

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Case No: 02-32947-GFK

Craig & Theresa Jacobson,  
Debtor(s).

**NOTICE OF MOTION AND MOTION  
FOR OBJECTION TO CLAIM**

TO: CRAIG JACOBSON & THERESA JACOBSON, DEBTORS, AND THEIR  
ATTORNEY DANIEL J MOULTON, 976 14TH AVE SW, ROCHESTER, MN 55902,  
UNITED STATES TRUSTEE AND OTHER PARTIES IN INTEREST

1. Charles W. Ries is the duly appointed and acting trustee of the above-captioned bankruptcy estate and moves the Court for the relief requested below and gives notice of hearing herewith.

2. The Court will hold on this motion on the 15th day of November, 2004 at 1:30 o'clock p.m., or as soon thereafter as counsel can be heard, before the Honorable Gregory F. Kishel in Court Room No. 228B, at the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. Pursuant to Local Rule 9006-1(b) any response to this motion must be filed and delivered not later than 1:30 p.m. on November 4, 2004, which is seven days before the time set for the hearing (including Saturdays, Sundays and holidays), or filed and served by mail not later than November 1, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays and holidays). **IF NO RESPONSE IS TIMELY FILED, THE COURT MAY IN ITS DISCRETION ENTER AN ORDER GRANTING THE RELIEF REQUESTED WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion or this motion is authorized under 28 U.S.C. 157 and 1334 and 11 U.S.C. 502 and Bankruptcy Rule 5005. This motion is pursuant to Bankruptcy Rule 3007 and Local Rule 3007-1.

5. That Blue Coral has filed Claim #3 in the amount of \$1,506.30 asserting an unsecured claim in the above-captioned bankruptcy matter. A copy of the claim is attached hereto and incorporated herein pursuant to Bankruptcy Rule 3007.

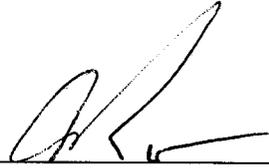
6. The claim appears to be a corporate obligation and does not appear to be a claim against the debtors individually, and should be disallowed.

WHEREFORE, the undersigned requests an order of the Court determining:

1. That Claim #3 of Blue Coral in the amount of \$1,506.30 be disallowed.

2. For such other relief as the Court deems just and proper.

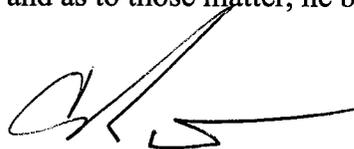
Dated this 5th day of October, 2004.



Charles W. Ries for  
MASCHKA RIEDY & RIES  
Attorneys for Trustee  
200 Union Square Business Center  
201 North Broad Street  
P. O. Box 7  
Mankato, MN 56002-0007  
Telephone (507) 625-6600  
Attorney License No: 12767X

**VERIFICATION**

Charles W. Ries, having been first duly sworn upon oath, states that he is the Trustee in the above-entitled action; that he has read the foregoing Notice of Motion and Motion for Objection to Claim, and knows the contents thereof; that the same are true and correct, except as to those matters therein stated on information and belief, and as to those matters, he believes them to be true.



Charles W. Ries

Subscribed and sworn to before me  
this 5<sup>th</sup> day of October, 2004.

  
Notary Public



WENDY A. SCHROEDER  
NOTARY PUBLIC - MINNESOTA  
My Commission Expires 1/31/2008

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA (ST. PAUL)**

RECEIVED  
 04 FEB 17 PM 12:03  
 U.S. BANKRUPTCY COURT  
 ST. PAUL, MN

Name of Debtor  
 CRAIG ALLEN JACOBSON  
 THERESA M JACOBSON

Case Number  
 02-32947 - GFK

**NOTE:** This claim is filed pursuant to 11 U.S.C. § 502.

Name of Creditor (The person or other entity to whom the debtor owes money or property):  
 BLUE CORAL  
 Name and Address where notices should be sent:  
 BLUE CORAL / Ecoblab Vehicle Care Div.  
 PO BOX 9150592  
 DALLAS TX 75391-0592  
  
 Telephone Number: (520) 519-5266

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  
 Check box if you have never received any notices from the bankruptcy court in this case.  
 Check box if the address differs from the address on the envelope sent to you by the court.

Account or other number by which creditor identifies debtor:  
 # 166221

Check here if  replaces this claim  amends a previously filed claim, dated \_\_\_\_\_

**1. Basis for Claim**  
 Goods sold  
 Services performed  
 Money loaned  
 Personal injury/wrongful death  
 Taxes  
 Other \_\_\_\_\_

Retiree benefits as defined in 11 U.S.C. § 1114(a)  
 Wages, salaries, and compensation (fill out below)  
 Your SS #: \_\_\_\_\_  
 Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_  
 (date) (date)

3

**2. Date debt was incurred:**  
 11/28/01

**3. If court judgment, date obtained:**

**4. Total Amount of Claim at Time Case Filed:** \$ 1506.30  
 If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.  
 Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**5. Secured Claim.**  
 Check this box if your claim is secured by collateral (including a right of setoff).  
 Brief Description of Collateral:  
 Real Estate  Motor Vehicle  
 Other \_\_\_\_\_  
  
 Value of Collateral: \$ \_\_\_\_\_  
  
 Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

**6. Unsecured Priority Claim.**  
 Check this box if you have an unsecured priority claim  
 Amount entitled to priority \$ \_\_\_\_\_  
 Specify the priority of the claim:  
 Wages, salaries, or commissions (up to \$4,650)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).  
 Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).  
 Up to \$ 2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).  
 Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).  
 Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).  
 Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).  
  
 \*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.  
**8. Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.  
**9. Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

**SEND CLAIM TO:**  
 U.S. BANKRUPTCY COURT  
 200 U.S. COURTHOUSE  
 316 NORTH ROBERT STREET  
 ST. PAUL, MN 55101

Date  
 2/11/04

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):  
 P.J. Converse, Credit Manager  
 P.J. Converse, Credit Manager

Penalty for presenting fraudulent claim: Fine of (up to \$500,000) or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



Ecolab Vehicle Care Division  
 P.O. Box 910592  
 Dallas, TX 75391-0592  
 800-288-2100  
 Fax: 520-745-0333

# STATEMENT OF ACCOUNT

REMIT TO:  
 ECOLAB VEHICLE CARE DIVISION  
 P.O. Box 910592  
 Dallas, TX 75391-0592

Page: 1

Page: 1

TMJ ENTERPRISES  
 P O BOX 250  
 LE ROY, MN 55951

ACCOUNT NO
166221

STATEMENT DATE
08/07/02

ACCOUNT NAME
TMJ ENTERPRISES

ACCOUNT NO
08/07/02

ACCOUNT NO
166221

QUESTIONS ON THIS STATEMENT? CALL OUR ACCOUNTS RECEIVABLE DEPARTMENT AT 800-288-2100

CHECK ITEMS BEING PAID

DATE	CODE	REFERENCES	ORDER #	AMOUNT	REFERENCES	CODE	AMOUNT	✓
OPEN INVOICES / REMAINING BALANCES								
11/30/01	IN	638087		1506.30	638087	IN	1506.30	
<p>*** REMINDER: PLEASE REMIT PAYMENTS TO ECOLAB VEHICLE CARE DIVISION, P. O. BOX 910592, DALLAS, TEXAS 75391 ***</p>								
CURRENT		OVER 30	OVER 60	OVER 90	PLEASE PAY		TOTAL	
							1506.30	
<small>CODES: IN=Invoice CM=Credit Memo BF=Balance Forward PY=Payment MA=Misc Adj. FC=Finance Charge NB=New Balance          All Ecolab invoices are to be paid within 30 days. After 30 days there will be assessed a 1.5% per month (18% annual) finance charge.</small>							AMOUNT REMITTED	\$ _____



Ecolab Vehicle Care Division  
 P.O.Box 910592  
 Dallas, TX 75391-0592  
 800-288-2100  
 FAX: 520-745-0333

DATE	INVOICE #	PAGE
11/30/01	638087	1

PAST INVOICE

ACCOUNT NO.
166221

BILL TO: TMJ ENTERPRISES  
 P O BOX 250  
 LE ROY, MN 55951

SHIP TO: STEWARTVILLE CITGO  
 302 S MAIN ST  
 STEWARTVILLE, MN 55976

ORDER NO.	ORDER DATE	REP NO.	PURCHASE ORDER NO.	SHIP VIA	SHIP DATE	TERMS
420387	11/28/01	114		NOT ON FILE	11/30/01	NET 30 DYS

QTY ORDERED	QTY SHP	QTY B/O	U/M	ITEM NO.	DESCRIPTION	UNIT PRICE	PER	EXTENDED PRICE	TAX
1	1	0	EA	30001205	POWERSHIFT-OVERDRIVE 1 30 GAL (M 07, 08, 13)	411.25	EA	411.25	N
1	1	0	EA	30001222	POWERSHIFT-OVERDRIVE 3 30 GAL (M 08, 13)	309.90	EA	309.90	N
1	1	0	EA	30000175	US PAINT CC SEALER 30 GAL (M 12)	382.23	EA	382.23	N
1	1	0	EA	30000220	ULT SHINE CLR CT RED 30 GAL (M 12, 13)	418.14	EA	418.14	N
1	1	0	EA	ORD-DISC	ORDER DISC. \$1000=1% \$2000=2%, \$5000=3%	15.22	EA	-15.22	N
HASH TOTALS:		120002822							

TERMS:	TAXABLE SUB TOTAL	.00
	NON-TAXABLE SUB TOTAL	1506.30
	SALES TAX	.00
	FREIGHT	.00
	TOTAL	1506.30

REMITTANCE COPY	REMIT TO: ECOLAB VEHICLE CARE DIVISION P.O Box 910592 Dallas, TX 75391-0592	TAXABLE SUB TOTAL	.00
Account Name: TMJ ENTERPRISES		NON-TAXABLE SUB TOTAL	1506.30
Account Number: 166221		SALES TAX	.00
Invoice Number: 638087		FREIGHT	.00
		TOTAL	1506.30

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:  
Craig & Theresa Jacobson,

Case No: 02-32947-GFK

Debtor(s).

**DECLARATION RE: SERVICE BY MAIL**

The undersigned, being an employee of Maschka, Riedy & Ries, 200 Union Square Business Center, 201 North Broad Street, Mankato, Minnesota, declares under penalty of perjury that on the 5th day of October, 2004, she served the Notice of Motion and Motion for Objection to Claim by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Blue Coral  
PO Box 9150592  
Dallas, TX 75391-0592

Craig A. Jacobson  
601 E Railroad Ln  
PO Box 250  
Leroy, MN 55951

Theresa M. Jacobson  
601 E Railroad Ln  
PO Box 250  
Leroy, MN 55951

Daniel Moulton  
Moulton Law Office  
976 14th Ave SW  
Rochester, MN 55902

United States Trustee  
1015 U S Courthouse  
300 S 4<sup>th</sup> St  
Minneapolis MN 55415

/e/Janet Anderson

---

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Case No: 02-32947-GFK

Craig & Theresa Jacobson,

Debtor(s).

**ORDER**

The above-captioned matter came before the Court on the motion of Charles W. Ries, trustee. Charles W. Ries appeared pro se. Other appearances are noted of record.

Based upon the complete files and argument of counsel,

IT IS HEREBY ORDERED:

1. That Claim #3 of Blue Coral in the amount of \$1,506.30 is disallowed.

Dated this \_\_\_\_\_ day of November, 2004.

---

Honorable Gregory F. Kishel  
Judge of Bankruptcy Court