B 104
(Rev. 2/92)

ADVERSARY PROCEEDING COVER SHEET
(Instructions on Reverse)

ADVERSARY PROCEEDING NUMBER (Court Use Only)

PLAINTIFFS

Danielle Woessner
10163 Courthouse Blvd
Inver Grove Heights, MN 55077

DEFENDANTS

Michael Woessner
1926 East Shakopee Avenue
Shakopee, MN 55379

ATTORNEYS (Firm Name, Address, and Telephone No.)

Pro Se

ATTORNEYS (If Known)

Gregory J. Wald
3600 Minnesota Dr. #800
Edina MN 55435

PARTY (Check one box only) ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 U.S. NOT A PARTY

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

Marital debts incurred between the Plaintiff/Defendant and 3rd party creditors and assigned to Defendant in divorce decree should be not-discharged owing to Defendant's ability to pay and Plaintiff's hardship should she be liable.

NATURE OF SUIT
(Check the one most appropriate box only.)

- ☐ 454 To Recover Money or Property
- ☐ 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property
- ☐ 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property
- ☐ 424 To object or to revoke a discharge 11 U.S.C. § 727
- ☐ 455 To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan
- ☒ 426 To determine the dischargeability of a debt 11 U.S.C. § 523
- ☐ 434 To obtain an injunction or other equitable relief
- ☐ 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan
- ☐ 456 To obtain a declaratory judgment relating to any of foregoing causes of action
- ☐ 459 To determine a claim or cause of action removed to a bankruptcy court
- ☐ 498 Other (specify)

ORIGIN OF PROCEEDINGS (Check one box only.) ☒ 1 Original Proceeding ☐ 2 Removed Proceeding ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another Bankruptcy Court

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $ 7,763.26

OTHER RELIEF SOUGHT: plus atty fees, interest, costs

☐ JURY DEMAND Check only if demanded in complaint

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR	BANKRUPTCY CASE NO.
Michael Woessner	04-32529

DISTRICT IN WHICH CASE IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
Minnesota	St. Paul	Dennis D. O'Brien

RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.

DISTRICT	DIVISIONAL OFFICE	NAME OF JUDGE

FILING FEE (Check one box only.) ☐ FEE ATTACHED ☐ FEE NOT REQUIRED ☐ FEE IS DEFERRED

DATE	PRINT NAME	SIGNATURE OF ATTORNEY (OR PLAINTIFF)
July 23, 2004	Woesnner, Danielle	X Danielle Woessner

Official Form 16D
12/94

Form 16D. CAPTION FOR USE IN ADVERSARY PROCEEDINGS OTHER THAN FOR A COMPLAINT FILED BY A DEBTOR

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U.S. BANKRUPTCY COURT
ST. PAUL, MN

United States Bankruptcy Court

_____ District Of Minnesota

In re Michael Woessner, *Debtor*	)	Case No. 04-32529
Danielle Woessner, *Plaintiff*	)	Chapter 7
v.	)	
Michael Woessner, *Defendant*	)	Adv. Proc. No. _____

COMPLAINT [*or* other Designation]

[If used in a Notice of Appeal (see Form 17) or other notice filed and served by a debtor, this caption must be altered to include the debtor's address and Employer's Tax Identification Number(s) or Social Security Number(s) as in Form 16C.]

Plaintiff, as and for her complaint herein states and alleges as follows:

Nature of Action

1. This is an adversary proceeding brought pursuant to U.S.C. Chap. 11, Section 523(a)(15). The purpose of the action is to oppose and determine the dischargeability of debt incurred during the marriage of Plaintiff and Defendant.

2. The address of the debtor is:
1926 East Shakopee Ave, Shakopee, MN 55379

3. The address of the Plaintiff is:

10163 - Courthouse Blvd, Inver Grove Hights, MN 55077

Jurisdiction & Venue

4. On April 27, 2004 a chapter 7 bankruptcy case concerning the debtor was filed in federal bankruptcy court.

5. This court has subject matter jurisdiction over this adversary proceeding pursuant to federal bankruptcy statutes 11 U.S.C. and 28 U.S.C § 1408, 1409. (venue)

6. This adversary proceeding is a "core" proceeding within the meaning of 28 U.S.C. §157(b).

Factual Background

7. Plaintiff and Defendant were married Nov 4, 2000 and divorced in Scott County, Minnesota on Sept 28, 2002.

8. During the course of the marriage the Plaintiff and Defendant become jointly obligated

to numerous creditors for the purchase, lease and rental of many retail and household items. Further joint obligations were incurred to credit card companies for payment of the items purchased during the marriage.

9. Under the terms of the Plaintiff and Defendant's marriage dissolution decree, the ~~Plaintiff~~ Defendant was ordered to pay the AT&T Wireless, Chase Visa and Menards account balances, exclusively. Defendant (Michael Woessner) was held to be solely responsible for balances as of June 8, 2002 and further ordered to indemnify Plaintiff (Danielle Woessner) for any liability for these debts. See, Michael Woessner and Danielle Woessner, Scott County District Court, file # 2002-19309 Findings of Fact, Conclusions of Law, Order for Judgement and Judgment and Decree, Sept 25, 2002.

10. Subsequent to the parties divorce, Defendant did not make payments to joint creditors as he was ordered and instead, various creditors including AT.T Wireless and Chase Visa instituted legal collection action against Plaintiff to recover monies owed.

11. Estimated current balances owed on the accounts assigned to Defendant are as follows: AT&T Wireless $2,543.51, Chase Visa $5,219.75. Plaintiff has and will continue to accrue collection costs, atty fees and interest in defense of her debts to creditors to whom such debt was assigned to Defendant.

12. 11 U.S.C. § 523(a)(15) provides that debts assigned to one party during the course of dissolution proceedings are not dischargeable unless debtor does not have the ability to pay ... etc OR discharging such debt would result

in a benefit to the debtor that outweighs the detrimental consequence to spouse ... etc.

13. Plaintiff maintains that Defendant has the ability to pay such debts incurred during the marriage and assigned to him exclusively under terms of the parties Judgment and Decree and further that owing to Plaintiff's minimal net income, that the discharge of such debts by the Defendant would immediately cause Plaintiff to be solely legally responsible under terms of the contract(s) financially overwhelming the Plaintiff that she would be forced into bankruptcy proceedings herself.

14. The Plaintiff's net monthly income is approximately $1,200.

15. The Defendant's net monthly income is unknown.

Prayer for Relief

~~the~~. Wherefore, Danielle Woesnner, demands judgment as follows:

A. Excepting the discharge of Michael Woesnner to Plaintiff under terms of the parties Judgment and Decree as entered so that the amount of $7,763.26, plus interest, atty fees and costs, can be recovered from Defendant.

B. Granting such other relief as this Court deems just and appropriate.

Dated: _____

Signd: _____

Danielle Woessner
Pro Se
10163 Courthouse Blvd, Inver Grove Heights, MN 55077
(612) 237-1455 (b)