

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In the Matter of:

Thomas William Anderson  
Leslie Marie Anderson

Chapter 7  
BKY NO. 04-30263

Debtors.

Patti J. Sullivan, Trustee,

Plaintiff,

**COMPLAINT OBJECTING  
TO DISCHARGE**

vs.

Thomas William Anderson  
Leslie Marie Anderson

ADV. NO. \_\_\_\_\_

Defendants.

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Plaintiff, Patti J. Sullivan, Trustee, for her cause of action against defendants, Thomas William Anderson and Leslie Marie Anderson, states and alleges:

1. Defendants filed a petition in bankruptcy in the District of Minnesota on January 19, 2004. Patti J. Sullivan was appointed Trustee of the Chapter 7 case on January 20, 2004. She is the duly acting and qualified trustee in this proceeding. Pursuant to the Court's order dated May 25, 2004, the period of time for the Trustee to object to the debtors' discharge was extended to July 23, 2004.

2. The complaint is filed under Fed. R. Bankr. P. 7001(4) and seeks an order denying the Debtors' discharge pursuant to 11 U.S.C. §§ 727 (a)(6)(A) and (c)(1).

3. This Court has jurisdiction in this matter pursuant to 28 U.S.C. Sections 157 and 1334 and 11 U.S.C. Section 727 and Fed. R. Bankr. P. 4004. This is a core proceeding.

4. Patti J. Sullivan is the Chapter 7 Trustee in this case with mailing address at P.O. Box 16406, St. Paul, MN 55116.

5. Upon information and belief, the defendants are residents of Minnesota.

6. On June 2, 2004, the Chapter 7 Trustee filed a turnover motion for debtors to turnover information regarding the debtors' financial affairs so she could determine the estate's interest in the funds and transfers.

7. The Court entered an Order dated June 21, 2004 granting the motion, requiring Debtors to turn over to Trustee on or before July 1, 2004 (1) copies of all bank statements and check registers for all of the debtors' bank accounts for the year prior to their filing; (2) the Debtors' 2002 and 2003 income tax returns; (3) the source of the following deposits into their TCF account: \$17,849.72 on February 26, 2004 and \$2,500.00 on March 5, 2004; (4) the reason why Premier Bank was not listed as a creditor; (5) all documentation regarding the debt owed to Premier Bank; and, (6) information regarding payments made by the Debtors as follows: (a) 2/26/04 in the amount of \$4,000.00; (b) 3/01/04 in the amount of \$4,934.00; (c) 3/01/04 in the amount of \$4,000.00; (d) 3/11/04 in the amount of \$2,500.00; and, (e) to Pawn America in the amount of \$1868.30. Attached hereto as Exhibit "A" is a true and correct copy of Chief Judge Gregory F. Kishel's Order Dated June 21, 2004.

8. On June 22, 2004, the Trustee served a copy of the order on the Debtors and their counsel. Debtors have not received a discharge in this matter. As of this date, the Debtors have failed to provide the requested information. Therefore the Debtors have failed to comply with the Order of this Court dated June 21, 2004.

9. Pursuant to 11 U.S.C. § 727 (a)(6)(A), the Defendant Debtors have failed to obey a lawful order of the court. Debtors' failure to provide said information or to comply with the Court's order constitutes grounds under 11 U.S.C. Section 727(a)(6)(A) for denial of discharge. 11 U.S.C. § 727 (c)(1) provides that the trustee may object to the granting of a discharge under subsection (a) of Section 727.

10. Based on the foregoing, the Debtors should be denied a discharge of all debts pursuant to 11 U.S.C. §727(a)(6)(A) and (c)(1).



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re: ANDERSON, THOMAS WILLIAM  
ANDERSON, LESLIE MARIE

Chapter 7  
BKY CASE NO. 04-30263

Debtors

ORDER

The above captioned matter came before the Court on June 21, 2004, on motion by the Chapter 7 trustee Patti J. Sullivan in this case, seeking an order requiring the debtors to turnover information.

Patti J. Sullivan appeared for the trustee. Other appearances are noted in the record.

The Court made its findings of fact and conclusions of law on the record pursuant to Rule 52 of the Federal Rules of Civil Procedure and Bankruptcy Rule 7052.

Based upon the files and records, and arguments of counsel,

IT IS HEREBY ORDERED:

1. That the debtors shall turn over to the trustee the following information: (1) copies of all bank statements and check registers for all of the debtors' bank accounts for the year prior to their filing; (2) the debtors' 2002 and 2003 income tax returns; (3) the source of the following deposits into their TCF account: \$17,849.72 on February 26, 2004 and \$2,500.00 on March 5, 2004; (4) the reason why Premier Bank was not listed as a creditor; (5) all documentation regarding the debt owed to Premier Bank; and, (6) information regarding payments made by the debtors as follows: (a) 2/26/04 in the amount of \$4,000.00; (b) 3/01/04 in the amount of \$4,934.00; (c) 3/01/04 in the amount of \$4,000.00; (d) 3/11/04 in the amount of \$2,500.00; and, (e) to Pawn America in the amount of \$1868.30 within ten (10) days of the entry of this Order.
2. That this Order shall constitute a lawful Order within the meaning of 11 U.S.C. §727 (a)(6)(A) for purposes of discharge revocation should the debtors fail to comply with its terms in a timely manner.

Dated this 21st day of June, 2004.

*1E1 Gregory F. Kishel*

GREGORY F. KISHEL  
CHIEF JUDGE OF U.S. BANKRUPTCY COURT

NOTICE OF ELECTRONIC ENTRY AND  
FILING ORDER OR JUDGMENT  
Filed and Docket Entry made on 06/21/04  
Lori Vosejpkka, Acting Clerk, By jrb

EXHIBIT

"A"