

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FIFTH DIVISION**

In re:

Bky. No. 04-50742 GFK

WILLIAM A. PETERSON,

Debtor.

**NOTICE OF HEARING AND VERIFIED MOTION
FOR ORDER DISMISSING CASE**

TO: Debtor, Debtor's Attorney, United States Trustee and All Other Parties in Interest.

1. PLEASE TAKE NOTICE that on October 6, 2004, at 2:00 p.m., in Courtroom No. 2, United States Bankruptcy Court, 515 West First Street, Duluth, Minnesota, Robert R. Kanuit, Trustee, will move the Court for the relief requested below and gives notice of hearing herewith.

2. Any response to this motion must be filed and delivered not later than September 29, 2004, at 2:00 p.m., which is seven (7) days before the time set for the hearing (including Saturdays, Sundays, and holidays), or filed and served by mail not later than September 26, 2004, which is ten (10) days before the time set for the hearing. **Pursuant to Local Rule 9013-2, unless a response is timely filed, the Court may in its discretion enter an Order granting a dismissal of bankruptcy proceedings without a hearing.**

3. This Court has jurisdiction over this matter under 28 U.S.C. § 157, Bankruptcy Rules 1017 and 9014, and Local Rule 1070-1. This proceeding is a core proceeding. On June 24, 2004, the Debtor filed a Chapter 7 Petition in the United States Bankruptcy Court, Minnesota. The case is now pending in this Court.

4. This Motion arises under 11 U.S.C. §§ 521 and 707 and Local Bankruptcy Rule §1017-2(a). This Motion is filed under Bankruptcy Rule 7055 and Rule 55 of the Federal Rules of Civil Procedure. Movant requests relief with respect to the dismissal of the bankruptcy proceedings filed by the above-named Debtor.

5. I was appointed the Interim Trustee on June 29, 2004, in this bankruptcy, and I remain in that capacity as of this date.

6. I appeared to examine the Debtor on August 11, 2004, at 9:30 a.m., the date first set for the Section 341(a) meeting of creditors, and on August 25, 2004, at 12:00 p.m., the rescheduled date of the Section 341(a) meeting of creditors. Debtor failed to appear at either of those meetings. I have been advised by debtor's counsel that debtor is deceased.

7. As a result of the failure of the Debtor to appear, I have been unable to examine the Debtor as to his assets and liabilities and have been unable to file appropriate reports and to administer any possible assets.

WHEREFORE, Robert R. Kanuit, Trustee, moves the Court for an order dismissing the case and for such other relief as may be just.

Dated this 30th day of August, 2004.

/e/ Robert R. Kanuit
Robert R. Kanuit, Trustee
4815 W. Arrowhead Road, #230
Hermantown, MN 55811
(218) 722-7722

VERIFICATION

I, Robert R. Kanuit, 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.

/e/ Robert R. Kanuit
Robert R. Kanuit

**UNITED STATES BANKRUPTCY COURT
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UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, being an employee of Kanuit & Bray, Ltd., attorneys licensed to practice law in this Court, with office address of 4815 W. Arrowhead Road, Hermantown, MN 55811, declares under penalty of perjury that on the date stated below, she served the annexed **Motion For Order Dismissing Case and (proposed) Order** upon the persons named below by mailing to them copies thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at Hermantown, Minnesota, addressed as follows:

John P. Dimich
Dimich Law Office
102 NE Third Street, Suite 120
Grand Rapids, MN 55744

U.S. Department of Justice
Office of the United States Trustee
U.S. Courthouse, Suite 1015
300 South Fourth Street
Minneapolis, MN 55415

Dated this 30th day of August, 2004.

/e/ Bonnie K. Vanderpool
Bonnie K. Vanderpool

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FIFTH DIVISION**

In re:

Bky. No. 04-50742 GFK

WILLIAM A. PETERSON,

Debtor.

ORDER DISMISSING CHAPTER 7
CASE AND BARRING DEBTOR
FROM RE-FILING FOR
BANKRUPTCY RELIEF

At Duluth, Minnesota, this 6th day of October, 2004.

This Chapter 7 case came on before the Court on October 6, 2004, for hearing on the Trustee's motion for dismissal. Robert R. Kanuit appeared on behalf of the Trustee on the motion. There were no other appearances; the Debtor did not respond to the motion. Upon the record as made,

IT IS HEREBY ORDERED:

This case is dismissed pursuant to 11 U.S.C. § 707(a)(1), effective the date of this order.

BY THE COURT:

Dated: _____

The Honorable Gregory F. Kishel
UNITED STATES BANKRUPTCY JUDGE