

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 04-31091

Stefan Arnason Egilsson,

Debtor(s).

NOTICE OF MOTION TO DISMISS

To: All creditors and other parties in interest:

A motion has been filed by John A. Hedback, Trustee, to dismiss this Chapter 7 case of the Debtor(s). The basis for the motion is that the Debtor(s) has failed to appear at the meeting of creditors.

The Court will hold a hearing on the motion on September 8, 2004 at 10:30 a.m., or as soon thereafter as counsel can be heard, in Courtroom 228A, 228 Federal Building, 316 North Robert Street, St. Paul, Minnesota.

The hearing may be continued by notice at the hearing without further written notice. An answer or objection to the motion with or without affidavits may be timely filed and mailed not later than three days before the hearing, or filed and delivered by hand not later than twenty-four hours before the hearing. **IF NO RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

Lori Vosejka
Clerk, U.S. Bankruptcy Court

Dated: _____

By _____
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY BKY 04-31091

Stefan Arnason Egilsson,

Debtor(s).

**NOTICE OF HEARING
AND MOTION TO DISMISS**

PLEASE TAKE NOTICE that the Court will hold a hearing on this objection on September 8, 2004, at 10:30 am. in Courtroom 228A, 228 Federal Bldg., 316 North Robert Street, St. Paul, Minnesota, or as soon thereafter as counsel can be heard. Responses to this objection shall be filed and delivered no later than September 3, 2004, at 10:30 p.m., which is three days before the hearing, or mailed no later than August 30, 2004, which is seven days before the hearing. **IF NO RESPONSE TO THIS MOTION IS TIMELY FILED THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

John A. Hedback, trustee for the bankruptcy estate of the above-named debtor(s) (hereinafter "Trustee") hereby moves the Court for an Order as described herein, and states in support thereof as follows:

1. Movant is the trustee in the above-entitled case. This case is presently pending as a case under Chapter 7 of Title 11 of the United States Code.
2. This Court has jurisdiction over this motion under 28 U.S.C. Sections 157 and 1334. This motion is brought pursuant to 11 U.S.C. Section 707. This matter is a core proceeding. This motion is filed under Bankruptcy Rule 1014 and Local Rule 309.
3. Stefan Arnason Egilsson failed to appear at the meeting of creditors.
4. Section 341 of the Bankruptcy Code requires the debtor to appear at a meeting of creditors and give testimony as to assets and liabilities.
5. The Debtor has not yet received a discharge.
6. Section 707 of the Bankruptcy Code authorizes the dismissal of a Chapter 7 case after notice and a hearing for cause including unreasonable delay that is prejudicial to creditors. The Debtor's

failure to appear at a meeting of creditors is prejudicial to creditors.

WHEREFORE, Trustee moves the Court for an Order:

- (A) Dismissing this Chapter 7 case; and
- (B) Granting any other relief the Court deems just and proper.

The undersigned hereby verifies that the foregoing is true and correct to the best of his knowledge, information and belief.

Dated: August 17, 2004

_____/e/ John A. Hedback_____
John A. Hedback, Trustee
Atty #142438
2855 Anthony Lane South, Suite 201
St. Anthony, MN 55418
(612) 432-3280

UNITED STATES BANKRUPTCY COURT
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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, St. Anthony, Minnesota, declares that on the date indicated below, I served the following:

1. Notice of Hearing and Motion to Dismiss;
2. Proposed Order; and
3. Unsworn Declaration for Proof of Service

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:

Stefan A. Egilsson
9490 267th St. West
Lakeville, MN 55044-7889

Craig W. Andresen
2001 Killebrew Dr., Ste 330
Bloomington, MN 55425

Office of United States Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

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

Dated: August 17, 2004

_____/e/ John A. Hedback_____

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ORDER

The above-entitled case came before the Court upon the Trustee's Motion to Dismiss. Appearances were noted on the record. Based on the argument of counsel, and the file, record and proceedings herein,

NOW THEREFORE, IT IS ORDERED: that the bankruptcy case for Stefan Arnason Egilsson is hereby dismissed.

BY THE COURT:

Dated: _____

U.S. Bankruptcy Judge