

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Kathleen Joanne Cole,

BKY Case No. 03-38456

Debtor.

Michael Edward Cole, Jr.

Plaintiff,

ADV No. 04-3088

vs.

ANSWER

Kathleen Joanne Cole,

Defendant.

Defendant, Kathleen Joanne Cole (the “Defendant”), by and through her undersigned counsel, submits this Answer to the Complaint of the Plaintiff, Michael Edward Cole, Jr. (the “Plaintiff”), and, in connection therewith, denies each and every statement, allegation and thing contained in the Complaint except and to the extent specifically admitted or qualified below. Capitalized terms not otherwise defined herein shall have the meanings ascribed to the terms in the Complaint.

1. As to Paragraph 1, admitted.
2. As to Paragraph 2, admitted.
3. As to Paragraph 3, admitted.
4. As to Paragraph 4, Defendant admits that the parties incurred certain joint debts during the course of their marriage, including a third mortgage on their joint residence. Defendant admits having discussions with Plaintiff regarding the obligation

and admits making payments on this debt until she moved out of the homestead and was no longer able to continue to do so due to her financial situation. Defendant denies that the proceeds of this mortgage loan were used in their entirety or substantially to pay gambling debts and the remaining allegations of Paragraph 4 and puts Plaintiff to his strict burden of proof with respect thereto.

5. As to Paragraph 5, denied.
6. As to Paragraph 6, admitted.
7. As to Paragraph 7, admitted.
8. As to Paragraph 8, denied.
9. As to Paragraph 9, denied.
10. As to Paragraph 10, denied.
11. As to Paragraph 11, denied.
12. As to Paragraph 12, denied.
13. As to Paragraph 13, denied.

AFFIRMATIVE DEFENSES

1. The Plaintiff's Complaint fails to state a claim for which relief can be granted.
2. The Plaintiff has failed to plead with the specificity and particularity required and contemplated by Rule 7009(b) of the Federal Rules of Bankruptcy Procedure.

RESERVATION OF RIGHTS

Defendant reserves the right to amend this Answer and rely upon any additional defenses that may be revealed in discovery.

WHEREFORE, Defendant, Kathleen Joanne Cole, prays for relief as follows:

1. For an Order dismissing Plaintiff's Complaint with prejudice;
2. For an Order granting Defendant her costs, reasonable attorneys' fees and disbursements incurred in defending this action; and
3. Such other and further relief as the Court deems just and equitable.

Dated: July 26, 2004.

LINDQUIST & VENNUM, P.L.L.P.

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ATTORNEYS FOR KATHLEEN COLE

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UNSWORN CERTIFICATE OF SERVICE

I, Jennifer Grove, declare under penalty of perjury that on July 26, 2004, I mailed a copy of the Answer by first class mail, postage prepaid to the entity named below at the address stated below.

James C. Whelpley
Twin City Attorneys P.A.
2151 N Hamline Ave
Roseville, MN 55113

Dated: July 26, 2004

By: /e/ Jennifer Grove
Jennifer Grove