

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

In Re:

Bankruptcy 03-35091
Chapter 7 Case
Adversary

Shelly A. Navarro,

Debtor,

Michael J. Iannacone, Trustee,

Plaintiff,

COMPLAINT

v.

Shelly A. Navarro,

Defendant.

Now comes forth the plaintiff and for his Complaint against the Defendant states and alleges:

1. That Plaintiff is the duly appointed, qualified and acting Trustee in the estate of the above named Debtor.
2. That the Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 727(d)(3) and (d)(2) and (e)(2). This is a core proceeding.
3. That the debtor filed her petition under Chapter 7 on July 24, 2003. That on July 25, 2003 Michael J. Iannacone was appointed Interim Trustee.
4. That the debtor was granted a discharge in this case by Order dated October 28, 2003.

5. That on or about March 16, 2004, Plaintiff advised Debtor and her attorney that there was due and payable to the bankruptcy estate the amount of \$3,512.71 from 2003 tax refunds.
6. That on May 19, 2004 Plaintiff applied for, and obtained, an Order directing Debtor to surrender the property by June 24, 2004.
7. That Defendant has acquired property of the estate, 2003 tax refunds in the amount of \$3,512.71, and has failed and continues to fail to deliver or surrender such property to the trustee.

COUNT ONE

8. Reallege the allegations contained in paragraphs 1 through 6 as though fully set forth herein.
9. That Debtor acquired property that is property of the Debtor's bankruptcy estate and knowingly and fraudulently failed to deliver or surrender such property to the trustee, to wit: 2003 tax refunds in the amount of \$3,512.71.
10. That pursuant to 11 U.S.C. § 727(d)(2) the court shall revoke a discharge granted if the Debtor has acquired property of the estate and knowingly and fraudulently has failed to deliver or surrender such property to the trustee.

COUNT TWO

11. Reallege the allegations contained in paragraphs 1 through 9 as though fully set forth herein.
12. The Debtor has failed to obey a lawful Order of the Court, the Order of June 15, 2004 directing the Debtor to deliver to the trustee 2003 tax refunds in the amount of \$3,512.71.

13. That pursuant to 11 U.S.C. § 727(a)(6)(A) and (d)(3), the court shall revoke the discharge granted if the Debtor has refused to obey any lawful order of the court.

WHEREFORE, Plaintiff prays that the discharge granted to the debtor be revoked, that Plaintiff be awarded his costs and disbursements herein, including such reasonable attorney's fees as the Court may allow, and for such other and further relief as the Court deems just and equitable in the premises.

Dated: July 13, 2004

 /e/ Michael J. Iannacone
Michael J. Iannacone, #48719
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