

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 04-40082

In re:

Joseph Charles Marso and Phyllis Joanne
Marso,

**NOTICE OF HEARING AND MOTION FOR
TURNOVER OF PROPERTY**

Debtors.

TO: The Debtor above-named and her attorney,

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 10:30 a.m. on September 22, 2004 Courtroom No. 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than September 15, 2004 which is 7 days before the above date or file and served by mail not later than September 10, 2004 which is 10 days before the time set for hearing in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(e) and 11 U.S.C. §543 and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on January 8, 2004. The case is now pending in this Court.

6. The Debtors' 2003 tax returns indicate that they were entitled to refunds totaling \$558. The Trustee has not received payment for those refunds.

7. The Trustee has demanded copies of the Debtor's check registers but has not received them.

8. On January 7, 2004, the day before commencing his bankruptcy case, check number 148 in the amount of \$2,329.77 cleared the Debtor's Bremer Bank account. The Trustee has requested from the Debtors a copy of that check but has not received it.

WHEREFORE, the Trustee requests an order of the court as follows:

1. Directing the Debtors to turnover to the Trustee the sum of \$558 representing 2003 state and federal tax refunds.

2. Directing the Debtors to turnover to the Trustee a copy of the front and back of check number 148 in the amount of \$2,329.77 drawn on the Debtor's Bremer Bank account.

3. Directing the Debtors to turnover to the Trustee their check registers for the period of time starting 100 days prior to commencement of the bankruptcy case and continuing through 10 days after commencement of the bankruptcy case.

4. For such other and further relief as the court deems appropriate.

FULLER, SEAVER & RAMETTE, P.A.

Dated: August 11, 2004

By: /e/ Randall L. Seaver

Randall L. Seaver 152882
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, Trustee for the Marso Bankruptcy Estate named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on August 11, 2004

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 04-40082

In re:

Joseph Charles Marso and Phyllis Joanne
Marso,

UNSWORN CERTIFICATE OF SERVICE

Debtors.

I, Kari L. Fogarty, declare under penalty of perjury that on August 11, 2004, I mailed a copy of the Notice of Hearing and Motion for Turnover of Property and proposed Order by first class mail to each entity named below at the address stated below for each entity:

Joseph Charles Marso
606 6th Avenue South
Hopkins, MN 55343

Phyllis Joanne Marso
606 6th Avenue South
Hopkins, MN 55343

Michael K. Hoverson
Michael K. Hoverson and Associates
333 Washington Avenue North, Suite 308
Minneapolis, MN 55401

Linda J. Jungers
Stewart, Zlimen & Jungers
430 Oak Grove Street, Suite 200
Minneapolis, MN 55403

J. Ward Holliday
J. Ward Holliday & Associates, P.C.
501 Elm Street, Suite 400, LB13
Dallas, TX 75202

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

FULLER, SEAVER & RAMETTE, P.A.

Dated: August 11, 2004

By: /e/ Kari L. Fogarty
Kari L. Fogarty
Legal Secretary
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 04-40082

In re:

Joseph Charles Marso and Phyllis Joanne
Marso,

ORDER

Debtors.

This matter came on for hearing before this court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate. Appearances, if any, were noted upon the record.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein., and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that seven (7) days from the entry of this Order:

1. The Debtors shall turnover to the Trustee the sum of \$558 representing 2003 state and federal tax refunds.
2. The Debtors shall turnover to the Trustee a copy of the front and back of check number 148 in the amount of \$2,329.77 drawn on the Debtor's Bremer Bank account.
3. The Debtors shall turnover to the Trustee their check registers for the period of time starting 100 days prior to commencement of the bankruptcy case and continuing through 10 days after commencement of the bankruptcy case.

BY THE COURT:

Dated: _____, 2004

Nancy C. Dreher
U.S. Bankruptcy Judge