

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Maureen L. O'Keefe,

Case No. 04-32450-DDO

Debtor.

**NOTICE OF HEARING, VERIFIED MOTION FOR TURNOVER
TO THE TRUSTEE OF PROPERTY OF THE ESTATE AND
MEMORANDUM OF LAW IN SUPPORT OF MOTION**

TO: The Debtor, her attorney, United States Trustee and other parties in interest specified in Local Rule 9013-3:

1. Nauri Jo Manty, Trustee of the bankruptcy estate of the above-named Debtor ("Trustee"), moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion on **September 8, 2004 at 2:00 p.m.**, before The Honorable Dennis D. O'Brien, Judge of the U.S. Bankruptcy Court, in Courtroom Number 228A, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. Any response to this motion must be filed and delivered not later than September, 3, 2004, which is three days prior to the hearing (excluding Saturdays, Sundays and holidays), or filed and mailed not later than August 30, 2004, which is seven days before the hearing (excluding Saturdays, Sundays and holiday). **IF A RESPONSE IS NOT TIMELY FILED, THE COURT, IN ITS DISCRETION, MAY GRANT THE RELIEF REQUESTED WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this case was filed under Chapter 7 on April 22, 2004. This case is now pending in this Court.

5. This motion arises under 11 U.S.C. §§ 541(a) and 542(a). This motion is filed pursuant to Bankruptcy Rule 9014 and Local Rules 9013-1, 9013-2, 9013-3 and 9013-5. The Trustee requests relief with respect to turnover of copies of the Debtor's 2003 state and federal income tax returns, and refunds, if any.

MOTION FOR TURNOVER

6. The 341 meeting of creditors was held on May 24, 2004. The Trustee has requested turnover and by letter. See copy of the May 27, 2004 letter to the Debtor's attorney attached hereto as Exhibit A. The Trustee has received no response to her letter. In order to fully administer the estate, the Trustee must obtain the requested 2003 state and federal tax returns, and refunds, if any.

7. The Trustee also requests attorney fees in the amount of \$500.00.

MEMORANDUM OF LAW

The law pertinent to this motion is found in 11 U.S.C. §§ 541(a) and 542(a). 11 U.S.C. §541(a) provides that:

The commencement of a case under § 301, 302 or 303 of this title creates an estate. Such estate is comprised of all of the following property, wherever located and by whomever held:

- (1) Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interests of the debtor in property as of the commencement of this case.

11 U.S.C. §542 provides that:

- (a) Except as provided in subsections (c) or (d) of this section, an entity other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under Section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.

The Trustee requests that the Court order the Debtor to turn over the 2003 state and federal tax returns, and refunds, if any.

WHEREFORE, the Trustee requests that this Court, issue an order that Debtor turn over her 2003 state and federal tax returns, and refunds, if any. The Trustee also requests attorney fees in the amount of \$500.00 payable from Debtor.

Dated: July 28, 2004

RIDER BENNETT LLP

By /e/ Nauri Jo Manty

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May 27, 2004

Mr. Robert J. Hoglund, Esq.
P.O. Box 130938
Roseville, MN 55113

Re: Maureen L. O'Keefe
Bky Case No. 04-32450-DDO

Dear Mr. Hoglund:

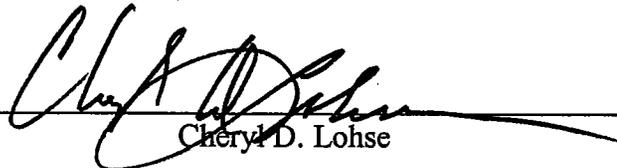
This is a follow up to the Trustee's review at the 341 Meeting of Creditors. Please instruct the Debtor to turnover to the Trustee, copies of her 2003 state and federal income tax returns and any refunds received.

Please respond to this letter on or before June 11, 2004. If you have any questions, please give me a call.

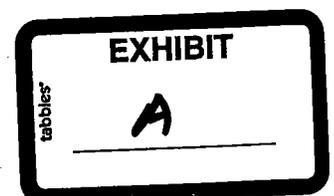
Very truly yours,

RIDER BENNETT, LLP

By


Cheryl D. Lohse

CDL



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:
Maureen L. O'Keefe,

Case No. 04-32450-DDO

Debtor.

ORDER

The above-captioned matter came on before this Court on the motion of the Trustee, Nauri Jo Manty, for the turnover of Debtor's 2003 state and federal tax returns, and refunds, if any.

Based upon all of the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. The Trustee's Motion for Turnover is granted.
2. The Debtor shall turn over the Debtor's 2003 state and federal tax returns, and refunds, if any.
3. The Debtor shall also pay the Trustee \$500.00 as and for attorney's fees awarded in bringing this motion.

Dated: _____, 2004.

BY THE COURT

Dennis D. O'Brien
Judge, United States Bankruptcy Court