

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

CHAPTER 7

BKY CASE NO. 04-43649-NCD

Akpe A. Bruce-Kuajovi,

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

Debtor(s).

TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTOR, AND THE DEBTOR'S ATTORNEY.

1. Julia A. Christians, Chapter 7 Trustee herein, 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 November 3, 2004, at 10:30 a.m., in Courtroom No. 7, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. 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 29, 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 October 25, 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.**

3. 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 6072-1, this proceeding arises under 11 U.S.C. §542(a). Movant requests an order directing Debtor to turn over copies of bank statements for all accounts of Debtor open as of the filing date for the period of time including the filing date; all funds on deposit as of the filing date in excess of the sum of \$5.00; a copy of Debtor's 2003 property tax refund/rebate requests, if any; Debtor's 2003 property tax refund/rebates in excess of the sum of \$50.00, if any; copies of Debtor's 2004 state, federal, and property tax returns, immediately upon completion; and, any and all 2004 tax refunds issued to Debtor, immediately upon issuance. The petition commencing this case as a Chapter 7 case was filed on June 30, 2004. This case is now pending in this Court.

4. The Trustee demanded turnover of the above documents and property. However, Debtor has not turned over said documents. Therefore, the Trustee requests an order directing the Debtor to turn over the afore-said documents and property.

Dated: October 4, 2004

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

VERIFICATION

I, Julia A. Christians, 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 October 4, 2004

/e/ Julia A. Christians
Julia A. Christians

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:) Chapter 7
) Case No. 04-43649-NCD
Akpe A. Bruce-Kuajovi,)
)
Debtor(s).)

UNSWORN CERTIFICATE OF SERVICE

I, Sarah L. Fortin, declare under penalty of perjury that on October 4, 2004, I mailed copies of the attached **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:

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

Akpe Bruce-Kuajovi
6145 Thomas Avenue South
Minneapolis, MN 55410

Robert J. Hoglund
PO Box 130938
Roseville, MN 55113

Executed on: October 4, 2004

/s/ Sarah L. Fortin
Sarah L. Fortin, Legal Secretary
Lapp, Libra, Thomson, Stoebner &
Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612/338-5815

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

CHAPTER 7

BKY CASE NO. 04-43649-NCD

Akpe A. Bruce-Kuajovi,

ORDER

Debtor(s).

This matter came on for hearing before the undersigned Bankruptcy Judge on the 3rd day of November, 2004, at 10:30 a.m., on the Motion of Julia A. Christians, Chapter 7 Trustee, for turnover of property of the above-named debtor.

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 Debtor turn over to the Trustee within 7 days of the date of this order copies of bank statements for all accounts of Debtor open as of the filing date for the period of time including the filing date; all funds on deposit as of the filing date in excess of the sum of \$5.00; a copy of Debtor's 2003 property tax refund/rebate requests, if any; Debtor's 2003 property tax refund/rebates in excess of the sum of \$50.00, if any; copies of Debtor's 2004 state, federal, and property tax returns, immediately upon completion; and, any and all 2004 tax refunds issued to Debtor, immediately upon issuance.

Dated: _____

The Honorable Nancy C. Dreher
United States Bankruptcy Judge