table style="width:100%; text-align:center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million										
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

EXHIBIT A

Voluntary Petition
 (This page must be completed and filed in every case.)

Name of Debtor(s): Joberman, Gerald Eugene **FORM B1, Page 2**

Prior Bankruptcy Case Filed Within the last 6 Years (if more than one, attach additional sheet)

Location Where filed: None Case Number: Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (if more than one, attach additional sheet)

Name of Debtor: None Case Number: Date Filed:

District: Relationship: Judge:

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct. [If the petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Gerald S. Joberman
 , Debtor

X _____
 , Joint Debtor

Telephone Number (If not represented by attorney)
1-8-2004
 Date

Exhibit A

(To be completed if the Debtor is required to file periodic reports (e.g., forms 10K and 10Q with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if Debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter.

X _____
 , Attorney for Debtor(s) Date

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made part of this petition.
 No

Signature of Attorney

X Michael E. Marks
 Signature of Attorney for Debtor(s)
 Print below: Attorney Name, Firm, Address, Telephone No:
Michael E. Marks
Meyer & Njus, P.A.
1100 Pillsbury Center
200 S. 5th St.
Minneapolis, MN 55402
 Date 1/8/04

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer _____

Social Security Number _____

Address _____

Name and Social Security Numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
 Signature of Authorized Individual

Printed Name of Authorized Individual _____

Title of Authorized Individual _____

Date _____

X _____
 Signature of Bankruptcy Petition Preparer Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. '110; 18 U.S.C. '156.

[Publisher's Note: This form is NOT intended to be used by nonattorney bankruptcy-petition preparers: Schedules do not contain all disclosures required for use by nonattorney bankruptcy-petition preparers.]

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Gerald Eugene Toberman, N/A
Debtor(s)

Case No: 04-40100

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from schedules A, B, C, D, E, F, G, H, I and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

NAME OF SCHEDULE	ATTACHED	NO. SHEETS	ASSETS	LIABILITIES	OTHER
A — Real Property	Yes	1	0.00		
B — Personal Property	Yes	3	\$ 2,500.00		
C — Property Claimed as Exempt	Yes	1			
D — Creditors Holding Secured Claims	Yes	1		0.00	
E — Creditors Holding Unsecured Priority Claims	Yes	4		\$416,100.00	
F — Creditors Holding Unsecured Nonpriority Claims	Yes	1		\$578,411.88	
G — Executory Contracts and Unexpired Leases	Yes	1			
H — Codebtors	Yes	1			
I — Current Income of Individual Debtor(s)	Yes	1			\$ 1,060.00
J — Current Expenditures of Individual Debtor(s)	Yes	1			\$.00
Total number of sheets in all Schedules >		15			
			Total Assets >	\$ 2,500.00	
				Total Liabilities >	\$994,511.88
					\$ 1,060.00

Filed on 1-26-04
 Patrick G. De Wane, Clerk
 By RS Deputy Clerk

4-1

SCHEDULE A- REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H", "W", "J", or "C" in the third column labeled "Husband, Wife, Joint or Community." if the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G-Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a security interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C—Property Claimed as Exempt.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSB WIFE JOINT COM.	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
None.				
			0.00	TOTAL

SCHEDULE B— PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C— Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G— Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSB. WIFE JOINT COMM.	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTION OF ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.	X	Cash		\$ 100.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.	X	Debtor's residence Wells Fargo Bank 8200 Golden Valley Road Golden Valley, MN 55427		\$ 200.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	None			
4. Household goods and furnishings, including audio, video, and computer equipment.	None			
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.	None			
6. Wearing apparel.	X	Wearing Apparel - Debtor's residence.		\$2,000.00
7. Furs and jewelry.	X	Jewelry - Debtor's residence		\$ 200.00
8. Firearms and sports, photographic, and other hobby equipment.	None			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	None			
10. Annuities. Itemize and name each issuer.	None			

SCHEDULE B

11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.	None
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	None
13. Interests in partnerships or joint ventures. Itemize.	None
14. Government and corporate bonds and other negotiable and non-negotiable instruments.	None
15. Accounts receivable.	None
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	None
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	None
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	None
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	None
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	None
21. Patents, copyrights, and other intellectual property. Give particulars.	None
22. Licenses, franchises, and other general intangibles. Give particulars.	None
23. Automobiles, trucks, trailers, and other vehicles and accessories.	None
24. Boats, motors, and accessories.	None
25. Aircraft and accessories.	None
26. Office equipment, furnishings, and supplies.	None
27. Machinery, fixtures, equipment, and supplies used in business.	None
28. Inventory.	None
29. Animals.	None
30. Crops— growing or harvested. give particulars.	None

SCHEDULE B

31. Farming equipment and implements.	None		
32. Farm supplies, chemicals, and feed.	None		
33. Other personal property of any kind not already listed. Itemize.	None		
		___ continuation sheets attached	Total \$ 2,500.00

Include amounts from any continuation sheets attached.
Report also on Summary of Schedules.

SCHEDULE C— PROPERTY CLAIMED AS EXEMPT

Debtor(s) elect(s) the exemption to which the debtor(s) is entitled under:

11 U.S.C. §522(b)(1) Federal exemptions provided in 11 U.S.C. §522(d). Note: these exemptions are available *only in certain states*.
 11 U.S.C. §522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local laws where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180 day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law. Specifically, debtor selects the exemptions of the state of Minnesota.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Market Value of Property Without Deducting Exemptions
Social security benefit	11 U.S.C. §522(d)(10)	\$ 1,060.00	\$ 1,060.00
Checking/savings account	11 U.S.C. §522(d)(5)	\$ 300.00	\$ 300.00
Clothing/wearing apparel	11 U.S.C. §522(d)(3)	\$ 2,000.00	\$ 2,000.00
Jewelry	11 U.S.C. §522(d)(4)	\$ 200.00	\$ 200.00

SCHEDULE D— CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H— Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H," "W," "J," or "C," in the column labeled "Husband, Wife, Joint or Community" (Abbreviated: H,W,J,C).

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is Disputed, place an "X" in the column labeled Disputed. You may need to place an X in more than one of these three columns.

Report the total of all claims listed on this Schedule D in the box labeled "Total" on the last sheet of the completed Schedule. Report this total also on the Summary of Schedules.

Creditor's Name and Mailing Address Including Zip Code	C O D E B T O R	H W J C	Date Claim Was Incurred, Nature of Lien, and Description and Market Value of Property Subject to Lien	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	Amount of Claim Without Deducting Value of Collateral	Unsecured Portion If Any
Acct No. None.								
Acct No:								
							S .00	TOTAL

(Report total also on Summary of Schedules)

SCHEDULE E— CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity in the appropriate schedule of creditors, and complete Schedule HC Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an X in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

Extensions of credit in an involuntary case.

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. ' 507(a)(2).

Wages, salaries, and commissions

Wages, salaries and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,650* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. ' 507(a)(3).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. ' 507(a)(4).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to a maximum of \$4,650* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. ' 507(a)(5).

Deposits by individuals

Claims of individuals up to a maximum of \$2,100* for deposits for the purchase, lease, or rental of property or services for personal, family or household use, that were not delivered or provided. 11 U.S.C. ' 507(a)(6).

Alimony, Maintenance or Support

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance or support, to the extent provided in 11 U.S.C. ' 507(a)(7).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, custom duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. ' 507(a)(8).

SCHEDULE E

Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. ' 507(a)(9).

* Amounts are subject to adjustment on April 1, 2004, and every three years thereafter with respect to cases commenced after the date of adjustment.

Creditor's Name and Mailing Address Including Zip Code	C O D E B T O R	H W J C	Date Claim Was Incurred, and Consideration for Claim	C O N T I N G E N T	L I Q U I D A T E D	D I S P U T E D	Total Amount of Claim	Amount Entitled to Priority
Acct. No.469-22-5902 Internal Revenue Service 316 North Robert Street St. Paul, MN 55102			January, 1984 Employment taxes from Fantastic Foods		X	X	\$12,700.00	\$12,700.00
Acct No: 469-22-5902 Internal Revenue Service 316 North Robert Street St. Paul, MN 55102			Employment taxes from Fantastic Foods March, 1984		X	X	\$32,400.00	\$32,400.00
Acct No: 469-22-5902 Internal Revenue Service 316 North Robert Street St. Paul, MN 55102			Employment taxes from Fantastic Foods August, 1984		X	X	\$83,000.00	\$83,000.00

SCHEDULE E

Creditor's Name and Mailing Address Including Zip Code	C O D E B T O R	H W J C	Date Claim Was Incurred, and Consideration for Claim	C O N T I N G E N T	U N L I Q U I D A T E D	U N D I S P U T E D	Total Amount of Claim	Amount Entitled to Priority
Acct No: 469-22-5902 Internal Revenue Service 316 North Robert Street St. Paul, MN 55102			Taxes from 1993 with final assessment in 2002.		X	X	\$288,000.00 (plus additional accumulated interest)	\$288,000.00

SCHEDULE E.

Creditor's Name and Mailing Address Including Zip Code	C O D E B T O R	H W J C	Date Claim Was Incurred, and Consideration for Claim	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	Total Amount of Claim	Amount Entitled to Priority
Acct. No. 469-22-5902 Possible additional tax liabilities for disallowance of N.O.L. Internal Revenue Service 316 North Robert Street St. Paul, MN 55102					X	X	UNKNOWN	UNKNOWN
							416,100.00	TOTAL

(Report total also on Summary of Schedules)

SCHEDULE F-- CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or property of the debtor, as of the date of the filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use continuation sheets.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity in the appropriate schedule of creditors, and complete Schedule H— Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "HWJC" for "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "CONTINGENT." If the claim is unliquidated, place an "X" in the column labeled "UNLIQUIDATED." If the claim is disputed, place an "X" in the column labeled "DISPUTED." You may need to place an X in more than one of these three columns. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also in the Summary of Schedules.

Creditor's Name and Mailing Address Including Zip Code	C O D E B T O R	H W J C	Date Claim Was Incurred And Consideration for Claim If Claim is Subject to Setoff, so State	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	Amount of Claim
Court File No. C0-01-3807 Robert M. Belanger 20583 Rolling Acres Drive Richmond, MN 56368 and Roger J. Belanger 9224 Kilbury Avenue Northwest Annandale, MN 55302			June 20, 1990		X	X	\$ 578,411.88
Acct No: _____							
							\$ 578,411.88 TOTAL

(Report total also on Summary of Schedules)

SCHEDULE G— EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests.

State nature of debtor's interest in contract, i.e., "Purchaser," "Agent" etc. State whether the debtor is lessor or lessee of a lease.

Provide the name and complete mailing address of all other parties to each lease or contract described.

NOTE: a party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

Name and Mailing Address, including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State Whether Lease is for Nonresidential real property. State Contract Number of any Government Contract
None.	

SCHEDULE H— CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signors. In community property states, a married debtor not filing a joint case should report the name and address of the nondebtor spouse in this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of the case.

Name and Address of Codebtor	Name and Address of Creditor
None.	

SCHEDULE I— CURRENT INCOME OF INDIVIDUAL DEBTORS

The column labeled "spouse" must be completed in all cases filed by joint debtors and by a married debtor in a Chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status: Single	Dependents of Debtor and Spouse		
	Married	Names: None.	Age
EMPLOYMENT:		Debtor	Spouse
Occupation, Name of Employer:		Unpaid consultant	
How long employed:			
Address of employer:		9909 South Shore Drive, #C Plymouth, MN 55441	

	DEBTOR	SPOUSE
Income: (Estimate of average monthly income) Current monthly gross wages, salary, and commissions (Pro rate if not paid monthly)	\$.00	
Estimated monthly overtime		
SUBTOTAL	\$.00	
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and Social Security		
b. Insurance		
c. Union dues		
d. Other (Specify)		
SUBTOTAL OF PAYROLL DEDUCTIONS	\$.00	
TOTAL NET MONTHLY TAKE HOME PAY	\$.00	
Regular income from operation of business/profession/farm (attach statement)		
Income from real property	\$.00	
Interest and dividends	\$.00	
Alimony, maintenance, or support payments payable to the debtor for the debtor's use or that of the dependents listed above	\$.00	
Social security or other governmental assistance Specify: SSI	\$ 1,060.00	
Pension or retirement income		
Other monthly income (Specify):		
TOTAL MONTHLY INCOME	\$ 1,060.00	
TOTAL COMBINED MONTHLY INCOME	\$ 1,060.00	(Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document.

SCHEDULE J— CURRENT EXPENDITURES OF INDIVIDUAL DEBTORS
 Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family.
 Prorate any payments made bi-weekly, quarterly, semi-annually or annually to show monthly rate.

Rent, home mortgage, or mobile-home lot rent	Are real estate taxes included? Yes _____ No _____	\$.00
	Is property insurance included? Yes _____ No _____	
Utilities Electricity and heating fuel		\$.00
Water and sewer		\$.00
Telephone		\$.00
Other utilities:		\$.00
Home Maintenance, repairs, upkeep		\$.00
Food		\$.00
Clothing		\$.00
Laundry, dry cleaning		\$.00
Medical and dental expenses		\$.00
Transportation (not including car payments)		\$.00
Recreation, clubs, entertainment, newspapers, magazines		\$.00
Charitable contributions		\$.00
Insurance (not deducted from wages or inc. in mortgage pmt)	Homeowner's or renter's	\$.00
Life		\$.00
Health		\$.00
Auto		\$.00
Other insurance:		\$.00
Taxes (not deducted from wages or included in home mortgage) Specify:		\$.00
Installment payments (in Chapters 12 and 13, do not list payments to be included in the plan)		\$.00
Auto payment:		\$.00
Other payment:		\$.00
Alimony, maintenance, and support paid to others		\$.00
Payments for support of additional dependents not living at the debtor's home		\$.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$.00
Other expenses:		\$.00
TOTAL MONTHLY EXPENSES (report also on Summary of Schedules)		\$.00

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 14 sheets, and that they are true and correct to the best of my knowledge, information and belief.

Date 1-23-04

Signature: Gerald Eugene Toberman
Gerald Eugene Toberman

Date _____

Signature: _____
(In joint case, both debtors must sign)

DECLARATION UNDER PENALTY ON BEHALF OF A CORPORATION

I, the _____ (the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership) of the _____ (corporation or partnership) named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of _____ sheets, and that I declare that they are true and correct to the best of my knowledge, information and belief.

Date _____

Signature

(Print or type the name of individual signing for debtor)

(An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.)

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§152 and 3571.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Gerald Eugene Toberman,
Debtor(s)

Case No. 04-40100

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under Chapter 12 or Chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1-18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, must also complete Questions 19-25. Each question must be answered. If the answer to any question is "None," or the question is not applicable, mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

Definitions

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor, general partners of the debtor and their relatives; corporations of which the debtor is an officer, director or person in control; officers, directors, and owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

1. Income from employment or operation of business

State the gross amount of income the debtor has received from employment, trade or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

AMOUNT SOURCE (if more than one)

None.

2. Income other than from employment or operation of business

State the amount of income received by the debtor other than from employment trade or profession, or operation of the debtor's business during the two years immediately preceding the commencement of the case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

AMOUNT SOURCE

\$12,720.00 - 2003 Social security income
\$12,720.00 - 2002 Social security income

3. Payments to creditors

a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must state payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
None.			

b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments of either or both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR RELATIONSHIP TO DEBTOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
None.			

4. Suits and administrative proceedings, executions, garnishments and attachments

a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT/AGENCY AND LOCATION	STATUS OR DISPOSITION
None.			

b. Describe all property that has been attached, garnished, or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
None.		

5. Repossessions, foreclosures and returns

List all property that has been repossessed by a creditor, sold at foreclosure sale, transferred through a deed in lieu of foreclosure or returned to a seller within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE, SALE TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
None.		

6. Assignments and receiverships

a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
------------------------------	--------------------	-----------------------------------

None.

b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated, and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME, LOCATION OF COURT, CASE TITLE AND NUMBER	DATE OF ORDER	DESCRIPTION, VALUE OF PROPERTY
-------------------------------	--	---------------	--------------------------------

None.

7. Gifts

List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
--	--------------------------------	--------------	-------------------------------

None.

8. Losses

List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES, AND IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
-----------------------------------	--	--------------

None.

9. Payments related to debt counseling or bankruptcy

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR, IF OTHER THAN DEBTOR	AMOUNT OF MONEY, OR DESCRIPTION AND VALUE OF PROPERTY
---------------------------	--	---

None.

10. Other transfers

List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND RELATIONSHIP OF
TRANSFeree; RELATIONSHIP TO DEBTOR DATE

DESCRIBE PROPERTY TRANSFERRED
AND VALUE RECEIVED

None.

11. Closed financial accounts

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, saving, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations and brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE AND NUMBER OF ACCOUNT; AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
---------------------------------	--	---------------------------------------

None.

12. Safe deposit boxes

List each safe deposit or other box or depository in which the debtor has or had securities, cash or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER INSTITUTION	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
--	---	----------------------------	---

None.

13. Setoffs

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
------------------------------	----------------	------------------

None.

14. Property held for another person

List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
---------------------------	-----------------------------------	-------------------------

None.

15. Prior address of debtor

If the debtor has moved within two years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS

NAME USED

DATES OF OCCUPANCY

None.

16. Spouses and Former Spouses

If the debtor resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the six-year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

None.

17. Environmental Information

For the purposes of this question, the following definitions apply:

An "Environmental Law" means any federal, state or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or materials into the air, land, soil, surface water, groundwater, or other medium, including but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

A "Site" means any location, facility, or property as defined by any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including but not limited to, disposal sites.

A "Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.

a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.

SITE NAME AND ADDRESS

NAME AND ADDRESS OF
GOVERNMENTAL UNIT

DATE OF NOTICE

ENVIRONMENTAL
LAW

None.

b. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.

SITE NAME AND ADDRESS

NAME AND ADDRESS OF
GOVERNMENTAL UNIT

DATE OF NOTICE

ENVIRONMENTAL
LAW

None.

c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF
GOVERNMENTAL UNIT

DOCKET NUMBER

STATUS OR
DISPOSITION

None.

18. Nature, location and name of business

a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the business, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship or was a self-employed professional within the six years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the business, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the six years immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the six years immediately preceding the commencement of this case.

NAME	TAXPAYER I.D. NUMBER	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
------	-------------------------	---------	--------------------	-------------------------------

None.

b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. ' 101.

NAME	ADDRESS
------	---------

None.

The following questions [numbers 19 - 25] are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within six years immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting securities of a corporation, a partner, other than a limited partner, of a partnership; a sole proprietor, or otherwise self-employed.

(An individual or joint debtor should complete this portion of the statement only if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)

19. Books, records, and financial statements

a. List all bookkeepers and accountants who within the **two** years immediately preceding the filing of this bankruptcy case, kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATE SERVICES RENDERED
Tom Lewis & Associates 7600 Parklawn Avenue Edina, MN 55435	

b. List all firms or individuals who within the two years immediately preceding the filing of this bankruptcy case have audited the books of account and record, or prepared a financial statement of the debtor.

NAME ADDRESS

None.

d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the two years immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS DATE ISSUED

None.

20. Inventories

a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY INVENTORY SUPERVISOR DOLLAR AMOUNT OF INVENTORY
(Specify cost, market, or other basis)

None.

b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY NAME AND ADDRESSES OF CUSTODIAN
OF INVENTORY RECORDS

None.

21. Current Partners, Officers, Directors and Shareholders

a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS NATURE OF INTEREST PERCENTAGE OF INTEREST

None.

b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds, 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS TITLE NATURE AND PERCENTAGE OF STOCK
OWNERSHIP

None.

22. Former partners, officers, directors, and shareholders

a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

NAME ADDRESS DATE OF WITHDRAWAL

None.

b. If the debtor is a corporation, list all officers or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

NAME AND ADDRESS TITLE DATE OF TERMINATION

None.

23. Withdrawals from a partnership or distributions by a corporation

If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF RECIPIENT, DATE AND PURPOSE AMOUNT OF MONEY OR DESCRIPTION
RELATIONSHIP TO DEBTOR OF WITHDRAWAL AND VALUE OF PROPERTY

None.

24. Tax Consolidation Group

If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within the six year period immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION TAXPAYER IDENTIFICATION NUMBER

None.

25. Pension Funds

If the debtor is not an individual, list the name and federal taxpayer identification number of any pension number to which the debtor, as an employer, has been responsible for contributing at any time within the six-year period immediately preceding the commencement of the case.

NAME OF PENSION FUND TAXPAYER IDENTIFICATION NUMBER

None.

* * * * *

[To be completed by individual or individual and spouse]

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date: 1-23-04

Gerald Eugene Toberman
Gerald Eugene Toberman

Date: _____

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §152 and 3571.

[To be completed on behalf of a partnership or corporation]

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto, and that they are true to the best of my knowledge, information, and belief.

Date:

Signature

Print Name and Title

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

Continuation sheets attached

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. '152 and 3571.

Publisher's Note:

The "Certification and Signature of Non-attorney Bankruptcy Petition Preparer" (see 11 U.S.C. '110) which is required to be signed by a non-attorney bankruptcy petition preparer here, has been OMITTED because this product is not knowingly sold to non-attorney bankruptcy petition preparers. Bankruptcy Forms should NOT be used by non-attorney petition preparers.

* * * * *

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Gerald Eugene Toberman,
Debtor(s)

Case No: 04-40100

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

1. I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
2. I intend to do the following with respect to the property of the estate which secures those consumer debts:
 - a. Property to be Surrendered.

Description of Property

Creditor's name

b. Property to Be Retained.

[Check any applicable statement]

Description of Property	Creditor's Name	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)

Date: 1-23-04

Gerald Eugene Toberman
Gerald Eugene Toberman

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re Gerald Eugene Toberman,
Debtor(s)

Case No: 04-40100

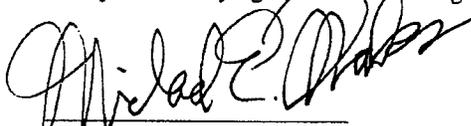
DISCLOSURE OF COMPENSATION UNDER 11 U.S.C. 329
AND BANKRUPTCY RULE 2016(b)

I certify that I am the attorney for the above named debtor and that the compensation paid or agreed to be paid to me for services rendered or to be rendered in behalf of the debtor in or in connection with a case under title 11 of the United States Code, such payment or agreement having been made after one year before the date of the filing of the petition, is as follows: \$500.00 paid, \$409.00 to be paid, that the source of the compensation paid was \$500.00, and that the source of the compensation agreed to be paid is \$409.00.

I have not agreed to share this compensation with any other person. (If appropriate) The details of such sharing or agreement to share are as follows (except that no such details are required of any agreement for sharing of the compensation with a member or regular associate of the attorney's law firm):

Date:

1/26/04



Michael E. Marks, Esq.
Attorneys for Debtor(s)

**United States Bankruptcy Court
District of Minnesota**

In re: Gerald Eugene Toberman
Debtor(s)

Case No: 04-40100
Chapter: 7

Exhibit C to Voluntary Petition

1. Identify and briefly describe all real and personal property owned by or in possession of the debtor that, to the best of the debtor's knowledge, poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary).

None.

2. With respect to each parcel of real property or item of personal property identified in question 1, describe the nature and location of the dangerous condition, whether environmental or otherwise, that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety (attach additional sheets if necessary).

N/A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

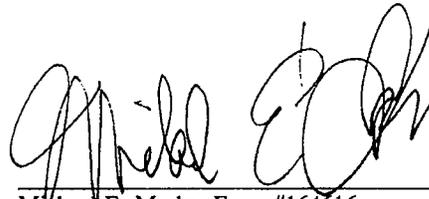
In the Matter of

Gerald Eugene Toberman
N/A

Debtor(s)

Case No. 04-40100

PETITION AND SCHEDULES
AND STATEMENT OF AFFAIRS



Michael E. Marks, Esq., #164616
Meyer & Njus, P.A.
1100 Pillsbury Center
200 South Sixth Street
Minneapolis, MN 55402

Attorneys for Debtor(s)

INTERNAL REVENUE SERVICE
316 NORTH ROBERT STREET
ST. PAUL, MN 55102

INTERNAL REVENUE SERVICE
316 NORTH ROBERT STREET
ST. PAUL, MN 55102

INTERNAL REVENUE SERVICE
316 NORTH ROBERT STREET
ST. PAUL, MN 55102

INTERNAL REVENUE SERVICE
316 NORTH ROBERT STREET
ST. PAUL, MN 55102

INTERNAL REVENUE SERVICE
316 NORTH ROBERT STREET
ST. PAUL, MN 55102

ROGER J. BELANGER
9224 KILBURY AVENUE NW
ANNANDALE, MN 55302

ROBERT M. BELANGER
20583 ROLLING ACRES DRIVE
RICHMOND, MN 56368



GERALD & NANCY TOBERMAN
3531 OAKTON DRIVE
MINNETONKA, MN 55305-4457

Page 1
Effective Date 5/11/04
Policy no. 11737222-01
Policy period 5/11/04 to 5/11/05
Producer name ROSS NESBIT AGENCIES

We are pleased to enclose your Chubb Masterpiece Policy, which includes an annual premium savings of \$90 as listed below.

This chart shows at a glance what coverages you have and the related premiums.

	Property covered	Coverage	Premium
Homes and Contents	CONDOMINIUM AT 3531 OAKTON DRIVE MINNETONKA, MN	CONTENTS, LIABILITY, ADDITIONS AND ALTERATIONS	\$ 897.00
Valuable Articles	JEWELRY, FINE ARTS	VALUABLE ARTICLES	\$ 1,794.00
Vehicles	1998 LEXUS SEDAN	EXCESS LIABILITY	\$ 190.00
	2003 LEXUS GS 300	EXCESS LIABILITY	\$ 122.00
	2001 LINCOLN TOWN CAR	EXCESS LIABILITY	\$ 122.00
Total Premium			\$ 3,125.00

Your policy includes a Coverage Summary and policy provisions that explain your coverage in more detail.

Chubb Masterpiece provides many different credits for home, valuable articles, automobile and excess liability coverages. We recommend that you contact your agent or broker for an annual review to ensure that your coverages, policy limits and available credits are accurate and meet your personal insurance needs.

Your policy provides the following annual premium credits for the coverages listed below:

Your homeowners premium was reduced by \$90 as a result of one or more credits.

You will shortly receive a statement and bill.

If you choose one of our convenient installment plans, your payments will be slightly higher than the premium shown above because of the small service charge.

We appreciate your continued business. Since 1882, personal service and comprehensive coverages have been the hallmarks of the Chubb Group of Insurance Companies.

Thank you for insuring through Chubb.

EXHIBIT B

PRIVACY POLICY AND PRACTICES

Chubb has been serving the insurance needs of our customers for more than a century. To continue to provide innovative products and services that respond to your insurance needs, Chubb collects certain personal information about you, which is described below in **The Personal Information We Collect**. At Chubb, we respect the privacy of our customers. We do not sell or share our customer lists with anyone else for the purpose of marketing their products to you. Chubb's personal information handling practices are regulated by law and this Privacy Policy describes those practices.

Chubb's Privacy Policy

The Personal Information We Collect. Chubb collects personal information about you and the members of your household to conduct business operations, provide customer service, offer new products, and satisfy legal and regulatory requirements.

We may collect the following categories of information about you from these sources:

- Information from you directly or through your agent, broker or automobile assigned risk plan, including information from applications, worksheets, questionnaires, claim forms or other documents (such as name, address, driver's license number and amount of coverage requested).
- Information about your transactions with us, our affiliates or others (such as products or services purchased, claims made, account balances and payment history).
- Information from a consumer reporting agency (such as motor vehicle reports).
- Information from other non-Chubb sources (such as prior loss information and demographic information).
- Information from visitors to our web sites (such as that provided through online forms and online information-collecting devices known as "cookies"). Chubb does not use "cookies" to retrieve information from a visitor's computer that was not originally sent in a "cookie".

"Opt Out" Option

The law permits certain types of disclosures, such as for the processing of the insurance transaction without allowing an opt out. Chubb does not have an opt out option as we do not disclose your personal information to nonaffiliated third parties other than as described below. Therefore, no action is required by you.

The Personal Information We Share. Chubb may disclose the personal information we collect only to service, process or administer business operations such as underwriting and claims, and for other purposes such as the marketing of products or services, regulatory compliance, the detection or prevention of fraud, or as otherwise required or allowed by law. These disclosures may be made without prior authorization from you, as permitted by law.

Sharing Personal Information With Others. Chubb may disclose the personal information we collect to affiliated and nonaffiliated parties for processing and servicing transactions, such as reinsurers, insurance agents or brokers, property and automobile appraisers, auditors, claim adjusters and third party administrators. For example, Chubb may disclose personal information to our affiliates and other parties that perform services for us such as customer service or account maintenance. Specific examples include mailing information to you and maintaining or developing software for us. Chubb may also disclose personal information to nonaffiliated parties as permitted by law. For example, we may disclose information as required in response to a subpoena, to detect or prevent fraud or to comply with an inquiry or requirement of a government agency or regulator.

continued on the next page

Sharing Personal Information With Service Providers or for Joint Marketing. Chubb may disclose the personal information we collect to your agent or broker so that they can market our financial products and services to you, and to service providers who perform functions for us. Any such disclosure is required to be subject to an agreement with us that includes a confidentiality provision. We do not disclose personal information to other financial institutions.

Confidentiality and Security of Personal Information. Access to personal information is allowed for business purposes only. The people who have access to personal information, including employees of Chubb and its affiliates, and nonemployees performing business functions for Chubb, are under obligations to safeguard such information. Chubb maintains physical, electronic and procedural safeguards to guard your personal information.

Personal Health Information. Under certain circumstances, we also collect personal health information about our customers, such as information regarding an accident, disability or injury, for underwriting or claim purposes. Chubb does not disclose your personal health information to others for the purpose of marketing to you unless we have your express consent.

Personal Information of Former Customers. Chubb's personal information privacy policy also applies to former customers.

Changes in Privacy Policy. Chubb may choose to modify this policy at any time. We will notify customers of any modifications at least annually. If we change our disclosure practices in a way that allows an opt out, we will provide customers an opportunity to request that information not to be disclosed for marketing purposes.

Definitions.

"Chubb" means the following companies on whose behalf this notice is given:

Chubb & Son Inc.	Executive Risk Indemnity Inc.
Chubb & Son Inc. (of Illinois)	Executive Risk Specialty Insurance Company
Chubb Custom Insurance Company	Federal Insurance Company
Chubb Custom Market, Inc.	Great Northern Insurance Company
Chubb Indemnity Insurance Company	Northwestern Pacific Indemnity Company
Chubb Insurance Company of New Jersey	Pacific Indemnity Company
Chubb Lloyds Insurance Company of Texas	Quadrant Indemnity Company
Chubb Multinational Managers, Inc.	Texas Pacific Indemnity Company
Chubb National Insurance Company	Vigilant Insurance Company

"Customer" and "you" mean any individual who obtains or has obtained a financial product or service from Chubb that is to be used primarily for personal, family or household purposes. This notice applies to customers only.

"Personal information" means nonpublic personal information, which is defined by law as personally identifiable financial information provided by you to Chubb, resulting from a transaction with or any service performed for you by Chubb, or otherwise obtained by Chubb. Personal information does not include publicly available information as defined by applicable law.

Chubb Personal Insurance
Attention: Privacy Inquiries
P.O. Box 1615
Warren, NJ 07061-1615

**Name and address of Insured**

GERALD & NANCY TOBERMAN
3531 OAKTON DRIVE
MINNETONKA, MN 55305-4457

Page 1**Effective date** 5/11/04**Policy no.** 11737222-01**Issued by** Great Northern Insurance Company
a stock insurance company
incorporated in Minnesota**Policy period** 5/11/04 to 5/11/05

If you have any questions, please contact
ROSS NESBIT AGENCIES
7500 FLYING CLOUD DR 950
EDEN PRAIRIE, MN 55344
952-941-9418

This Coverage Summary is part of your policy. **PLEASE READ YOUR POLICY CAREFULLY, INCLUDING THIS COVERAGE SUMMARY, FOR A COMPLETE DESCRIPTION OF YOUR COVERAGES.**

Homes and Contents

Your policy provides coverage against physical loss if your home or its contents are damaged, destroyed, or lost. The kinds of losses that are covered, and any special limits that apply, are explained in detail in the policy.

Address	Dwelling	Contents
CONDOMINIUM AT 3531 OAKTON DRIVE MINNETONKA, MN		\$407,000 DELUXE COVERAGE REPLACEMENT COST

The base deductible for each occurrence is \$500. We will waive the base deductible for covered losses of more than \$50,000 except for covered losses subject to any special deductibles. Special deductibles include the vacant house deductible, water backup deductible, wind or hail deductible, and earthquake deductible.

Additional coverages or conditions

Additions and alterations

You have in addition to the standard 10% of your contents value \$214,000 of Additions and Alterations coverage for your residence at 3531 OAKTON DRIVE, MINNETONKA, MN.

Important notice regarding mold remediation expenses

You have the standard \$10,000 mold remediation expense coverage as described in your policy for the residence at 3531 OAKTON DRIVE, MINNETONKA, MN. To increase the amount of coverage for mold remediation expenses, you must contact your agent or broker shown at the top of this Coverage Summary prior to the effective date of this renewal. The request will be subject to underwriting acceptance.

continued on the next page

Coverage Summary Renewal

Page 2

Effective date 5/11/04

Policy no. 11737222-01

Name GERALD & NANCY TOBERMAN

Valuable Articles

This policy provides you with coverage against physical loss if your valuable articles are lost, damaged, or destroyed. The kinds of losses that are covered, and any special limits that apply, are explained in detail in the policy.

Blanket coverage

We will pay up to the amount shown in the following chart for each category of valuable articles. However, the most we will pay for any one article is the blanket limit per item shown for that category.

Itemized articles

The amount of coverage for your valuable articles is shown in the following chart. A list of your itemized valuable articles, and the specific coverage amounts, can be found at the end of the Coverage Summary.

Class	Amount of blanket coverage	Blanket limit per item	Amount of itemized coverage
JEWELRY	NO COVERAGE	NO COVERAGE	\$ 170,682
FINE ARTS	NO COVERAGE	NO COVERAGE	\$ 23,025

There is no deductible for this coverage.

Liability

Amount of liability coverage: **\$2,000,000.**

This is the total amount of your liability coverage. It applies to all property for which you have liability coverage, as shown in the following chart.

Your liability coverage covers damages for which you are legally responsible. For each occurrence, we will pay up to the amount of your liability coverage, as explained in your policy.

continued on the next page

**Coverage Summary
Renewal**



Page 3
Effective date 5/11/04
Policy no. 11737222-01
Name GERALD & NANCY TOBERMAN

Liability
(Continued)

However, when you have **excess** liability only, we will pay for a covered loss **only** after the loss exceeds the required primary underlying insurance shown in your policy. This applies whether you have other liability coverage provided under a separate policy with us or by another insurance company.

Home	CONDOMINIUM AT 3531 OAKTON DRIVE MINNETONKA, MN	PERSONAL LIABILITY
Vehicle	1998 LEXUS SEDAN	EXCESS LIABILITY ONLY , EXCESS UM AND UIM
	2003 LEXUS GS 300	EXCESS LIABILITY ONLY , EXCESS UM AND UIM
	2001 LINCOLN TOWN CAR	EXCESS LIABILITY ONLY , EXCESS UM AND UIM

Whenever vehicles are shown we have included the type of Uninsured or Underinsured (UM/UIM) coverage you have selected. For vehicles where no UM/UIM appears there is no coverage. The amount of UM/UIM is determined by where the vehicle is garaged, which appears in the Mandated Coverages Section.

Mandated Coverages

Your state also mandates that the following coverages be provided:

Uninsured/Underinsured Motorists Protection (UMI/UM) - Minnesota

This coverage applies when you are entitled to collect damages for an accident but cannot because the other driver does not have adequate insurance to cover the loss. Your specific insurance protection is described in your policy.

For your vehicles showing "Excess UM/UIM" you have \$1,000,000 in excess uninsured and underinsured motorists protection for each occurrence. This means we will pay for a covered loss **only** after the loss exceeds the Required Primary Underlying Insurance.

**Coverage Summary
Renewal**

Page 4

Effective date 5/11/04

Policy no. 11737222-01

Name GERALD & NANCY TOBERMAN

Refer to Vehicles in the Liability section for the type of UM/UIM coverage.

As the duly authorized representative of the company my signature validates this policy.



Authorized representative



Name and address of insured

GERALD & NANCY TOBERMAN
3531 OAKTON DRIVE
MINNETONKA, MN 55305-4457

Page 1

Effective date 5/11/04

Policy no. 11737222-01

Issued by Great Northern Insurance Company
a stock insurance company
incorporated in Minnesota

Policy period 5/11/04 to 5/11/05

If you have any questions, please contact

ROSS NESBIT AGENCIES
7500 FLYING CLOUD DR. 950
EDEN PRAIRIE, MN 55344
952-941-9418

Class	No.	Description	Value
Jewelry	1	LADIES PLATINUM DIAMOND BROOCH W/16 BAGUETTE TOTAL WEIGHT 1.39CT 3 MARQUISE DIAMOND TOTAL WEIGHT 58CT TOTAL WEIGHT 2.91CT	\$ 10,000
	2	TWO OPERA LENGTH STRANDS CULTURED PEARLS W/SAPPHIRE CLASP & SIX DIAMONDS SET IN 14K	\$ 15,000
	3	HENRY DUNAY 18K YELLOW GOLD RING	\$ 3,750
	4	LADIES 18K GOLD WIDE TWIST BRACELET	\$ 4,000
	5	18K YELLOW GOLD & DIAMOND BRACELET W/32 MATCHING ROUND DIAMONDS TOTAL WEIGHT 13.2	\$ 18,500
	6	LADIES 18K WEDDING BAND W/168 DIAMONDS TOTAL WEIGHT 6.63CT	\$ 8,000
	7	ONE PAIR MATCHING EARRINGS FROM ABOVE 168 DIAMONDS 6.63CT	\$ 8,000
	8	HEAVY 18K YELLOW GOLD ITALIAN LARGE LINK NECKLACE	\$ 4,500
	9	TWO MATCHING BRACELETS TO ABOVE NECKLACE	\$ 4,500
	10	GERMAN ABEL & ZIMMERMAN JEWELRY CONSISTING OF ONE BRACELET 18K YELLOW GOLD 120 DIAMONDS TOTAL WEIGHT 2.40 FULL CUT	\$ 7,195
	11	ONE PAIR 18K YELLOW GOLD EARRINGS 60 DIAMONDS TOTAL WEIGHT 1.20 VVS	\$ 3,175
	12	18K YELLOW GOLD NECKLACE 3.36 DIAMOND	

Itemized Articles

Page 2

Effective date 5/11/04

Policy no. 11737222-01

Name GERALD & NANCY TOBERMAN

Class	No.	Description	Value	
Jewelry (continued)		TOTAL WEIGHT 6.72 VVS	\$ 18,285	
	13	ONE COCKTAIL RING CUSTOM MADE ANGELA CUMMINGS PLATINUM & DIAMOND EARRING AND EMERALD SHAPED DIAMOND	\$ 22,000	
	14	ONE DIAMOND CIRCLE EARRING GUARDS 18K GOLD DIAMOND CUSTOM MADE ONE ANGELA CUMMINS PLATINUM/DIAMOND EARRINGS	\$ 6,000	
	15	18K GOLD 3" ROUND ROSE BROOCH W/DIAMOND CENTER	\$ 2,500	
	16	LADY'S 18K Y/G RING SET WITH A CAB PARIDOT SURROUNDED BY 70 DIAMONDS TW 2.04CTS DESIGNED BY MARLENE STOWE	\$ 19,800	
	17	LADY'S PERRUQUE TASSEL RING	\$ 4,477	
	18	ROBERTO COIN-APPASSIONATA 5 ROW BRACELET WITH A DIAMOND CLASP	\$ 5,000	
	19	ROBERTO COIN-APPASSIONATA 2 ROW NECKLACE WITH A DIAMOND CLASP	\$ 6,000	
	Fine Arts	1	DAUM CRYSTAL CONCORDE SCULPTURE	\$ 3,500
		2	FLOWER SCULPTURE BY NEIL DEATON "AMERILLES"	\$ 2,650
3		WASSERMAN PRINT	\$ 6,000	
4		LALIQUE ANIMAL LION	\$ 800	
5		LALIQUE ANIMAL LIONESS	\$ 825	
6		LALIQUE ANIMAL CUBS	\$ 500	
7		WEE DEEGO 1988 ARTIST WILLIAM WEEGE	\$ 4,000	
8		ITALO SCANGA CUBIST 1989 6/40	\$ 2,500	
9		ITALO EXCAVATION 1988 12/40	\$ 2,250	



Name and address of Insured

GERALD & NANCY TOBERMAN
3531 OAKTON DRIVE
MINNETONKA, MN 55305-4457

Page 1

Effective Date 5/11/04
Policy no. 11737222-01
Issued by Great Northern Insurance Company
Inception date 5/11/04
Subproducer number 000

Home and Contents

		Location no.1
Basic premium	Coverage	
		DELUXE CONDOMINIUM \$407,000
		PERSONAL LIABILITY \$2,000,000
	Deductible	\$500
	Territory	031
	Burglar alarm	YES
	Fire station within 5 miles	YES
	Fire hydrant 1000 feet	YES
	Fire alarm	YES
	Basic premium	\$601
Percent adjustments	Fire resistive credit	-15.0%
	Net percent adjustment	-15.0%
	Adjusted basic premium	\$511
Dollar adjustments	Liability surcharge	+\$65
	Additions and alterations surcharge	(\$214,000) +\$321
	Net dollar adjustment	+\$386
	Adjusted premium	\$897
Home and contents premium		+\$897.00

Page 2
 Effective Date 5/11/04
 Policy no. 11737222-01
 Name GERALD & NANCY TOBERMAN

Valuable Articles

Location no. 1

Premium factors				
	Territory	031		
	Burglar alarm	YES		
	Fire Alarm	YES		
	Home Safe	NO		
	Fire resistive	YES		
	Fire station within 5 miles	YES		
	Fire hydrant within 1000 feet	YES		
	Fine Arts earthquake exclusion	NO		
	Fine Arts earthquake deductible pct.	N/A		
	Collectibles/stamps earthquake exclusion	NO		
	Collectibles/stamps earthquake deductible pct.	N/A		
	Type of article	Amount of coverage	Dollar rate per \$100	Premium
Coverage	Jewelry over \$100,000	\$170,682	1.03500	\$1,767
	Fine arts first \$100,000	\$23,025	.11875	\$27
Valuable articles premium				\$1,794.00

continued on the next page



Page 3
Effective Date 5/11/04
Policy no. 11737222-01
Name GERALD & NANCY TOBERMAN

Vehicles

		Vehicle no.1	Vehicle no.2	Vehicle no.3
Basic premium	Coverage	EXCESS LIABILITY \$2,000,000	EXCESS LIABILITY \$2,000,000	EXCESS LIABILITY \$2,000,000
Dollar adjustments	Liability surcharge	+\$149	+\$86	+\$86
	UM/UIM	+\$41	+\$36	+\$36
	Net dollar adjustment	+\$190	+\$122	+\$122
Vehicles premium		+\$190.00	+\$122.00	+\$122.00
Total net premium				\$3,125.00



Name and address of insured

GERALD & NANCY TOBERMAN
3531 OAKTON DRIVE
MINNETONKA, MN 55305-4457

Effective date 5/11/04

Policy no. 11737222-01

Issued by Great Northern Insurance Company
a stock insurance company
incorporated in Minnesota

Policy period 5/11/04 to 5/11/05

If you have any questions, please contact
ROSS NESBIT AGENCIES
7500 FLYING CLOUD DR 950
EDEN PRAIRIE, MN 55344
952-941-9418

This table of contents lists your policy provisions. Please attach this table of contents to your policy so you have a current list of your coverages at all times.

Contents

Chapter	Edition Date	State	Page
Introduction			A-1
Deluxe Condominium Coverage	08/03	MINN	G-1
Valuable Articles Coverage	06/03	MINN	N-1
Personal Liability Coverage	06/03	MINN	T-1
Excess Liability Coverage	06/03	MINN	W-1
Policy Terms	08/03	MINN	Y-1
Policy Information Notice	06/03	MINN	