

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Ebony S. Chambers,

Debtor,

COUNTY OF HENNEPIN,

Plaintiff,

v.

Ebony S. Chambers,

Defendant.

**NOTICE OF MOTION AND MOTION FOR
DEFAULT JUDGMENT**

Adv. No. 04-4188 NCD
Bky. No. 04-42426 NCD

PLEASE TAKE NOTICE, that the Plaintiff will move the court at courtroom No. 7W, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota before the Honorable Nancy C. Dreher, United States Bankruptcy Judge on the 22nd day of September, 2004, at 10:30 a.m., or as soon thereafter as counsel may be heard for the following relief:

1. That a default judgment be entered against Defendant Ebony S. Chambers in the amount of \$2,056.26, together with costs of \$150.00, for a total of \$2,209.26.
2. That the debt represented by this judgment be excepted from the Defendant's discharge.

3. For such other and further relief as the court deems just, fair, and equitable.

AMY KLOBUCHAR
Hennepin County Attorney

By: s/ Lon M. Erickson
LON M. ERICKSON (140004)
Assistant County Attorney
Attorneys for County of Hennepin
2000A Government Center
Minneapolis, MN 55487
Telephone: (612) 348-9653
Fax No: (612) 348-8299

Dated: August 23, 2004

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Ebony S. Chambers,

Debtor,

COUNTY OF HENNEPIN,

Plaintiff,

v.

Ebony S. Chambers,

Defendant.

**APPLICATION FOR DEFAULT
JUDGMENT, AFFIDAVIT OF DEFAULT,
and AFFIDAVIT OF IDENTIFICATION
OF DEFAULTING PARTY**

Adv. No. 04-4188 NCD
Bky. No. 04-42426 NCD

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

LON M. ERICKSON, attorney for Plaintiff, being duly sworn, states as follows:

1. I am the representing attorney for the Plaintiff, County of Hennepin, and am authorized to make this Affidavit on its behalf.

2. A Summons was issued by the Clerk of Court for the above-entitled proceedings on July 1, 2004.

3. Copies of the Summons and Complaint to determine dischargeability of debt were served on the Defendant, whose name and last known address are as follows, and on her attorney on July 1, 2004, by depositing the documents in the United States mail in Minneapolis, Minnesota, by certified mail, postage prepaid, addressed to:

Ebony S. Chambers

3813 Lake Drive
Robbinsdale, MN 55422

Robert J. Hoglund
PO Box 130938
Roseville, MN 55113

4. Plaintiff has filed its Affidavit of Service of Summons and Complaint.
5. The Summons notified the Defendant that she had thirty (30) days after issuance of the Summons in which to file a Motion or an Answer to the Complaint.

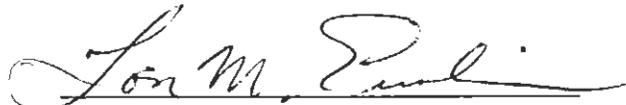
6. The time within which the Defendant could have appeared or answered has expired and the Defendant has not answered, filed a Motion, or otherwise appeared in these proceedings.

7. I am informed to the best of my knowledge that the Defendant is not an infant or an incompetent person.

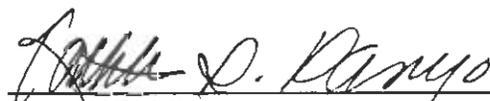
8. I am informed to the best of my knowledge that the Defendant is not in the military service of the United States.

9. The amount as prayed for in the Complaint to determine dischargeability of debt is the fixed sum of \$3,324.26 plus costs of \$150.00. Partial payment has been received by Plaintiff and there is now due and owing the sum of \$2,059.26 plus costs of \$150.00.

Dated this 23rd day of August 2004.


Lon M. Erickson

Subscribed and sworn to before me
this 23rd day of August 2004.


Notary Public



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Ebony S. Chambers,

Debtor,

COUNTY OF HENNEPIN,

Plaintiff,

v.

Ebony S. Chambers,

Defendant.

**AFFIDAVIT ON MERITS AND AMOUNT
DUE**

Adv. No. 04-4188 NCD
Bky. No. 04-42426 NCD

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

Patricia A. Tabako, being duly sworn, states as follows:

1. She is employed by Hennepin County Department of Economic Assistance in the Accounts Receivable Department and is responsible for administering and collecting the account of Ebony S. Chambers, the above named Defendant.

2. Plaintiff, through its Department of Economic Assistance, provides for certain programs of public assistance, such programs being administered in accord with and pursuant to Federal and State law.

3. During the periods November 1995 through October 1996, May 1998 through August 1998, and January 2000 through April 2000, Defendant Ebony S. Chambers did obtain public assistance funds greater than those to which she was entitled. The

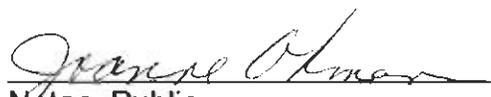
amount of public assistance overpayments obtained by Defendant from the AFDC program and the MFIP program was \$8,910.00. All of said overpayments were obtained by Defendant's use of deceitful materially false written statements upon which Plaintiff relied to pay Defendant sums in excess of her entitlement, to wit: failure to report that she was employed and receiving employment income during the above periods.

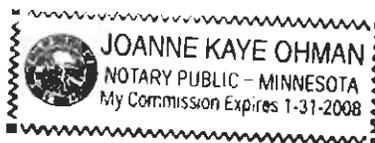
4. On May 2, 2001, Defendant signed an ADH waiver form, waiving her right to an Administrative Disqualification hearing for wrongfully obtaining public assistance.

5. Plaintiff has made partial recovery of said overpayments through recapture, recoupment, and restitution payments. The total amount of \$2,209.26 is still due and owed by the Defendant to the Plaintiff.


Patricia A. Tabako

Subscribed and sworn to before me
this 28th day of August 2004.


Notary Public



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Ebony S. Chambers,

Debtor,

COUNTY OF HENNEPIN,

Plaintiff,

v.

Ebony S. Chambers,

Defendant.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

Adv. No. 04-4188 NCD
Bky. No. 04-42426 NCD

Based upon the affidavit submitted with Plaintiff's Application for Default Judgment, and being otherwise duly advised, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Plaintiff, through its Department of Economic Assistance, provides for certain programs of public assistance, such programs being administered in accord with and pursuant to Federal and State law.
2. During the periods November 1995 through October 1996, May 1998 through August 1998, and January 2000 through April 2000, Defendant Ebony S. Chambers did obtain public assistance funds greater than those to which Defendant was entitled. The total amount of public assistance overpayments obtained by Defendant from the AFDC program and the MFIP program was \$8,910.00. All of said overpayments were obtained by Defendant's use of deceitful materially false written statements upon which

Plaintiff relied to pay Defendant sums in excess of her entitlement, to wit: failure to report that she was employed and receiving employment income during the above periods.

3. On May 2, 2001, Defendant signed an ADH waiver form, waiving her right to an Administrative Disqualification hearing for wrongfully obtaining public assistance.

4. Plaintiff has made partial recovery of said overpayments through recapture, recoupment, and restitution. The total amount of \$2,059.26 is still due and owed by the Defendant to the Plaintiff.

5. Copies of the Summons and Complaint to determine dischargeability of the debt were served on the Defendant, whose name and last known address are as follows and on her attorney on July 1, 2004:

Ebony S, Chambers
3813 Lake Drive
Robbinsdale, MN 55422

5. The time in which the Defendant could have appeared or answered has expired and the Defendant has not answered, filed a Motion, or otherwise appeared in these proceedings.

CONCLUSIONS OF LAW

1. The Defendant having been served with process and having failed to plead or otherwise defend in this case as required by law and the time for answering having elapsed, the Defendant is in default.

2. Overpayments of Public Assistance benefits as set forth in the Plaintiff's Complaint are nondischargeable in debtor's Bankruptcy Case No. 04-42426 NCD.

3. Plaintiff is entitled to a judgment of nondischargeability of said debt totaling \$2,209.26 including the \$150.00 filing fee.

ORDER

IT IS ORDERED:

1. The Plaintiff, County of Hennepin, shall recover from the Defendant, Ebony S. Chambers, the sum of \$2,059.26, together with its costs of \$150.00, for a total of \$2,209.26.

2. The debt represented by this judgment is excepted from the Defendant's discharge.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: _____

Nancy C. Dreher
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Ebony S. Chambers,

Debtor,

COUNTY OF HENNEPIN,

Plaintiff,

v.

Ebony S. Chambers,

Defendant.

JUDGMENT

Adv. No. 04-4188 NCD
Bky. No. 04-42426 NCD

This proceeding came before the court and a decision or order for judgment was duly rendered, the Honorable Nancy C. Dreher, United States Bankruptcy Judge, presiding.

It is therefore Ordered and Adjudged:

1. The plaintiff shall recover from the defendant the sum of \$2,059.26, together with its costs of \$150.00, for a total of \$2,209.56.
2. The debt represented by this judgment is excepted from the Defendant's discharge.

Dated:
At: Minneapolis, MN

Patrick G. De Wane
Clerk of Bankruptcy Court

By: _____

Deputy Clerk

Bky. No. 04-42426 NCD
Adv. No. 04-4188 NCD

UNSWORN CERTIFICATE OF SERVICE

I, Kathy Danyo, declare under penalty of perjury that on August 31, 2004, I mailed a copy of the Notice of Motion and Motion for Default Judgment; Application for Default Judgment, Affidavit of Default, and Affidavit of Identification of Defaulting Party; Affidavit on Merits and Amount Due; Proposed Findings of Fact, Conclusions of Law and Order; and Proposed Judgment by U.S. Mail, prepaid, to each entity named below at the address stated:

Ebony S. Chambers
3813 Lake Drive
Robbendale, MN 55422

Robert T. Hoglund, Esq.
PO Box 130938
Roseville, MN 55113

Dwight R.J. Lindquist
1510 Rand Tower
527 Marquette Avenue
Minneapolis, MN 55402

Executed on: August 31, 2004

Signed: /s/ Kathy Danyo
Legal Secretary
Hennepin County Attorney's Office
Civil Division
A2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487