

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

Chapter 7 Case

Randall L. Kollodge and  
Diane M. Kollodge,

BKY 04-50507 (RJK)

Debtors,

Jeannie M. Kollodge,

**COMPLAINT**

Plaintiff,

vs

Randall L. Kollodge,

Defendant.

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For her complaint against Defendant, Plaintiff Jeannie M. Kollodge states:

1. This action arises out of Defendant's Chapter 7 bankruptcy case, which was commenced on April 28, 2004 and is filed as case number 04-50507, in the United States Bankruptcy Court for the District of Minnesota. Jurisdiction is vested in this Court by virtue of 28 U.S.C. §§ 1334(a) and 157(b)(2)(I). This is a core proceeding.
2. That she is the former spouse of Defendant, and was divorced from him on October 15, 1999, by Judgment and Decree of the Morrison County, Minnesota District Court in case number F2-98-316.
3. That by a subsequent Judgment dated October 5, 2000, in said divorce action, Plaintiff was awarded \$33,349.10 as property division. Defendant was ordered to pay this obligation within 60 days or by December 4, 2000.
4. No payment has been made on this obligation. Defendant is indebted to Plaintiff in the amount of \$33,349.10 plus interest at the rate of 6% per Minn. Stat. § 334.01 subd.1.
5. Plaintiff brings this complaint seeking the determination of the Court that Defendant's aforesaid property division obligation is not dischargeable in his bankruptcy case.

6. Defendant's debt to Plaintiff should not be deemed dischargeable under 11 § 523(a)(15), because

(A) the Defendant has the ability to meet the obligation under the criteria set out in 11 U.S.C. § 523(a)(15)(A); and

(B) discharging said obligation would not result in a benefit to the Defendant that would outweigh the detrimental consequences to the former spouse, within the meaning of 11 U.S.C. § 523(a)(15)(B).

WHEREFORE, Plaintiff Jeannie M. Kollodge prays that the Court make its order determining that the Defendant's said obligation to her is not included in any discharge otherwise granted to him in his within bankruptcy case.

Dated: July 26, 2004

**Thomas F. Miller, P.A.**

By /e/ Thomas F. Miller

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