

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re: NAASZ, BRENDA LEE

Chapter 7  
BKY CASE NO. 04-33382

Debtor.

**NOTICE OF MOTION AND MOTION TO  
DISMISS CHAPTER 7 PROCEEDING**

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TO Debtor and interested parties:

I.

Patti J. Sullivan, Trustee of the Captioned Chapter 7 proceeding moves the court for the relief requested below and gives notice of hearing herewith. On September 22, 2004 at 10:00 A.M., in Courtroom No. 228A, at the United States Court House, 316 N Robert St., St. Paul, Minnesota 55101, the Court will hold a hearing to determine whether this case should be dismissed. The hearing may be continued by notice at the hearing without further written notice. Any response, answer or objection to the Motion with or without affidavits must be filed and delivered not later than September 17, 2004 at 10:00 A.M., which is three days before the time set for the hearing (excluding intermediate Saturdays, Sundays and legal holidays), or filed and served by mail not later than September 13, 2004, which is seven days before the time set for hearing (excluding intermediate Saturdays, Sundays and legal holidays). Local Bankruptcy Rule 9006-1. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

II.

This Court has jurisdiction over this Motion and this Motion is authorized under 28 U.S.C. Sections 157 and 1334, Bankruptcy Rule 5005, and Local Bankruptcy Rule 1070-1. This

proceeding arises under 11 U.S.C. Section 343, and Trustee requests that the Court dismiss this Chapter 7 proceeding.

### III.

Debtor filed her petition for relief under Chapter 7 of the United States Bankruptcy Code on June 7, 2004, and the case is now pending in this Court. Patti J. Sullivan was appointed Trustee of the Chapter 7 case, and she is authorized to commence this proceeding. To the best of Trustee's knowledge, the debtor has not yet been granted a discharge of her debts.

### IV.

Pursuant to 11 U.S.C. Section 343 and Bankruptcy Rule 2003(a), the first meeting of creditors was originally scheduled for July 6, 2004. The debtor failed to appear at the first meeting of creditors. The first meeting was then rescheduled to July 27, 2004 at which time debtor again failed to appear. As a result, the debtor has not submitted to examination at a first meeting of creditors as required by 11 U.S. C. §343.

### V.

Debtor's failure to appear and submit to examination under oath at the first meeting of creditors makes it impossible for the Trustee to administer the Chapter 7 estate and constitutes grounds for dismissal of the Chapter 7 proceeding.

WHEREFORE, Trustee prays for an order of this Court dismissing this Chapter 7 proceeding and granting such other and further relief as the Court deems just and equitable.

Dated this 29<sup>th</sup> day of July, 2004

/e/ Patti J. Sullivan

Patti J. Sullivan

Trustee in Bankruptcy

Attorney ID No. 170124

P.O. Box 16406

St. Paul, MN 55116

(651) 699-4825

### **VERIFICATION**

I, Patti J. Sullivan, Trustee of the captioned Chapter 7 proceeding, certify under penalty of perjury that I have read the foregoing Notice of Motion and Motion to Dismiss Chapter 7 Proceeding, and the information contained therein is true and correct to the best of my knowledge, information and belief.

Dated this 29<sup>th</sup> day of July, 2004.

/e/ Patti J. Sullivan

Patti J. Sullivan, Trustee

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In the Matter of:

NAASZ, BRENDA LEE

BKY NO. 04-33382

Debtor.

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**UNSWORN CERTIFICATE OF SERVICE**

I, Joeline Kissinger, declare under penalty of perjury that on the 29<sup>th</sup> day of July, 2004, I mailed copies of the attached:

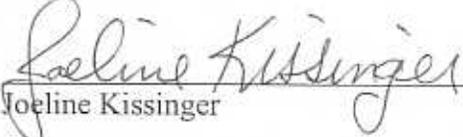
1. Notice of Motion and Motion To Dismiss Chapter 7 Proceeding;
2. Notice of Hearing on Motion to Dismiss Chapter 7 Proceeding; and
3. Proposed Order Dismissing Chapter 7 Proceeding;

by first class mail postage prepaid to each entity named below or on the statement attached at the address stated below or in said attachment for each entity:

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

Brenda Lee Naasz  
19534 Jasper Ter  
Lakeville, MN 55044-9477

Executed on this 29<sup>th</sup> day of July, 2004.

  
Joeline Kissinger

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re: NAASZ, BRENDA LEE

Chapter 7  
BKY CASE NO. 04-33382

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**ORDER DISMISSING**  
**CHAPTER 7 CASE**

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At St. Paul, Minnesota. A hearing on the trustee's Motion to Dismiss the above Chapter 7 case was held before the Honorable Dennis D. O'Brien on September 22, 2004. Patti J. Sullivan appeared as Trustee. There were no other appearances. Based upon all the files, records and proceedings herein, and the Court being fully advised in the premises,

**IT IS HEREBY ORDERED,** that the Trustee's Motion to Dismiss is hereby granted and this case is dismissed.

Dated at \_\_\_\_\_, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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Dennis D. O'Brien  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re: NAASZ, BRENDA LEE

Chapter 7  
BKY CASE NO. 04-33382

Debtor.

**NOTICE OF HEARING ON MOTION  
TO DISMISS CHAPTER 7 PROCEEDING**

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TO: Debtor, all creditors and interested parties:

A Motion has been filed by Patti J. Sullivan, Trustee of the captioned bankruptcy estate, to dismiss this Chapter 7 proceeding. On September 22, 2004 at 10:00 A.M., in Courtroom No. 228A, at United States Courthouse, 316 N Robert St., St. Paul, Minnesota 55101, the Court will hold a hearing to determine whether this case should be dismissed. The hearing may be continued by notice at the hearing without further written notice. Any response, answer or objection to the Motion with or without affidavits must be filed and delivered not later than 10:00 A.M. on September 17, 2004, which is three days before the time set for the hearing (excluding intermediate Saturdays, Sundays, or legal holidays), or filed and served by mail not later than September 13, 2004, which is seven business days before the time set for hearing (excluding intermediate Saturdays, Sundays, and legal holidays). Local Bankruptcy Rule 9006-1. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

Dated: \_\_\_\_\_, 2004.

LORI VOSEJPKA  
Acting Clerk of Bankruptcy Court

By \_\_\_\_\_  
Deputy Clerk