

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Jon Olaf Pedersen

Chapter 7

Debtor(s).

BK 03-35401

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No. 04-3306

Jon Olaf Pedersen

Defendant(s).

NOTICE OF HEARING AND MOTION FOR DEFAULT JUDGMENT

Habbo G. Fokkena, United States Trustee, Plaintiff, by and through his undersigned attorney, Sarah J. Wencil, hereby moves the Court for a default judgment to be entered against Jon Olaf Pedersen (the defendant debtor) on the following grounds:

1. The United States Bankruptcy Court will hold a hearing on this motion at 2:00 p.m. on September 7, 2004, in Courtroom No. 228 B, United States Courthouse, at 316 N. Robert Street, in St. Paul, Minnesota.
2. Any response to this motion must be filed and delivered not later than September 1, 2004, which is three days before the time set for the hearing (excluding intermediate Saturdays, Sundays and legal holidays), or filed and served by mail not later than August 26, 2004, which is seven days before the time set for the hearing (excluding intermediate Saturdays, Sundays and legal holidays). Local

Bankruptcy Rule 9006-1. UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

3. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334 and FED. R. BANKR. P. 4004. This proceeding is a core proceeding.

4. The United States Trustee filed the above named complaint under FED. R. BANKR. P. 7001(4) to seek a revocation of the discharge entered in defendant debtor's bankruptcy case pursuant to 11 U.S.C. § 727(d)(3).

5. Upon information and belief, the defendant, Jon Olaf Pedersen, is a resident of Minnesota.

6. A Summons was issued on July 7, 2004, directing the defendant debtor to file an answer with the United States Bankruptcy Court within thirty (30) days pursuant to the Bankruptcy Rules. *See* Att. Ex. 1 (Docket Report in Adv. Case No. 04-3306). The United States Trustee mailed said complaint and summons to the defendant debtor and to his bankruptcy counsel on July 7, 2004. *See* Att. Ex. 2 (copy of Affidavit of Service). The certificate of service was docketed on July 7, 2004. *See* Att. Ex. 1.

7. An answer to the United States Trustee's complaint was due on approximately August 6, 2004. FED. R. BANKR. P. 7012(a).

8. As of the date of this Application, the defendant debtor has not filed an answer to the United States Trustee's complaint. *See* Affidavit of Default.

9. The United States Trustee made the following allegation in his complaint: The defendant debtor commenced the present bankruptcy case on August 6, 2003. A discharge was granted on November 12, 2003. On April 22, 2004, the Chapter 7 Trustee filed a motion demanding

that the debtor turnover the following property of the estate: copies of 2003 state and federal tax returns. On May 26, 2004, the Bankruptcy Court entered an Order directing the debtor to turnover copies of 2003 state and federal tax returns. on or before June 7, 2004. As of this date [of the complaint], the debtor has failed to comply with the Bankruptcy Court's Order, dated May 26, 2004.

10. Pursuant to 11 U.S.C. § 727(a)(6)(A), the defendant debtor has failed to obey a lawful order of the court.

11. 11 U.S.C. § 727(d)(3) provides that a basis to revoke a discharge exists if the debtor (defendant) commits an act specified in subsection (a)(6) of Section 727.

WHEREFORE, the United States Trustee requests that the Bankruptcy Court grant the motion and enter a default judgment revoking the defendant debtor's discharge in bankruptcy case number 03-35401.

Dated: August 9, 2004

HABBO G. FOKKENA
UNITED STATES TRUSTEE
REGION 12

BY: /s/ Sarah J. Wencil
Sarah J. Wencil
Trial Attorney
1015 U.S. Courthouse
300 South Fourth St.
Minneapolis, MN 55415
(612) 664-5504
IA ATTY NO. 14014

Exhibit 1

Return to Search Results Page

U.S. Bankruptcy Court
District of Minnesota (St. Paul)

Adversary Proceeding #: 04-3306

Date filed: 7/7/04
Assigned to: CHIEF JUDGE GREGORY F KISHEL
Related Bankruptcy Case #: 03-35401
In Re: JON OLAF PEDERSEN,
Demand: \$0,000
Nature of Suit: 424

=====

* Attorneys *

HABBO G FOKKENA, U S TRUSTEE
C/O OFFICE OF US TRUSTEE
300 S FOURTH ST STE 1015
MINNEAPOLIS, MN 55415
* Plaintiff *

SARAH J WENCIL
US TRUSTEE OFFICE
300 S 4TH ST STE 1015
MINNEAPOLIS, MN 55415
612-664-5500

v.

JON OLAF PEDERSEN
9425 CREEK RIDGE LANE
SAVAGE, MN 55378
SSN: XXX-XX-7326
* Defendant *

Exhibit 2



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Jon Olaf Pedersen

Chapter 7

Debtor(s).

BK 03-35401

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No. 04-3306

Jon Olaf Pedersen

Defendant(s).

AFFIDAVIT OF SERVICE

The undersigned hereby certifies under penalty of perjury that she is an employee in the Office of the United States Trustee for the District of Minnesota and is a person of such age and discretion as to be competent to serve papers.

That on July 7, 2004, she served a copy of the United States Trustee's Summons & Complaint to Revoke Discharge and Verification in the above-referenced case by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Minneapolis, Minnesota.

Addressee(s):

Jon Olaf Pedersen
9425 Creek Ridge Lane
Savage, MN 55378

Malin D. Greenberg
600 S. HWY 169 Suite 1525
St. Louis Park, MN 55426

Michael J. Iannacone
8687 Eagle Point Blvd.
Lake Elmo, MN 55042



**Office of the United States Trustee
Terri Frazer**

**Subscribed and sworn to before
me this 7th day of July, 2004.**



Notary Public



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Jon Olaf Pedersen

Chapter 7

Debtor(s).

BK 03-35401

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No. 04-3306

Jon Olaf Pedersen

Defendant(s).

AFFIDAVIT OF DEFAULT

I, Sarah J. Wencil, being duly sworn and under oath, state that:

1. I am employed as a trial attorney for the United States Trustee.
2. I am the attorney of record for the United States Trustee in the above entitled adversary proceeding.
3. The original Summons was issued on July 7, 2004 by the United States Bankruptcy Court.
4. The United States Trustee mailed the original Summons and the Complaint to the defendant debtor address listed on the petition.
5. As of this date, I have not been served with an answer by the defendant debtor.
6. A Docket report generated on August 9, 2004, shows that no answer was docketed by the Bankruptcy Court within the time prescribed by the Bankruptcy Rules. *See*

Motion for Default (Att. Ex. 1).

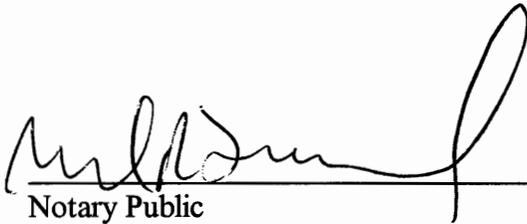
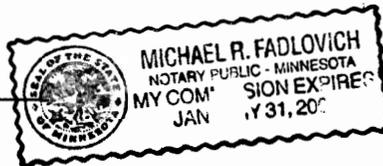
This concludes my Affidavit.

Dated: August 9, 2004



Sarah J. Wencil
Trial Attorney

Subscribed and Sworn Before Me
The 9th Day of August, 2004.


Notary Public

My commission expires on 1/31/05

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Jon Olaf Pedersen

Chapter 7

Debtor(s).

BK 03-35401

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No. 04-3306

Jon Olaf Pedersen

Defendant(s).

AFFIDAVIT OF IDENTIFICATION

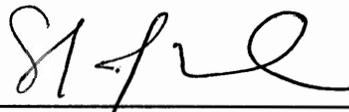
I, Sarah J. Wencil, being duly sworn and under oath, state that:

1. I am employed as a trial attorney to the United States Trustee.
2. I am the attorney of record in the above entitled adversary proceeding.
3. The name and address of the defendant debtor in the above entitled matter is listed on the Notice of Commencement of Case under Chapter 7 of the Bankruptcy Code (case number 03-35401), as the following: 9425 Creek Ridge Lane, Savage, MN 55378. *See Att. Ex. 1.*
4. Original Schedule I lists that the defendant debtor is married and is employed. *See Att. Ex. 2.*
5. According to the attached Schedule, the defendant debtor is not an infant and is not employed by a military organization.
6. The defendant debtor is represented by counsel in bankruptcy case number 03-35401: Malin D. Greenberg, 600 S. HWY 169 Suite1525, St. Louis Park, MN

55426.

7. Based on the foregoing, the United States Trustee is of the belief that the defendant debtor is competent.

Dated: August 9, 2004



Sarah J. Wencil
Trial Attorney

Subscribed and Sworn Before Me
The 9th Day of August, 2004.



Notary Public

My commission expires on 1/31/05

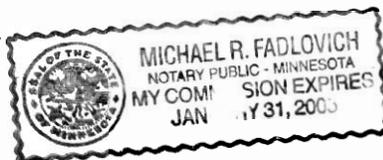


Exhibit 1



UNITED STATES BANKRUPTCY COURT

District of Minnesota

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 08/06/03.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected by accessing the court's web site at www.mnb.uscourts.gov or at the bankruptcy clerk's office at the address listed below. **NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.**

See Reverse Side For Important Explanations.

Debtor(s) (name(s) and address):

JON OLAF PEDERSEN
9425 CREEK RIDGE LANE
SAVAGE, MN 55378

Case Number:
03 - 35401 - GFK

Social Security/Taxpayer ID Nos.:
477-98-7326

Attorney for Debtor(s) (name and address):

MALIN D GREENBERG
600 S HWY 169 STE 1525
ST LOUIS PARK, MN 55426
Telephone number: 952-545-1621

Bankruptcy Trustee (name and address):

MICHAEL J IANNAcone
8687 EAGLE POINT BLVD
LAKE ELMO, MN 55042
Telephone number: 651-224-3361

Meeting of Creditors:

Date: **September 11, 2003** Time: **09:30 am** Location: **U S BANKRUPTCY COURT
U S COURTHOUSE RM 685
316 N ROBERT ST
ST PAUL, MN 55101**

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts:
11/10/03

Deadline to Object to Exemptions:
Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

Please Do Not File A Proof of Claim Unless You Receive a Notice To Do So.

Address of the Bankruptcy Clerk's Office:

U S BANKRUPTCY COURT
U S COURTHOUSE RM 200
316 N ROBERT ST
ST PAUL, MN 55101

Web address: www.mnb.uscourts.gov

For the Court:

Clerk of the Bankruptcy Court:
PATRICK G. DE WANE

Hours Open: Monday - Friday 8:00 AM - 5:00 PM

Date: 08/07/03

Exhibit 2

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status Married	DEPENDENTS OF DEBTOR AND SPOUSE		
	NAMES Jack	AGE 1	RELATIONSHIP
EMPLOYMENT: DEBTOR		SPOUSE	
Occupation Sales	Name of Employer A Plus Auto	Payroll Dept, Is Presently Pregnant	
How long employed 3 Years	Address of Employer Hastings, MN	Lunds Foods	
		Net Income 2200	

Income: (Estimate of average monthly income)	DEBTOR	SPOUSE
Current Monthly gross wages, salary, and commissions (pro rata if not paid monthly)	\$ 3,000.00	\$ 3,300.00
Estimated monthly overtime	\$ _____	\$ _____
SUBTOTAL	\$ 3,000.00	\$ 3,300.00
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and Social Security	\$ 900.00	\$ 1,000.00
b. Insurance	\$ _____	\$ _____
c. Union dues	\$ _____	\$ _____
d. Other (specify) _____	\$ _____	\$ _____
SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 900.00	\$ 1,000.00
TOTAL NET MONTHLY TAKE HOME PAY	\$ 2,100.00	\$ 2,300.00
Regular income from operation of business or profession or farm (attach detailed statement)	\$ _____	\$ _____
Income from real property	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ _____	\$ _____
Social Security or other government assistance (Specify) _____	\$ _____	\$ _____
Pension or retirement income	\$ _____	\$ _____
Other monthly income (Specify) _____	\$ _____	\$ _____
	\$ _____	\$ _____
TOTAL MONTHLY INCOME	\$ 2,100.00	\$ 2,300.00
TOTAL COMBINED MONTHLY INCOME \$ 4,400.00 (Report also on Summary of Schedules)		

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

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Exhibit 3



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Jon Olak Pedersen

Debtor(s)

SIGNATURE DECLARATION

Case No. _____

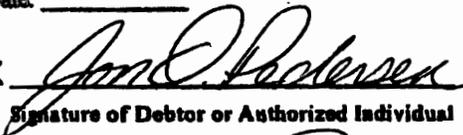
- PETITION, SCHEDULES & STATEMENTS**
 CHAPTER 13 PLAN
 SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 MODIFIED CHAPTER 13 PLAN
 OTHER (Please describe) _____

I [We] Jon O. Pedersen, the undersigned debtor(s) or authorized individual, hereby declare under penalty of perjury that the information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct. I consent to my attorney electronically filing my petition, a scanned image of this declaration, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, with the United States Bankruptcy Court. I understand that a scanned image of this declaration is to be converted to PDF, and either inserted as the last page in the electronic submission or electronically submitted within five days after the above-named documents have been electronically submitted.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

[If petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Date: 8/5/03

X 
Signature of Debtor or Authorized Individual

JON OLAK PEDERSEN
Printed Name of Debtor or Authorized Individual

X _____
Signature of Joint Debtor

Printed Name of Joint Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

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Jon Olaf Pedersen

Chapter 7

Debtor(s).

BK 03-35401

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No. 04-3306

Jon Olaf Pedersen

Defendant(s).

AFFIDAVIT ON MERITS AND AMOUNT DUE

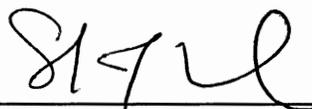
I, Sarah J. Wencil, being duly sworn and under oath, state that:

1. I am a trial attorney to the United States Trustee.
2. I am the attorney of record in the above entitled case.
3. A monetary judgment has not been requested in this adversarial proceeding. The relief sought by the United States Trustee is revocation of the defendant debtor's Chapter 7 discharge in case number 03-35401.
4. The United States Trustee has a legal basis upon which to request such relief pursuant to the authority of 11 U.S.C. § 727(d).
5. Said relief is supported by the following facts: The United States Trustee made the following allegation in his complaint: The defendant debtor commenced the present bankruptcy case on August 6, 2003. A discharge was granted on November 12, 2003. On April 22, 2004, the Chapter 7 Trustee filed a motion demanding that the debtor turnover the following property of the estate: copies of

2003 state and federal tax returns. On May 26, 2004, the Bankruptcy Court entered an Order directing the debtor to turnover copies of 2003 state and federal tax returns. on or before June 7, 2004. As of this date [of the complaint], the debtor has failed to comply with the Bankruptcy Court's Order, dated May 26, 2004.

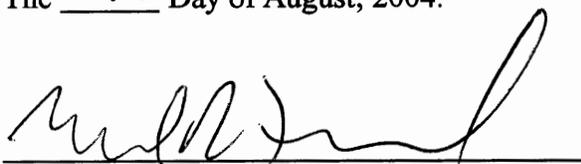
6. Pursuant to 11 U.S.C. § 727(a)(6)(A), the defendant debtor has failed to obey a lawful order of the court.
7. 11 U.S.C. § 727(d)(3) provides that a basis to revoke a discharge exists if the debtor (defendant) commits an act specified in subsection (a)(6) of Section 727.
8. The United States Trustee has moved the Bankruptcy Court to revoke the discharge of the defendant debtor for failure to comply with the Bankruptcy Court's Order, dated May 26, 2004.

Dated: August 9, 2004



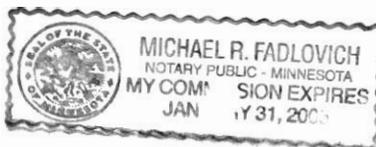
Sarah J. Wencil
Trial Attorney

Subscribed and Sworn Before Me
The 9th Day of August, 2004.



Notary Public

My commission expires on 1/31/05



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Jon Olaf Pedersen

Chapter 7

Debtor(s).

BK 03-35401

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No. 04-3306

Jon Olaf Pedersen

Defendant(s).

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER FOR JUDGMENT**

At St. Paul, Minnesota on this _____ day of _____, 2004, the United States Trustee's Motion for Default Judgment, which was supported by an Affidavit of Default, an Affidavit of Identification, and an Affidavit on the Merits as required by Local Bankruptcy Rule 7055-1 came before the undersigned.

Findings of Fact

1. Jon Olaf Pedersen, the defendant debtor, commenced a bankruptcy case (Bankr. No. 04-35401) on August 6, 2003.
2. A discharge in the bankruptcy case was granted on November 12, 2003.
3. On May 26, 2004, the Bankruptcy Court entered an Order directing the defendant debtor to turnover copies of 2003 state and federal tax returns on or before June 7,

2004.

4. The defendant debtor has failed to comply with the Bankruptcy Court's Order, dated May 26, 2004.

Conclusions of Law

Pursuant to 11 U.S.C. § 727(a)(6)(A), the defendant debtor has failed to obey a lawful order of the court. 11 U.S.C. § 727(d)(3) provides that a basis to revoke a discharge exists if the debtor (defendant) commits an act specified in subsection (a)(6) of Section 727.

Order for Judgment

IT IS HEREBY ORDERED: the defendant debtor's discharge is revoked in bankruptcy case number 03-35401. LET JUDGMENT BE ENTERED ACCORDINGLY.

The Honorable Gregory F. Kishel
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Jon Olaf Pedersen

Chapter 7

Debtor(s).

BK 03-35401

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No. 04-3306

Jon Olaf Pedersen

Defendant(s).

AFFIDAVIT OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Trustee for the District of Minnesota and is a person of such age and discretion as to be competent to serve papers.

That on August 9, 2004, she served a copy of the attached: Motion for Default Judgement, Affidavit of Default, Affidavit of Identification, Affidavit on the Merits, and proposed Findings of Fact, Conclusions of Law and Order for Judgement, by placing said copies in a postpaid envelope addressed to the person(s), herein after named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Minneapolis, Minnesota.

Addressees:

Jon Olaf Pedersen
9425 Creek Ridge Lane
Savage, MN 55378

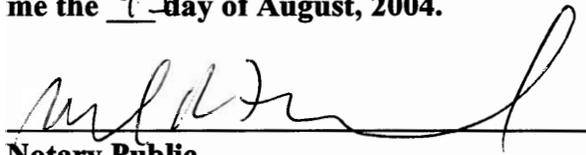
Malin D. Greenberg
600 South HWY 169 Suite 1525
St. Louis Park, MN 55426

Michael J. Iannacone
8687 Eagle Point Blvd.
Lake Elmo, MN 55042



**Office of the United States Trustee
Terri Frazer**

**Subscribed and sworn to before
me the 9th day of August, 2004.**



Notary Public

My commission expires on 1/31/05

