

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

**BKY 20-42761-MER**

**Brenda Jo Musel,**

**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

Debtor.

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TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTOR, AND THE DEBTOR'S ATTORNEY.

1. Julia A. Christians, Chapter 7 trustee herein, moves the Court for the relief requested below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on **Wednesday, March 3, 2021, at 10:00 a.m.** in Courtroom No. 7 West, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. Any response to this motion must be filed and served no later than **Friday, February 26, 2021**, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This Court has jurisdiction over this motion under 28 U.S.C. § 157 and § 1334 and Bankruptcy Rule 5005. This motion is filed under Local Rule 6072-1, this proceeding arises under 11 U.S.C. § 542(a) and movant requests an order directing the debtor to turn over: any and all per capita payments received by the debtor after the date of the debtor's bankruptcy filing on December 8, 2020, including, but not limited to, the \$600 payment made by Pokagon Band on or about December 13, 2020, the \$1,081.11 payment made December 31, 2020, the January and February payments of approximately \$1,081.81 made to debtor by Pokagon Band; and, future per capita payments made to the debtor, as soon as received by the debtor.

4. The petition commencing this case as a Chapter 7 case was filed on December 8, 2020. This case is now pending in this Court.

5. The debtor listed in her schedules rights to receive per capita payments at a \$0 value and claimed no exemption in the asset. The trustee requested turnover of any available proof that the per capita payments were not property of the estate, but the debtor has failed to produce any such showing. In lieu thereof, the trustee requested turnover of the per capita payments. The debtor failed to respond. Therefore, the trustee requests an order directing the debtor to comply with turnover without further delay.

LAPP, LIBRA, STOEBNER & PUSCH,  
CHARTERED

Dated: February 16, 2021

By /e/ Julia A. Christians  
Julia A. Christians (#157867)  
120 South Sixth Street #2500  
Minneapolis, MN 55402  
612/ 338-5815

Attorneys for the Trustee

**VERIFICATION**

I, Julia A. Christians, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on February 16, 2021

/e/ Julia A. Christians  
Julia A. Christians

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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Debtor.

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**UNSWORN CERTIFICATE OF SERVICE**

I, Sarah J. Gelhar, declare under penalty of perjury that on February 16, 2021, I mailed copies of the attached **Notice of Hearing and Motion for Turnover of Property and proposed Order** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Brenda J. Musel  
9757 Zinnia Lane N  
Maple Grove, MN 55369

**Electronic Mail Notice List**

- Julia A. Christians jchristians@lapplibra.com,  
lfrey@lapplibra.com;MN0A@ecfbis.com;sgelhar@lapplibra.com
- Robert J. Hoglund bankruptcy@hoglundlaw.com, hoglundlaw@ecf.courtdrive.com
- US Trustee ustpreion12.mn.ecf@usdoj.gov

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

Executed on: February 16, 2021

*/e/ Sarah J. Gelhar*  
Sarah J. Gelhar, Legal Assistant  
Lapp, Libra, Stoebner & Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

**BKY 20-42761-MER**

**Brenda Jo Musel,**

**ORDER**

Debtor.

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This case is before the court on motion for turnover of property. Based on the motion and the file,

IT IS ORDERED:

The debtor turn over to the trustee within 7 days of the date of this order: any and all per capita payments received by the debtor after the date of the debtor's bankruptcy filing on December 8, 2020, including, but not limited to, the \$600 payment made by Pokagon Band on or about December 13, 2020, the \$1,081.11 payment made December 31, 2020, the January and February payments of approximately \$1,081.81 made to debtor by Pokagon Band; and, future per capita payments made to the debtor, as soon as received by the debtor.

Dated:

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Michael E. Ridgway  
Chief United States Bankruptcy Judge