

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

DAVID E. STREIGHTIFF

Debtor.

Bky Case No. 04-33088

Chapter 7

**NOTICE OF MOTION
AND MOTION FOR TURNOVER
OF RETIREMENT IRA**

TO: The Debtors, American Funds (Great American Advisors, Inc.) and other entities specified in Local Rule 9013-3(a).

1. Michael S. Dietz, Trustee for the bankruptcy estate of the above debtors, moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 1:30 p.m. on November 29, 2004, in Courtroom No. 228B, United States Courthouse, at 316 North Robert Street in St Paul, Minnesota.

3. Any response to this motion must be filed and delivered not later than 1:30 p.m. on November 22, which is seven days before the time set for the hearing, or filed and served by mail not later than November 19, which is ten days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THIS MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION 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 chapter 7 case was filed on May 23, 2004. The case is now pending in this court.

5. This motion arises under 11 U.S.C. § 542(a). This motion is filed under Bankruptcy

Rule 9014 and Local Rules 9013-9019.

6. At the time of the filing of his Petition, the Debtor, David E. Streightiff, was the owner of an IRA owned by American Funds. The IRA account number was 69245241 ("IRA"). See attached "Exhibit A."

7. On August 6, 2004 the Trustee filed an Objection to the debtor's claimed exemption of the IRA.

8. On September 7, 2004, this Court sustained the Trustee's Objection to the exemption of the IRA. Attached hereto as "Exhibit B" is a copy of the court's Order.

9. The IRA is property, which the Trustee may use, sell or lease under Section 363 of the Bankruptcy Code.

10. The undersigned believes that pursuant to Local Rule 9013-5, this notice and motion contains an adequate statement of law and fact upon which the undersigned will rely at the hearing on this matter.

WHEREFORE, the Trustee moves the court for an order that American Funds and the debtor turnover all right, title and interest in the IRA, including the right to all payments, to the Trustee within ten days of the date of the Court's order.

Dated: November 2, 2004

DUNLAP & SEEGER, P.A.

By: /e/ Michael Dietz

Michael S. Dietz

Registration No. 188517

Attorneys for Trustee

206 S. Broadway, Suite 505

P.O. Box 549

Rochester, Minnesota 55903-0549

Telephone: (507) 288-9111

VERIFICATION

I, Michael S. Dietz, Trustee, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: November 2, 2004

/e/ Michael Dietz
Michael S. Dietz, Trustee
206 South Broadway, Ste 505
Post Office Box 549
Rochester, Minnesota 55903

EXHIBIT “A”



The right choice for the long term*

American Funds®

PO Box 659521
San Antonio TX 78265-9521

Quarterly Statement

January 1 - June 30, 2004

Page 1 of 1

21090

CB&T CUST IRA/ROLLOVER
DAVID E STREIGHTIFF
111 S MILL ST
BROWNSDALE MN 55918-9019

Your financial adviser
WUERTZ

GREAT AMERICAN ADVISORS, INC.
128 N MAIN ST
AUSTIN MN 55912-3403



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For more account information

- Call your financial adviser
- Automated information and services
Website – americanfunds.com
American FundsLine™ – 800/325-3590
- Personal assistance — 8 a.m. - 8 p.m. Eastern time M-F
Shareholder Services – 800/421-0180

Summary

	Fund number	Account number	Type of fund	Shares held as of 6/30	Share price as of 6/30	Account value as of 6/30
The Growth Fund of America-A	05	69245241	growth	365.990	\$25.66	\$9,391.30

Transactions

The Growth Fund of America - Class A

Dividends and capital gains reinvested

Fund number 05
Account number 69245241

Trade date	Description	Dollar amount	Share price	Shares transacted	Share balance
	No activity this period				
06/30/04	Ending share balance				365.990

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EXHIBIT “B”

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:

DAVID E. STREIGHTIFF,

Debtor

AT ST. PAUL, MINNESOTA,

Bky Case No. 04-33088

Chapter 7

**ORDER SUSTAINING TRUSTEE'S
OBJECTION TO DEBTORS' CLAIM
OF EXEMPTION**

This Chapter 7 case came on before the Court on September 7, 2004, for a hearing on the Trustee's objection to the Debtor's claimed exemption of the following property:

401K

Appearances, if any, were noted on the record. Upon the documents on file herein and the arguments of counsel:

IT IS HEREBY ORDERED AND DETERMINED:

1. The Trustee's objection is sustained.
2. The Debtor's interest in the 401K is not exempt and is property of the bankruptcy estate to be administered by the Trustee in due course.

Dated: September 7, 2004

BY THE COURT: *1E1 Gregory F. Kishel*

Gregory F. Kishel
United States Bankruptcy Judge

7-1

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 09/07/04
Lori Vosejka, Acting Clerk. By irb

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bankruptcy Case No. 04-33088

DAVID E. STREIGHTIFF,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I, Emily D. Stenhoff, declare under penalty of perjury that on November 2, 2004, I mailed copies of the following:

Trustee's Notice of Motion and Motion for Turnover of Retirement IRA
by US Mail, postage pre-paid, to each entity named below at the address stated below:

OFFICE OF THE US TRUSTEE
1015 UNITED STATES COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415

GREAT AMERICAN ADVISORS, INC.
128 N MAIN ST
AUSTIN MN 55912-3403

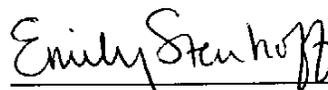
AMERICAN FUNDS
PO BOX 659521
SAN ANTONIO TX 78265-9521

DANIEL J MOULTON
MOULTON LAW OFFICE
976 FOURTEENTH AVE SW
ROCHESTER MN 55902

DAVID E. STREIGHTIFF
111 SOUTH MILL STREET
BROWNSDALE MN 55918

Executed on November 2, 2004

Signed: _____



Emily D. Stenhoff
DUNLAP & SEEGER, P.A.
P O BOX 549
ROCHESTER MN 55903-0549
(507) 288-9111

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

DAVID E. STREIGHTIFF

Debtor.

Bky Case No. 04-33088

Chapter 7

ORDER

AT ST. PAUL, MINNESOTA.

The above matter came before the Court on November 29, 2004, upon the motion of the Trustee for turnover by the Debtor and American Funds the plan administrator, of IRA#69245241 formerly owned by the above-named Debtor. Appearances, if any, were noted on the record.

Based upon documents filed herein, and the arguments of counsel,

IT IS ORDERED, American Funds # 69245241 is the property of the Bankruptcy Estate; and

IT IS FURTHER ORDERED, pursuant to 11 U.S.C. §542(a), American Funds shall deliver to the Trustee within 10-days of this Order, and at the Trustee's office:

1. All right, title and interest in IRA # 69245241, including all rights to payment arising therefrom.

Dated: _____

BY THE COURT:

Gregory F. Kishel
United States Bankruptcy Judge