

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Chapter 7  
Bky. Case No. 03-51124

Karen Toynette Davis,  
  
Debtor.

NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY TO  
THE ESTATE

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TO: THE COURT, UNITED STATES TRUSTEE, THE DEBTOR AND THEIR  
ATTORNEY:

1. Dorraine A. Larison, Trustee of the bankruptcy estate of the above-named debtor, moves the court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on October 6, 2004, in Courtroom No. 2, at the United States Courthouse, at 515 West First Street, in Duluth, Minnesota.

3. Any response to this motion must be filed and delivered not later than September 29, 2004, which is seven (7) days before the time set for the hearing, or filed and served by mail not later than September 24, 2004, which is ten (10) days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE 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 September 3, 2003. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. § 542(a), and Bankruptcy Rule 9013 and Local Rule 6072-1. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9001-1 to

9001-6 and 9013-1 to 9013-5. Movant requests relief with respect to the turnover of information about and property of the estate.

6. Despite numerous written requests to the debtor's attorney to surrender property or its value, the debtor has failed to surrender, and continues to withhold, the following described property of the estate:

- 1) A statement showing the amount of funds in the debtor's checking account on the date of filing and the funds in the account on that date; and
- 2) Copies of the debtor's 2003 income tax returns, property tax return, and any refunds received.

7. The debtor is required to surrender all property of the estate to the trustee under 11 U.S.C. § 521(4). The provisions of 11 U.S.C. § 542 require any entity in possession of property of the estate to turn such property over to the trustee.

WHEREFORE, Applicant moves the court for an order directing debtor to surrender forthwith the information and property described above to the undersigned trustee.

Dated this 3<sup>rd</sup> day of September, 2004.

/e/ Dorraine A. Larison  
Dorraine A. Larison  
I.D. No. 203609  
GRAY, PLANT, MOOTY,  
MOOTY & BENNETT, P.A.  
1010 West St. Germain  
Suite 600  
St. Cloud, MN 56301  
(320) 252-4414  
Attorneys for Trustee

VERIFICATION. I, Dorraine A. Larison, the movant 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.

Dated: September 3, 2004.

/e/ Dorraine A. Larison  
Dorraine A. Larison, Trustee

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Chapter 7  
Bky. Case No. 03-51124

Karen Toynette Davis,

UNSWORN CERTIFICATE OF SERVICE

Debtor.

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I, Jean Eisenschenk, declare under penalty of perjury that on September 3, 2004, I mailed the following documents:

**NOTICE OF MOTION AND MOTION FOR TURNOVER OF PROPERTY  
AND PROPOSED ORDER**

on the following by enclosing true and correct copies of said documents in envelopes, postage prepaid, and by depositing, and mailing same in the post office at St. Cloud, Minnesota, addressed to said individuals:

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

FORD MOTOR CREDIT COMPANY  
C/O LINDA JEANNE JUNGERS  
430 OAK GROVE STREET STE 200  
MINNEAPOLIS MN 55403

WILLIAM R SWEENEY  
ATTORNEY AT LAW  
416 N CENTRAL AVENUE  
DULUTH MN 55807

KAREN TOYNETTE DAVIS  
331 WEST REDWING STREET  
DULUTH MN 55803

Executed on September 3, 2004.

/e/ Jean Eisenschenk  
Jean Eisenschenk  
GRAY, PLANT, MOOTY,  
MOOTY & BENNETT, P.A.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Chapter 7  
Bky. Case No. 03-51124

Karen Toynette Davis,

ORDER

Debtor.

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At Duluth, Minnesota, \_\_\_\_\_, 2004.

Upon the motion of the Trustee in this case,

IT IS ORDERED: That the debtor shall turn over to the Trustee, within ten (10) days from the date of this order, the information and property described as follows:

- 1) A statement showing the amount of funds in the debtor's checking account on the date of filing and the funds in the account on that date; and
- 2) Copies of the debtor's 2003 income tax returns, property tax return, and any refunds received.

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Gregory F. Kishel  
UNITED STATES BANKRUPTCY  
JUDGE