

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 03-38036

Michael J. Miller,

Debtor(s).

John A. Hedback, Trustee

ADV _____

Plaintiff,

vs.

Michael J. Miller

Defendant(s).

**COMPLAINT TO
REVOKE DISCHARGE**

TO: Michael J. Miller, Debtor; Ian Traquair Ball, Debtor's Attorney; and Office of United States Trustee.

Plaintiff, for his cause of action and prayer for relief states:

1. Plaintiff is the duly qualified and acting Chapter 7 trustee in the above-referenced bankruptcy case, which was commenced by the filing of a voluntary petition under Chapter 7 of Title 11 of the United States Code.

2. Plaintiff brings this action pursuant to Section 727(a)(6)(A) of the Bankruptcy Code and Bankruptcy Rule 7001. This action is a "core proceeding" within the meaning of Section 157(b)(2) of Title 28 of the United States Code. This Court has jurisdiction over this proceeding pursuant to Sections 157 and 1334 of Title 28 of the United States Code.

3. During the administration of the bankruptcy case, Plaintiff demanded that the Defendant turnover bank statements.

4. Defendant has failed to turnover or remit to Plaintiff any of the above-referenced assets.

5. The Court granted Debtor his discharge on March 3, 2004.

6. On May 24, 2004, the Court ordered the Defendant to turnover the bank statements. Defendant has failed to comply with this Court order.

7. Section 727(d) of the Bankruptcy Code provides that after notice and a hearing, the Court may vacate a discharge previously granted on the basis that the debtor failed to obey a lawful order of the Court.

8. Plaintiff contends that Defendant failed to obey the Order of the Court dated May 24, 2004.

WHEREFORE, Plaintiff prays for a judgment and decree of this Court as follows:

- (A) Revoking the discharge of the Debtor(s) pursuant to Section 727 of the Bankruptcy Code;
and
- (B) Granting any other relief the Court deems just and proper.

Hedback, Arendt & Carlson, PLLC

Dated: August 2, 2004

/e/ John A. Hedback

John A. Hedback, #142438

Attorneys for Plaintiff

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St. Anthony MN 55418

(612) 436-3280

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**UNSWORN DECLARATION
FOR PROOF OF SERVICE**

The undersigned, being an employee of Hedback, Arendt & Carlson, PLLC, attorneys licensed to practice law in this Court, with offices located at 2855 Anthony Lane South, Suite 201, St. Anthony, Minnesota, declares that on the date indicated below, I served the following:

1. Summons and Complaint

upon each of the entities named below by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at St. Anthony, Minnesota, addressed to each of them as follows:

Michael J. Miller
P.O. Box 580408
Minneapolis, MN 55458

(Regular Mail / Certified Mail Return
Receipt Requested)

Ian Traquair Ball
12 South 6th St., Ste 326
Minneapolis, MN 55402

(Regular Mail)

Office of United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

(Regular Mail)

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: August 2, 2004

_____/e/ John A. Hedback_____
