

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Thomas R. Morin

Bky Case No. 04-40653 NCD

Adv Case No. 04-4184 NCD

Randall L. Seaver, Trustee
Plaintiff

vs.

ANSWER

Thomas R. Morin
Defendant

Defendant through his attorney undersigned answers Plaintiff's complaint as follows:

1. Defendant admits the allegations contained in paragraphs 1-4 of the Complaint.
2. As to paragraph 5 of the Complaint, Defendant admits that he was aware of his company's bonus program, but at the time he provided the information for his bankruptcy schedules did not know the amount of the bonus, the date he would receive his bonus or if he would receive a bonus at all in 2004.
3. As to paragraph 6 of the Complaint, Defendant admits that he received his bonus check in the mail after 3:00 p.m. on February 11, 2004 and deposited the check in his bank account the next day. He was not aware that his bankruptcy was filed on February 11, 2004 at the time he received his check.

4. As to paragraphs 7 and 8 of the Complaint, Defendant was not aware of the amount of his bonus or for certain that he would receive one at the time he provided the information to draft his bankruptcy schedules. In response to the trustee's questions at the meeting of creditors, Defendant did not realize that the bonus was an asset because it was part of his compensation from his employer. The Defendant will be filing amended schedules to exempt his interest in the bonus.
5. As to paragraphs 9, 10 and 11 of the complaint, the net amount of the bonus was \$11,221.29, however; pursuant to his divorce decree, he was obligated to pay \$3,366.38 to his former spouse. Therefore, the amount available to Defendant was \$7,854.91. After allowing for applicable exemptions, the amount to be turned over to Plaintiff is \$1,199.91.

WHEREFORE Defendant asks the court to issue an order determining that Defendant shall pay Plaintiff the value of the non-exempt asset in the amount of \$1,199.91

Dated: 08/10/2004

Respectfully submitted,

/e/ Robert J. Everhart
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