

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Dionne Devine Kirk

Bky Case No.: 04-42894-NCD

Debtor.

Chapter 7

Jeff Kevin Kirk

ADV No. 04-4230

vs- Plaintiff

COMPLAINT TO DETERMINE
DISCHARGE OF DEBT

Above said Debtor

Dear Clerk of the Bankruptcy Court,

I would like to file an objection to the discharge of the debtor Dionne D. Kirk in the amount of \$6,500.00, the amount of one half of the balance of a debt consolidation loan that she agreed to pay per our divorce decree.

The loan paid for children's music instruments, a new roof on our house, and credit card balances. One of the credit cards was her Capital One account that she has listed as a creditor for almost \$10,000.00 in this same case. The balance on this card was paid in full as of November of 2002 with this loan. She has shown no financial responsibility before or after our divorce, I didn't even know about this credit card as she had the statements sent to her mothers house.

She also received over \$17,000.00 from the sale of our house and is also going to receive around \$15,000.00 from the division of my 401-k retirement plan. She also receives \$755.00 per month child support and has a roommate/boyfriend who pays for one half of the monthly bills.

It is my understanding that the Bankruptcy court has no jurisdiction over retirement plans, but it was our agreement to have the \$6,500.00 paid out to me

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from this Q.D.R.O. check. She even signed a court order having the check sent to my attorney's office; Joseph Marvin Esq. So the repayment would be witnessed and satisfied by the court.

She left this union of marriage with no debt, a new car and checks amounting over \$30,000.00. I left with all of the debt and child support, but I'm still trying to be responsible for my bills. I would strongly urge the court to omit this discharge so I can remain responsible for my children, these outstanding debt's, and try to get on with my new life.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey K. Kirk". The signature is written in a cursive style with a large initial "J" and a prominent "K".

Jeffrey K. Kirk

**UNITED STATES BANKRUPTCY COURT — DISTRICT OF MINNESOTA
LOCAL ADVERSARY PROCEEDING COVER SHEET**

ADVERSARY PROCEEDING NUMBER (COURT USE ONLY)		
PLAINTIFFS (Name and address) Jeffrey K Kirk 7551 149th Ave. N.W. Ramsey, MN. 55303 763-576-9770	DEFENDANTS (Name and address) Dionne D. Kirk 2856 Bunker Lake Blvd - Andover, MN. 55304	
ATTORNEYS (Name, firm name, address, telephone) Pro-se	ATTORNEYS (Name, firm name, address, telephone) Nicholas R. Morrison 1711 W Cty. Rd. B. STE. 107 Roseville, MN - 55113	
PARTY (Check one box only) <input checked="" type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input type="checkbox"/> 3 U.S. NOT A PARTY		
NATURE OF SUIT (Check ALL appropriate boxes.)		
<input checked="" type="checkbox"/> 426 Complaint to determine dischargeability of <u>one</u> debt under § 523. <input type="checkbox"/> 459 Notice Of Removal to remove this action to the Bankruptcy Court under § 1452. <input type="checkbox"/> 424 Complaint to deny or revoke a discharge of <u>all</u> debts of the debtor under § 727. <input checked="" type="checkbox"/> 454 Recover Money or Property <input type="checkbox"/> 458 Sale of co-owner's interest <input type="checkbox"/> 435 Determine Validity, Priority, or Extent of a Lien <input type="checkbox"/> 455 Revoke confirmation of a Plan <input type="checkbox"/> 434 Obtain an injunction <input type="checkbox"/> 456 Declaratory judgment <input type="checkbox"/> 457 Subordinate allowed claim <input type="checkbox"/> 498 Other (specify)		
CAUSE OF ACTION (IF UNCERTAIN ABOUT WHICH BOX TO CHECK, BRIEFLY STATE THE CAUSE OF ACTION AND THE STATUTE INVOLVED.)		
ORIGIN OF PROCEEDINGS	<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 3 Reinstated or Reopened <input type="checkbox"/> 4 Transferred from Another Bankruptcy Court	
DEMAND	*6500. ⁰⁰ OTHER RELIEF SOUGHT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION <input type="checkbox"/> JURY DEMAND
BANKRUPTCY CASE NUMBER 04-42894-NCD		DEBTOR Dionne D. Kirk
DISTRICT AND DIVISION IN WHICH CASE IS PENDING Minnesota		NAME OF JUDGE DREHER
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NUMBER
DISTRICT	DIVISIONAL OFFICE	NAME OF JUDGE
FILING FEE (Check one box only) <input checked="" type="checkbox"/> FEE ATTACHED <input type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE DEFERRED		
DATE 8-16-04	PRINT NAME JEFFREY K. KIRK	SIGNATURE OF ATTORNEY (OR PLAINTIFF) Jeffrey K. Kirk