

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Daniel S. Miller,

Chapter 11

Debtor

BKY 04-60106

JOINDER BY THE UNITED STATES TRUSTEE IN MOTION
OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
TO CONVERT CASE FROM CHAPTER 11 TO CHAPTER 7

The United States Trustee, by his undersigned attorney, hereby joins in the Motion of the Official Committee of Unsecured Creditors to convert this Chapter 11 case to a case under Chapter 7 (Motion).

In addition to the grounds set forth in the Motion the United States Trustee states, as additional grounds, that the debtor has failed to submit its Monthly Operating Report to the United States Trustee for the month of April 2004, due May 15, 2004. The United States Trustee reserves the right to supplement this joinder with the results of debtors operations if the debtor submits the missing documentation and Operating Report prior to the hearing on the Motion.

The debtor's failure to comply with the reporting requirements set forth in the Bankruptcy Code is cause to convert this bankruptcy case under Section 1112(b). *See All Denominational New Church v. Joel Pelofsky*, 268 B.R. 536 (B.A.P. 8th Cir. 2001), *citing First Nat'l Bank v. Kerr*, 908 F.2d 400 (8th Cir. 1990).

Dated: May 25, 2004

Habbo G. Fokkena
United States Trustee
Region 12

/s/Robert B. Raschke
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CERTIFICATE OF SERVICE

In Re:)	
)	
Daniel Miller)	Bankruptcy No. 04-60106
)	
Debtor(s).)	Chapter 11 Case
)	
)	

I, Terri Frazer, declare under penalty of perjury that on May 25, 2004, I served a copy of the foregoing Joinder by the United States Trustee in Motion of the Official Committee of Unsecured Creditors to Convert Case From Chapter 11 to Chapter 7 by U.S. mail, postage prepaid, to each person named below:

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Dated: 5-25-04

By: 
Office of the United States Trustee