

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**In re:  
Maralee M Knoll,**

**Debtor.**

**Bky Case No.: 04-30821**

**Chapter 7**

**Wells Fargo Bank Nevada, N.A.,**

**Plaintiff,**

**Adv. Pro. No. \_\_\_\_\_**

**vs.**

**COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF DEBT**

**Maralee M Knoll,**

**Defendant.**

**Wells Fargo Bank Nevada, N.A., by and through its counsel David Hoiland,  
hereby represents as follows:**

- 1. The Court has jurisdiction to hear this complaint pursuant to 28 U.S.C. 157(a), (b)(1), (b)(2)(I) (core proceeding), 1334(b), and 11 U.S.C. 523(c).**
- 2. On 02/14/2004, Defendant filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.**
- 3. Plaintiff is the holder of an unsecured claim against Defendant arising from credit card account number 4465420117483941.**
- 4. Between 12/01/2003 and 12/28/2003, the Defendant accumulated in excess of \$3,860.00 in retail charges and cash advances and/or convenience check charges toward this account.**

- 5. By the date the bankruptcy was filed, Defendants owed \$4,193.29 on this account.**
- 6. Use of a credit card account constitutes an implied promise that the Defendants have the intention and ability to repay.**
- 7. Plaintiff relied upon Defendant express and implied representation of present intent and ability to repay.**
- 8. Accordingly, Plaintiff is entitled to judgment that this debt is excepted from discharge pursuant to 11 U.S.C. § 523(a)(2)(A).**
- 9. The Cardholder Agreement in effect between the parties requires Defendant to pay costs of collection, including reasonable attorney fees.**

**WHEREFORE, Wells Fargo Bank Nevada, N.A., prays for judgment as follows:**

- A. For money judgment against Defendant jointly and severally in the amount \$3,860.00 as of 12/28/2003;**
- B. That the Court except from discharge its claim against Defendants in the amount of \$3,860.00 plus interest, finance charges and attorney fees in accordance with the Cardholder Agreement of the parties; and**
- C. That the Court order such other such relief as it may deem appropriate.**

**Respectfully submitted,**

**/e/David Jon Hoiland**  
**David Jon Hoiland #46085**  
**Attorney for Plaintiff**  
**120 S. 6th Street - Suite 1100**  
**Minneapolis, MN 55402**  
**(612) 573-3686**