

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 02-90781

Jamco International Inc.,

Debtor(s).

NOTICE OF MOTION AND MOTION TO PAY EXPENSE

PLEASE TAKE NOTICE that the Court will hold a hearing on the following motion on September 7, 2004 at 2:30 p.m. in Courtroom 228B, 228 Federal Building, 316 North Robert Street, St. Paul, Minnesota, or as soon thereafter as counsel can be heard. Any objection to this motion shall be filed and delivered no later than August 27, 2004 at 2:30 p.m. which is seven (7) business days prior to the hearing, or mailed no later than August 24, 2004 which is ten (10) prior to the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

John A. Hedback, trustee for the bankruptcy estate, (Trustee) hereby moves the Court for an Order authorizing it to pay Johnson West & Co. PLC, and states in support thereof as follows:

1. The Movant is the trustee in the above-captioned case. This case is presently pending as a case under Chapter 7 of the United States Bankruptcy Code.
2. This Court has jurisdiction over this motion under Sections 157 and 1334 of Title 28 of the United States Code. This matter is a core proceeding. This motion is brought pursuant to Section 363(a) of the Bankruptcy Code and Local Bankruptcy Rule 9013.
3. Johnson West & Co. PLC were the accountants for the Debtor prior to the filing of the bankruptcy. On the date of the filing they were owed a substantial sum of money and were listed as an unsecured creditor. Trustee has been informed that when Debtor attempted to hire these accountants during the Chapter 11 that hiring was objected to by the Office of the United States Trustee due to the conflict of interest. Trustee has been informed however, that during the Chapter 11 the accountants performed services and prepared documents concerning the financial affairs of the Debtor.
4. Trustee has hired Ronald Leckelt as his accountant to prepare tax returns for the bankruptcy estate. Leckelt has informed the Trustee that the work product prepared by Johnson West is necessary for him to prepare tax returns, the costs of preparing them would exceed \$7,000 and that due to the condition of Debtor's books he may be unable to prepare these returns.

5. During the administration of this bankruptcy estate Trustee has sold a parcel of real estate and the filing of tax returns is necessary to complete the administration of the bankruptcy estate.

WHEREFORE, Trustee requests the Court to enter an order as follows:

(A) Authorizing Trustee to pay Johnson West & Co. PLC the sum of \$7,068.00 to obtain work product necessary to the administration of the bankruptcy estate.

(B) In the alternative ordering Johnson West & Co. PLC to turnover to the bankruptcy trustee and his accountant all work product and other materials prepared on behalf of Jamco International Inc.

(C) Granting any other relief the Court deems just and proper.

The Movant verifies under penalty of perjury that the information contained in the foregoing motion is true and correct to the best of the Movant's knowledge, information and belief.

Dated: August 16, 2004

_____/e/ John Hedback_____
John A. Hedback, Trustee
Atty #142438
2855 Anthony Lane South, Suite 201
St. Anthony, MN 55418
(612) 789-1331

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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BKY 02-90781

Jamco International, Inc.,

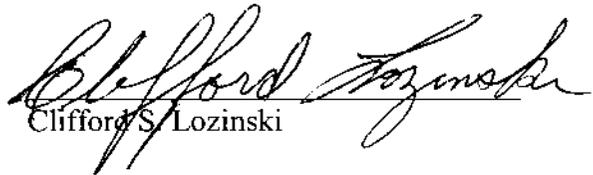
Debtor(s).

AFFIDAVIT

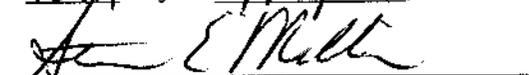
Clifford S. Lozinski, being duly sworn under oath states and avers as follows:

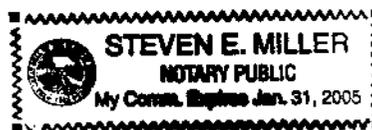
1. That I am a certified public accountant practicing with Johnson, West & Co., PLC.
2. That my firm was retained by Jamco International Inc. prior to the filing of the above-referenced Chapter 11 bankruptcy. Our firm was retained to perform accounting services.
3. After the filing of the bankruptcy our firm continued to do work for the corporation including preparing trial balances for December 31, 2001 and March 31, 2002, commencing the preparation of corporate income tax returns for the year ending December 31, 2001, compiling financial statements for the company as of December 31, 2001 and March 31, 2002, and preparing depreciation schedules for the company.
4. Your affiant was informed that due to pre-petition obligations Johnson West was not approved as accountants for the Debtor. ~~Therefore, Johnson West ceased doing business for Jamco International.~~
5. There is presently due and payable an invoice in the amount of \$7,068 specifically for the services referenced above. Attached are copies of such invoices. Johnson West & Co. has not been paid on those invoices.

Further your affiant sayeth not.


Clifford S. Lozinski

Subscribed and sworn to before me this
10th day of August, 2004.


Notary Public



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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Debtor(s).

UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, being an employee of Hedback, Arendt & Carlson, PLLC, attorneys licensed to practice law in this Court, with offices located at 2855 Anthony Lane South, Suite 201, St. Anthony, Minnesota, declares that on the date indicated below, I served the following:

1. Notice of Motion and Motion to Pay Expenses;
2. Affidavit;
3. Proposed Order; and
4. Unsworn Declaration for Proof of Service

on each of the entities named below by delivering to each of them by mail (unless otherwise indicated) a copy thereof at their addresses which are as follows:

Cliff Lozinski
Johnson West & Co. PLC
336 Robert Street North #1400
St. Paul, MN 55101

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

All creditors

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: August 16, 2004

_____/e/ John Hedback_____

AMERICAN EXPRESS
PO BOX 29-7879
FT LAUDERDALE FL 33329-7879

ASSOCIATED BANK MN
CO THE GURSTEL LAW FIRM PA
401 N THIRD ST STE 590
MINNEAPOLIS MN 55401

CARVER COUNTY
MICHAEL FAHEY
JUSTICE CENTER, GOVERNMENT CENTER
600 E FOURTH ST
CHASKA MN 55318-2188

CARVER COUNTY AUDITOR
CARVER CO GOVERNMENT CTR
600 E FOURTH ST
CHASKA MN 55318

CARVER COUNTY SHERIFF
CARVER COUNTY COURTHOUSE
CHASKA MN 55318

CARVER COUNTY TAX
600 E 4TH ST
CHASKA MN 55318

CENTERPOINT ENERGY MINNEGASGO
800 LASALLE AVE
MPLS MN 55402

CITY OF CHASKA UTILITIES
ONE CITY HALL PLAZA
CHASKA MN 55318

CREATIVE FINE ARTS INC
CO THOMAS J FLYNN
7900 XERXES AVE S STE 1600
BLOOMINGTON MN 55431

UNITED STATES ATTORNEY
600 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415

FIRST NATL BANK OF CHASKA
CO THOMAS SEYMOUR
MELCHERT HUBERT SJODIN PLLP
121 W MAIN ST STE 200
WACONIA MN 55387-1023

HOWARD MILLER CLOCK CO
CO THE GURSTEL LAW FIRM
401 NORTH THIRD STREET SUITE 600
MINNEAPOLIS MN 55401

INTERNAL REVENUE SERVICE
STOP 5700 BKY
316 N ROBERT ST
ST PAUL MN 55101

JAMES MACHEN
11631 WELTERS WAY
EDEN PRAIRIE MN 55347

JOHNSON WEST & CO PLC
CLIFFORD LOZINSKI
336 ROBERT ST N 1400
ST PAUL MN 55101

LAKE REGION MANUFACTURING INC
C/O T CHRIS STEWART
DUNKLEY BENNETT CHRISTENSEN & MADIGAN
PA
701 4TH AVE S STE 700
MINNEAPOLIS MN 55415

LAWRENCE P MAROFSKY
7022 BROOKLYN BLVD
BROOKLYN CENTER MN 55429

MAHLEGA ABDSHARAFAT/VICTORIA FRAME INC
/CREATIVE FINE ARTS INC/ASM REAL ESTATE
CO CREATIVE FINE ARTS
6595 PEACHTREE INDUSTRIAL BLVD
NORCROSS GA 30092

MALLIE SHARAFAT
CO THOMAS J FLYNN
7900 XERXES AVE S STE 1600
BLOOMINGTON MN 55431

MBNA
PO BOX 15021
WILMINGTON DE 19850

MERCEDES-BENZ CREDIT CORP
PO BOX 685
ROANOKE TX 76262-0685

MINOLTA CORPORATION
CO THE GURSTEL LAW FIRM PA
401 NORTH THIRD STREET SUITE 600
MINNEAPOLIS MN 55401

MN DEPT OF REVENUE
BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164

MORTON FAMILY LIMITED PARTNERSHIP
CO MARK SALITERMAN
4301 HWY 7 SUITE 100
ST LOUIS PARK MN 55416

PAIGE AND PIETA ART STONE
CO THOMAS J FLYNN
7900 XERXES AVE S STE 1600
BLOOMINGTON MN 55431

RELIANT ENERGY MINNEGASCO
800 LASALLE AVENUE
MINNEAPOLIS MN 55402-2013

ROBIN C CAMPBELL
248 HOLLY RD
HOPKINS MN 55343

SMALL BUSINESS ADMINISTRATION
CO CARLSON SERVICES CORP
120 BROADWAY 19TH FLOOR
DEPT 503/504 LOANS
NEW YORK NY 10271

STATE OF MINNESOTA
DEPT OF MANPOWER SERVICES
390 N ROBERT ST
ST PAUL MN 55101

STATE OF MN-DEPT OF REVENUE
COLLECTION DIVISION-BKY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 02-90781

Jamco International Inc.,

**ORDER REQUIRING TURNOVER
OF PROPERTY**

Debtor(s).

This case came before the Court for hearing on the motion of the Trustee. Appearances were noted on the record. Based on the motion, argument(s) of counsel, and the file in this case,

IT IS HEREBY ORDERED:

1. That the Trustee is hereby authorized to pay Johnson West & Co. PLC the sum of \$7,068.00 in full satisfaction of any post-petition claims it might have against the estate.
2. That Johnson West & Co. PLC shall turnover to Trustee and or his agent all books, records, and work product prepared for the benefit of the Debtor.

BY THE COURT

Dated: _____

U.S. Bankruptcy Judge