

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 04-43212

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In re:

Bao H. Yang,

Debtor.

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

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 on October 6, 2004 at 10:30 a.m. in 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 October 1, 2004 which is 3 days before the above date (excluding Saturdays, Sundays and holidays) or filed and served by mail not later than October 7, 2004 which is 7 days before the time set for hearing (excluding Saturdays, and holidays) 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 June 7, 2004. The case is now pending in this Court. The Trustee has requested monies and documents from the Debtor but has not received all of the documents requested and has received no money.

6. Movant requests an order directing the Debtor to turnover to the Trustee the following:

- a. Documentation relating to any yearly bonus the Debtor may have received from Guidant in 2004.
- b. Check registers for all checking accounts from January 1 through July 15, 2004.
- c. Complete copies of the Debtor's checking account statements for Wells Fargo account number 3970529224 from April 16 through May 15, 2004, and from June 15 - July 15, 2004.
- d. Complete copies of the Debtor's checking account statements for Wells Fargo account number 344845608, from April 1, through July 30, 2004.
- e. Jewelry as scheduled.
- f. \$644.67 representing pre-petition wages, account monies and cash.

WHEREFORE, the Trustee requests that the Debtor be required to immediately turnover to the Trustee the following:

1. Documentation relating to any yearly bonus the Debtor may have received from Guidant in 2004.
2. Check registers for all checking accounts from January 1 through July 15, 2004.
3. Complete copies of the Debtor's checking account statements for Wells Fargo account number 3970529224 from April 16 through May 15, 2004, and from June 15 - July 15, 2004.

4. Complete copies of the Debtor's checking account statements for Wells Fargo account number 344845608, from April 1, through July 30, 2004.
5. Jewelry as scheduled.
6. \$644.67 representing pre-petition wages, account monies and cash.

**FULLER, SEAVER & RAMETTE, P.A.**

Dated: September 21, 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 Bankruptcy Estate of Bao H. Yang, 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 September 21, 2004

/e/ Randall L. Seaver  
Randall L. Seaver, Trustee

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 04-43212

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In re:

Bao H. Yang,

**UNSWORN CERTIFICATE OF SERVICE**

Debtor.

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I, Kari L. Fogarty, declare under penalty of perjury that on September 21, 2004, I mailed a copy of the Notice of Hearing and Motion for Turnover of Property and proposed Order by first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Bao H. Yang  
6466 Ware Road  
Lino Lakes, MN 55014

Robert J. Hoglund  
Hoglund, Chwialkowski, Greeman &  
Bergmanis  
P.O. Box 130938  
Roseville, MN 55113

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

**FULLER, SEAVER & RAMETTE, P.A.**

Dated: September 21, 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. 04-43212

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In re:

Boa H. Yang,

**ORDER**

Debtor.  
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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:**

1. Within seven (7) days from the entry of this Order the Debtor shall turnover to the Trustee the following:

- a. Documentation relating to any yearly bonus the Debtor may have received from Guidant in 2004.
- b. Check registers for all checking accounts from January 1 through July 15, 2004.
- c. Complete copies of the Debtor's checking account statements for Wells Fargo account number 3970529224 from April 16 through May 15, 2004, and from June 15 - July 15, 2004.
- d. Complete copies of the Debtor's checking account statements for Wells Fargo account number 344845608, from April 1, through July 30, 2004.
- e. Jewelry as scheduled.
- f. \$644.67 representing pre-petition wages, account monies and cash.

**BY THE COURT:**

Dated: \_\_\_\_\_, 2004

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Nancy C. Dreher  
U.S. Bankruptcy Judge