

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re: Marta Rinaldi Carlson,)	
Debtor)	
)	Case No. 18-CH7-XXXX
Jacob W. Braham, Trustee)	
Plaintiff,)	
)	
v.)	Chapter 7
)	
Evelyn Rinaldi,)	Adversary Proceeding #18-111
Defendant)	

COMPLAINT FOR TURNOVER OF PROPERTY
OR MONEY JUDGMENT FOR ITS VALUE

The Trustee, Jacob W. Braham, pursuant to 11 USC §542 and Bankruptcy Rule 7001, files this complaint against defendant, Evelyn Rinaldi, and for his cause of action against her would show as follows.

Parties and Jurisdiction

1. Plaintiff is the Bankruptcy Trustee in this Chapter 7 case duly appointed by the United States Trustee for the District of Minnesota.
2. Defendant Evelyn Rinaldi is a resident of Beaumont, Minnesota.
3. This is an adversarial proceeding brought under Bankruptcy Rule 7001(1) seeking the turnover of property of the estate from a third person pursuant to 11 U.S.C. 542. Accordingly, this court has subject matter jurisdiction of this dispute pursuant to 28 U.S.C. §1334 as a matter arising in and related to a case under Title 11 that has been referred to this court by the Standing Order of the United States District Court for the District of Minnesota pursuant to 28 U.S.C. §157(a). This is a core proceeding under 28 U.S.C. §157(b)(2)(E) and the court may enter a final order in the case.

Cause of Action under 11 U.S.C. 542

5. The petition in this case was filed on June 6, 2018. The first meeting of creditors was conducted on July 9, 2018. Prior to the filing of the petition, Debtor

transferred to the Defendant, sister of the Debtor, a certain doll collection owned by Debtor. There are no known prepetition claims secured by the doll collection.

6. On Line 8 of her Schedule A/B, debtor valued the doll collection at \$15,125 and claimed that entire value as exempt in Part 2 of her Schedule C. On information and belief, the doll collection has a monetary value of between \$30,000 and \$35,000 and there is equity for the estate in the doll collection beyond the \$15,125 exemption in it claimed by debtor. The Trustee has filed an Objection to Claimed Exemption challenging debtor's valuation of the doll collection and a hearing on that Objection is currently scheduled for September 17, 2018.

7. By letter dated July 8, 2018 the Trustee demanded that the Defendant return the doll collection to the Trustee pursuant to 11 U.S.C. §542 but the Defendant has failed and refused to do so.

8. The doll collection is property of the estate pursuant to 11 U.S.C. §541(a). The Trustee is entitled to recover possession of the doll collection from Defendant or to receive a money judgment for its value, to be shown at trial.

WHEREFORE, the Trustee prays as follows:

- a) That Defendant be served with process and be required to answer this complaint in the time allowed by law; and
- b) That the Trustee have a judgment from the court ordering Defendant to immediately turnover the doll collection that is property of the estate to the Trustee; and
- c) In the alternative, that a money judgment be entered in favor of the Trustee against Defendant in an amount equal to the value of the doll collection as may be determined by the court; and
- d) for general relief.

August 3, 2018

/s/ Jacob W. Braham

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