

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

FINLEY, JOANN,

Case No.: 03-61079

Chapter 7

Debtor.

MOTION TO COMPEL TURNOVER OF ESTATE PROPERTY

TO: The United States Bankruptcy Court, the United States Trustee, the Debtor, the Debtor's attorney, and all parties who requested notice under Bankruptcy Rule 2002.

1. David G. Velde moves the court for the relief requested below and gives notice of hearing.
2. The court will hold a hearing on this motion on July 28, 2004, at 10:30 a.m., US Bankruptcy Court, 204 U.S. Courthouse, 118 South Mill Street, Fergus Falls, Minnesota, or as soon thereafter as counsel can be heard.
3. Any response to this motion must be filed and served not later than July 19, 2004, at 10:30 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than July 14, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334. This proceeding is a core proceeding. The petition commencing this chapter 7 case was filed on August 28, 2003. The case is now pending in this court.
5. This motion arises under 11 U.S.C. § 542. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules 6072-1. Movant requests the turnover of certain property specifically, complete

copies of debtor's 2003 federal and state income tax return and 66% of any refunds due to the debtor therefrom. The trustee did receive the debtor's entire federal refund.

6. That the tax refunds are not the subject of any reported collateral interest in the petition and are not eligible nor are they characterized as exempt under Schedule C.
7. Despite demand for surrender of same the Trustee has not received these items.

Wherefore, David G. Velde moves the court for an order directing the turnover of the assets and for such further relief that may be just and equitable.

Verification. I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on 6/14/04.

Signed  _____

David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
(320) 763-6561

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ORDER

David G. Velde, the Trustee in this matter, filed a Motion to Compel the Turnover of Estate Property. The motion was set for hearing on July 28, 2004, at 10:30 a.m. The Court does, based upon the record arising from said motion, order that:

The Trustee's Motion to Compel the Turnover of Estate Property is sustained and that the Debtor is hereby ordered to deliver to the Movant the following specific property: complete copies of debtor's 2003 federal and state income tax return and 66% of any refunds due to the debtor therefrom.

Dated:

Judge Dennis D. O'Brien
US Bankruptcy Court

STATE OF MINNESOTA)
) ss.
COUNTY OF DOUGLAS)

Julie A. Dolman, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 14th day of June, 2004, she served the attached Motion to Compel Turnover of Estate Property and proposed Order, by electronically filing with:

US Bankruptcy Court
204 PO Building
118 S. Mill Street
Fergus Falls MN 56537

and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena
US Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Bruce Madlom
Attorney at Law
P.O. Box 9693
Fargo, ND 58103

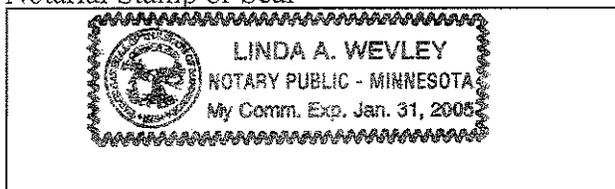
Joann Finley
1005 Ninth Avenue SE
Barnesville, MN 56514



Julie A. Dolman

Subscribed and sworn to before me this 14th day of June 2004.

Notarial Stamp or Seal





Notary Public