

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

IN RE: ERICKSON, MICHELLE RENEE
AKA EDC GROUP LLC
Debtor.

CHAPTER 7
BKY CASE NO. 03-46468

Terri A. Georgen Running, Trustee,

Plaintiff,

ADV. No. _____

v.

Capital One,

Defendant(s).

COMPLAINT

Terri A. Georgen Running, Trustee (the “Trustee”) of the ERICKSON, MICHELLE RENEE and AKA EDC GROUP LLC Chapter 7 case (“Debtor(s)”), as and for her complaint against Defendant(s) Capital One (the “Defendant(s)”), states and alleges as follows:

1. This is an action by the Trustee to recover a preference payment by the Debtor(s) to the Defendant(s) within the meaning of 11 U.S.C. §547.
2. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§157(b)(1) and 1334, and LOCAL RULE 1070-1. This is a core proceeding within the meaning of 28 U.S.C. §157(b)(2)(F).
3. This case arises under 11 U.S.C. §§547 and 550.
4. On 09/12/03, the Debtor(s) filed a petition for relief under Chapter 7 of the United States Bankruptcy Code. The case is pending before this Court.

5. The Trustee is the duly appointed, qualified and acting Chapter 7 Trustee of the bankruptcy estate of the Debtor(s).

6. On each of the following date(s): July 11, 2003 (within 90 days of the filing of the petition for relief) the Debtor(s) paid the sum of Seven Hundred Sixty-Two and 75/100 Dollars to Defendant(s) on account of an antecedent debt.

7. The Transfers from the Debtor(s) to the Defendant(s) were made while the Debtor(s) were insolvent.

8. The Transfers will enable Defendant(s) to recover more than it would receive as a creditor under Chapter 7 of Title 11 of the United States Code, if the Transfers had not been made and the Defendant(s) received payment of such debt to the extent provided by Title 11 of the United States Code.

9. As a result, the Transfers are avoidable pursuant to Section 547(b) of the United States Bankruptcy Code, with the Transfers preserved pursuant to 11 U.S.C. §551.

WHEREFORE, the Trustee requests the following relief:

1. An order and judgment avoiding the Transfers and ordering Defendant(s) to pay over to the Trustee the sum of Seven Hundred Sixty-Two and 75/100 Dollars, plus costs incurred; and

2. For such other and additional relief as the Court deems just and equitable.

Dated: August 9, 2004

***Law Offices of Terri A. Georgen,
A Professional Corporation***

/e/ Terri A. Georgen Running
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**ATTORNEYS FOR THE
TRUSTEE/PLAINTIFF**

VERIFICATION. I, Terri A. Georgen Running, state that I am the Plaintiff in the above-referenced action, that I have read the complaint, and declare under penalty of perjury that the contents thereof are true and correct according to the best of my knowledge, information and belief.

Dated: August 9, 2004

/e/ Terri A. Georgen Running
Terri A. Georgen Running, Trustee