

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In the Matter of:) Chapter 7
) Case No. 04-43613-NCD
Ponsanio David Sanchez and)
Marie Louise Sanchez,)
Debtor.)

**NOTICE OF HEARING AND VERIFIED MOTION
FOR ORDER DISMISSING CASE**

To: The Debtor, creditors of the Debtor, and other parties in interest:

1. Julia A. Christians, interim trustee of the above-captioned bankrupt estate, moves the court for the relief requested below and gives notice of hearing herewith.

2. The court will hold a hearing on this motion on the 29th day of September, 2004, at 10:30 a.m., in Courtroom No. 7 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel can be heard.

3. Any response to this motion must be filed and delivered not later than September 24, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than September 20, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **If no response is timely served and filed, the Court may grant the relief requested without a hearing.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this case was filed on June 29, 2004. The case is now pending in this court.

5. This motion arises under 11 U.S.C. § 707. This motion is filed under Bankruptcy Rules 1017 and 9014 and Local Rules 9013-1 through 9019-1(d). Movant requests relief with respect to dismissal of Debtor's Chapter 7 case.

6. Debtor has failed to appear at the Sec. 341 meeting and be examined as required by 11 U.S.C. Sec. 343.

7. Debtor's failure to appear constitutes cause for dismissal pursuant to 11 U.S.C. §§ 707 and 521(3).

WHEREFORE, the trustee moves the court for an order dismissing the case and for such other relief as may be just.

Dated: August 23, 2004

/e/ Julia A. Christians
Julia A. Christians, Trustee
One Financial Plaza, Suite 2500
120 South Sixth Street
Minneapolis, MN 55402
(612) 338-5815

VERIFICATION

Julia A. Christians, being duly sworn, says that she is the Chapter 7 Trustee in this action, that she has read this Notice of Hearing and Verified Motion for Order Dismissing Case and that it is true of her own knowledge, to the best of her information and belief.

/e/ Julia A. Christians
Julia A. Christians

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ORDER DISMISSING CASE

The motion of the trustee for an order dismissing this case because of the failure of the debtor to submit to examination pursuant to 11 U.S.C. § 343 came duly on for hearing on September 29, 2004. Julia A. Christians, the trustee, appeared in propria persona. Other appearances were noted in the record.

Upon said motion and for cause shown, and upon all the files, records and proceedings herein,

IT IS ORDERED: This case is dismissed.

Dated: _____, 2004

The Honorable Nancy C. Dreher
United States Bankruptcy Judge