

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**James Michael Minier, a/k/a Mike Minier
and Dottie Lynn Minier, f/k/a Dottie Hensel,**

Chapter 7

Debtor(s).

BK 03-51242 GFK

Habbo G. Fokkena, United States Trustee

Plaintiff,

vs.

Adv. No.

**James Michael Minier, a/k/a Mike Minier
and Dottie Lynn Minier, f/k/a Dottie Hensel,**

Defendant(s).

COMPLAINT TO REVOKE DISCHARGE

Habbo G. Fokkena, United States Trustee, Plaintiff, by and through his undersigned attorney, Sarah J. Wencil, for his complaint against James Michael and Dottie Lynn Minier, defendant debtors, states and alleges that:

1. This complaint is filed under FED. R. BANKR. P. 7001(4) and seeks an order revoking the defendant debtors' discharge pursuant to 11 U.S.C. § 727(d)(3).
2. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334 and FED. R. BANKR. P. 4004. This proceeding is a core proceeding.
3. The United States Trustee has standing to commence this adversary proceeding pursuant to 28 U.S.C. § 586(a) and 11 U.S.C. §§ 307 & 727(d).
4. Upon information and belief, the defendants, James Michael and Dottie Lynn

Minier, are residents of Minnesota.

5. The defendant debtors commenced the present bankruptcy case on September 27, 2003. *See* Att. Ex. 1 (BANCAP Report). A discharge was granted on January 6, 2004. *See Id.* The case has not been closed as of the date this complaint was prepared by the undersigned.

6. On December 8, 2003, the Chapter 7 Trustee filed a motion demanding that the defendant debtors turn over the following information necessary for the administration of the estate: (1) the legal description of the real estate disclosed on debtors' Schedule A; (2) a detailed statement of debtors' business expenses; (3) the claims amounts for Schedule D creditors; and (4) information regarding a 2001 Ford F-150 4x4 pickup truck disclosed by debtors at the meeting of creditors but not shown on Schedule G. *See* Att. Ex. 2 (Affidavit of Robert R. Kanuit).

7. On January 8, 2004, the Bankruptcy Court entered an Order directing the defendant debtors to turnover the information listed in paragraph 6 of this complaint no later than January 23, 2004. *Id.* (Att. Ex A).

8. As of this date, the defendant debtors have failed to comply with the Bankruptcy Court's Order dated January 8, 2004.

8. Pursuant to 11 U.S.C. § 727(a)(6)(A), the defendant debtors have failed to obey a lawful order of the court.

9. 11 U.S.C. § 727(d)(3) provides that a basis to revoke a discharge exists if the debtors (defendants) commits an act specified in subsection (a)(6) of Section 727.

WHEREFORE, the Plaintiff requests that this Court enter judgment revoking the defendant debtors' discharge herein, together with such other and further relief as the Court seems just.

Dated: March 11, 2004

HABBO G. FOKKENA
UNITED STATES TRUSTEE
REGION 12

BY: /s/ Sarah J. Wencil
Sarah J. Wencil
Trial Attorney
Office of the United States Trustee
Suite 1015 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415
(612) 664-5500
IA ATTY NO. 14014

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U.S. Bankruptcy Court
District of Minnesota (Duluth)

Bankruptcy Petition #: 03-51242

Date filed: 9/27/03
Assigned to: CHIEF JUDGE GREGORY F KISHEL
Chapter 7 voluntary individual no asset joint

=====	* Attorneys *
JAMES MICHAEL MINIER aka MIKE MINIER 4410 HIGHWAY 21 EMBARASS, MN 55732 SSN: XXX-XX-2998 * Debtor *	ARTHUR M ALBERTSON 101 W 2ND ST STE 107 DULUTH, MN 55802 218-733-0660

DOTTIE LYNN MINIER fka DOTTIE HENSEL 4410 HIGHWAY 21 EMBARASS, MN 55732 SSN: XXX-XX-7653 * Debtor *	ARTHUR M ALBERTSON (See above)
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U S TRUSTEE
1015 U S COURTHOUSE
300 S 4TH ST
MINNEAPOLIS, MN 55415
* U S Trustee *

ROBERT R KANUIT
4815 W ARROWHEAD RD STE 230
HERMANTOWN, MN 55811
* Trustee *

Proceedings include all events.

- 9/27/03 1 Voluntary Petition all schedules and statements.
Electronically filed by Arthur M Albertson on: Sat Sep 27
14:25:41 2003 (A701) [EOD 09/27/03]
- 9/27/03 2 Declaration of Original Signature Re: [1-1] Electronic
Voluntary Petition . (A701) [EOD 09/27/03]
- 9/27/03 -- Added U S TRUSTEE. (auto) [EOD 09/27/03]

Docket as of March 11, 2004 10:36 am Page 1

Attached Exhibit "1"

Proceedings include all events.

03-51242 In re: JAMES MICHAEL MINIER and DOTTIE LYNN MINIER

9/27/03 3 Creditor list supplied by debtor. (A701) [EOD 09/27/03]

10/3/03 -- Filing Fee Paid in Full Re: [1-1] Electronic Voluntary
Petition (Filing Fee \$ 200.00 Receipt # 24998) (sls)
[EOD 10/03/03]

10/3/03 4 Appointment of Interim Trustee and Approval of Bond. (sls)
[EOD 10/03/03]

10/3/03 5 Notice of Meeting of Creditors under 11 USC 341(a)
Scheduled For 10:30 11/5/03 At Courtroom 2 (Duluth) Last
Day To Oppose Discharge: 1/5/04 Certificate of Service. (sls)
[EOD 10/03/03]

12/8/03 6 Notice of Hearing and Motion by Trustee ROBERT R KANUIT to
Turn Over Property . Hearing Scheduled for 2:00 1/7/04 at
Courtroom 2 (Duluth) Affidavit, Memorandum of Law, Proof of
Service, Proposed Order. (A214) [EOD 12/08/03]

12/8/03 7 Certificate of Service by Trustee ROBERT R KANUIT of [6-1]
Motion to Turn Over Property by ROBERT R KANUIT . (slr)
[EOD 12/10/03]

1/6/04 8 Order Discharging Debtor DOTTIE LYNN MINIER, Debtor JAMES
MICHAEL MINIER . Certificate of Service. (rmg)
[EOD 01/06/04]

1/7/04 9 Minute Sheet Re: [6-1] Motion to Turn Over Property by
ROBERT R KANUIT . ROBERT KANUIT APPEARED ON BEHALF OF
TRUSTEE. MOTION GRANTED. (amm) [EOD 01/08/04]

1/8/04 10 Order Granting [6-1] Motion to Turn Over Property by
ROBERT R KANUIT . (GFK) COURT'S CERTIFICATE OF SERVICE.
(amm) [EOD 01/08/04]

UNITED STATE BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Case No.: 03-51242 GFK

JAMES M. MINIER and
DOTTIE L. MINIER,

Debtors.

AFFIDAVIT OF ROBERT R. KANUIT

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

Robert R. Kanuit, being first duly sworn on oath, deposes and states:

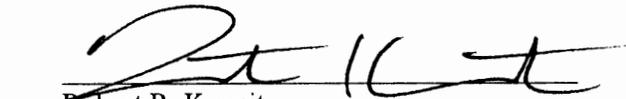
1. I was appointed as Chapter 7 Trustee to oversee administration of the above-captioned case on October 3, 2003.

2. On December 8, 2003, I filed a Motion for Turnover of Information, specifically: (1) the legal description of the real estate disclosed on debtors' Schedule A; (2) a detailed statement of debtors' business expenses as required on Schedule I; (3) claim amounts as required on Schedule D; and (4) information regarding a 2001 Ford F-150 4x4 pickup truck disclosed by debtors at the meeting of creditors but not shown on Schedule G.

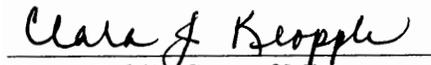
3. On January 8, 2004, the Court granted the Motion for Turnover. *See* attached Exhibit A. Pursuant to the Order, the debtors were required to turn over the information not later than January 23, 2004.

4. To date, debtors James M. Minier and Dottie L. Minier have not turned over the information.

FURTHER, AFFIANT SAYETH NOT.


Robert R. Kanuit

Subscribed and sworn to before me
this 9th day of March, 2004.


Notary Public, State of Minnesota
My commission expires: 01/31/06



UNITED STATE BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Case No.: 03-51242 GFK

JAMES M. MINIER and
DOTTIE L. MINIER,
Debtors.

ORDER

The above-captioned matter came before the Court on the 7th day of January, 2004 on motion by the Chapter 7 trustee, Robert R. Kanuit, seeking an order requiring the debtors turn over information, specifically: (1) the legal description of the real estate disclosed on debtors' Schedule A; (2) a detailed statement of debtors' business expenses as required on Schedule I; (3) claim amounts as required on Schedule D; and (4) information regarding a 2001 Ford F-150 4x4 pickup truck disclosed by debtors at the meeting of creditors but not shown on Schedule G.

Robert R. Kanuit appeared for the trustee. Other appearances are noted in the record.

The Court made its findings of fact and conclusions of law on the record pursuant to Rule 52 of the Federal Rules of Civil Procedure and Bankruptcy Rule 7052.

Based upon the files and records, and arguments of counsel,

IT IS HEREBY ORDERED,

1. That the debtors shall turn over to the trustee the following information not later than January 23, 2004: (1) the legal description of the real estate disclosed on debtors' Schedule A; (2) a detailed statement of debtors' business expenses as required on Schedule I; (3) claim amounts as required on Schedule D; and (4) information regarding a 2001 Ford F-150 4x4 pickup truck disclosed by debtors at the meeting of creditors but not shown on Schedule G.

2. That this order shall constitute a lawful order within the meaning of 11 U.S.C. 727(a)(6)(A) for purposes of discharge revocation should the debtors fail to comply with its terms in a timely manner.

3. That the attorney for the trustee is hereby awarded \$250.00 as and for attorney fees and costs in connection with the motion for turnover. That said award shall be paid to Kanuit & Bray, Ltd., within 10 days of entry of this order.

Dated this 8th day of January, 2004.

1E1 Gregory F. Kishel

Honorable Gregory F. Kishel
United States Bankruptcy Judge

NOTICE OF ENTRY AND FILING ORDER OR JUDGMENT	
Filed and Docket Entry made on	JAN - 8 2004
Patrick C. DeWitt, Clerk, U.S.	<i>DeWitt</i>

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Attached Exhibit "A"

VERIFICATION

I, Sarah J. Wencil, a trial attorney for the United States Trustee, the petitioner herein, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on March 11, 2004

/s/ Sarah J. Wencil
Sarah J. Wencil
Trial Attorney
Suite 1015 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415
(612) 664-5500
IA ATTY NO. 14014