

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

Kathleen Joanne Cole,  
Debtor.

BKY 03-38456 GFK  
Chapter 7 Case

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Michael Cole,  
Plaintiff,  
vs.

ADV  
**COMPLAINT**

Kathleen Joanne Cole,  
Defendant.

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FOR HIS COMPLIANT, Plaintiff Michael Cole states and alleges as follows:

1. Plaintiff is an adult natural individual residing at 8912 Inman Avenue South, Cottage Grove, in the County of Washington, State of Minnesota.
2. Debtor/Defendant is an adult natural individual who presently resides at 8120 East Point Douglas Road South, #201, Cottage Grove, in the County of Washington, State of Minnesota.
3. Defendant is the estranged Wife of Plaintiff.
4. During the course of their marriage, Plaintiff and Defendant incurred certain joint debts. Included among these debts is a third mortgage running to Household Finance on the homestead of the parties in the approximate amount of \$21,000. The proceeds of this mortgage loan were used in their entirety or substantially in their entirety to pay the gambling debts of

Defendant. In taking out this debt, Defendant assured Plaintiff that she would repay this debt. Defendant did make payments on this debt until shortly before she moved out of the homestead, telling Plaintiff that the Household Finance debt, as well as other debt, now belonged to Plaintiff.

5. Other debt for which the parties were jointly responsible was used exclusively or primarily for the Defendant's gambling activities. In incurring this debt, Defendant represented that she would repay the debt out of her future earnings.

6. On December 17, 2003 the Defendant filed a Chapter 7 Bankruptcy Petition in the United States Bankruptcy Court for the District of Minnesota (St. Paul).

7. On December 19, 2003 the Defendant executed divorce papers which were thereafter served upon Plaintiff, thereby commencing an action for dissolution of the marriage of the parties.

8. There are many factual issues which must be determined as part of the parties' marital dissolution action which affect Defendant's bankruptcy case.

9. Defendant falsely represented her financial situation in her bankruptcy schedules in that she failed to schedule any debt owed to Plaintiff and on information and belief her income and expenses reported in Schedules I and J are inaccurate.

10. By her false representations to Plaintiff regarding her intentions to remain married to Plaintiff and to repay joint debts, Defendant willfully and maliciously converted property belonging to Plaintiff.

11. The Defendant's debt to Plaintiff and debt for which Plaintiff is also responsible is excepted from discharge pursuant to 11 U.S.C. §523(a)(2)(A).

12. Defendant's debt to Plaintiff is excepted from discharge pursuant to 11 U.S.C. §523(a)(6).

13. Defendant's debt to Plaintiff is excepted from discharge pursuant to 11 U.S.C. §523(a)(15).

WHEREFORE, Plaintiff prays that he be granted the following relief:

A. Declaring and determining that the debt owed to Plaintiff representing Plaintiff's joint obligations with the Defendant incurred during the marriage of the parties is excepted from discharge;

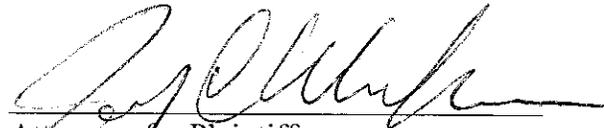
B. Ordering the entry of judgment in favor of Plaintiff and against Defendant in the amount of any and all marital debt left unpaid after the discharge of Defendant's bankruptcy;

C. Ordering that Defendant not be granted a discharge under 11 U.S.C. 727.

D. Ordering Defendant's bankruptcy case be dismissed or proceedings suspended under 11 U.S.C. 305(a).

Dated: March 21, 2004.

TWIN CITY ATTORNEYS, P.A.



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