

Darcy M. Crum  
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Attorney for Trustee

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

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In re: )  
GREGORY B. DUNCAN and ) Case No. 07-61053  
LAURIE L. DUNCAN, )  
)  
Debtors. )  
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**TRUSTEE'S MOTION TO TURN OVER PROPERTY MOVED TO CALIFORNIA**

The Chapter 7 Trustee, Darcy M. Crum, by and through her attorney, moves the Court, as follows:

1. The undersigned is the duly appointed Trustee in this case;
2. The Trustee and the Debtors entered into a stipulation covering various items of the Debtors' personal property, which the Court approved by Order dated November 12, 2008;
3. Contrary to the Order and in direct violation of it, Debtors moved the following items of personal property to California;
4. Debtors intended to "fix" their violation of the Order by purchasing the items taken to California from the estate;
5. Despite numerous promises, no money has been forthcoming from the Debtors;
6. The Court should order the Debtors, at their expense, to immediately return these items so that the Trustee may sell them at auction;

7. The items are:

DESCRIPTION OF ITEM	APPRAISED VALUE
<b>Furniture:</b>	
Leather Sofa/Day Bed	\$ 400.00
Leather Ottoman	\$ 100.00
Beacon Hill Leather King Size Headboard	\$ 3,000.00
Alder and Glass End Tables (2)	\$ 400.00
Iron and Glass Floor Candles (3)	\$ 150.00
2 Custom Leather Chairs	\$ 750.00
Round Table	\$ 150.00
Tortoise Leather and Wood Foot Stool	\$ 200.00
Floor Mirror	\$ 750.00
Dressing Stool in Bath	\$ 30.00
Leather and Wood Barstools (4)	\$ 800.00
Custom Pool Table	\$ 3,000.00
Wood Pool Que Rack	\$ 50.00
Printer/Fax/Copier	\$ 100.00
Teak and Iron Rocking Chairs and Table	\$ 300.00
Outdoor Chess Set with Stools	\$ 30.00
Iron and Teak Rocking Chair	\$ 150.00
Iron and Teak Rocking Bench	\$ 250.00
3 Chests	\$ 50.00
Leather and Wood Chairs with Ottomans (2)	\$ 1,000.00
Marble Top End Table	\$ 150.00
Plant Stand and Silk Ferns	\$ 200.00
Italian Wood Stand	\$ 200.00
Copper and Iron Beverage Stand	\$ 100.00
Epic Treadmill	\$ 500.00
Nautilus Weight Set	\$ 300.00
Italian End Table	\$ 750.00
Leather and Wood Chairs (2)	\$ 400.00
Leather Counter Height Stools (4)	\$ 400.00
<b>Vehicle:</b>	
2004 Volvo XC90 VIN:YVCZ91H241051487	\$ 11,000.00
<b>Firearms:</b>	
Glock 30 #3US	\$ 475.00
Smith & Wesson 686 #194	\$ 475.00
Walter PPK #906	\$ 400.00
<b>Art Work:</b>	
"Ascension of Christ" - Billy Mack	\$ 7,500.00

Prodigal Son "Bible" - Tissol	\$	500.00
Prodigal Son "The Return" - Tissol	\$	500.00
Prodigal Son "The Fatted Calf" - Tissol	\$	500.00
"For Thirty Pieces of Silver" - Rembrant	\$	2,500.00
Gold Statue "Jesus" 6-55-500 - Gali	\$	2,500.00
Portrait "Jesus"	\$	300.00
Bronze "Girl with Chickens & Basket"	\$	500.00
Bronze "Devin & Whitney" - Barvo	\$	1,000.00

**Lladro:**

#14 Christ in Stone	\$	-
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**Furs:**

Knitted Mink Stole SN-ACZNE 23630 MMF6	\$	720.00
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8. Based on the auction last weekend, the trustee believes she will make more than the appraised value of these items.

Trustee requests that the above-described property be returned to Kalispell, to Gardner's Auction Service, within 5 days of the order approving this motion.

DATED this 2<sup>nd</sup> day of July, 2009.

By /s/ Darcy M. Crum  
Darcy M. Crum  
Attorney for Trustee

**NOTICE:**

**If you object to the TRUSTEE'S MOTION TO TURN OVER PROPERTY MOVED TO CALIFORNIA, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:**

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

Location: \_\_\_\_\_

**If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.**

By /s/ Darcy M. Crum \_\_\_\_\_  
Darcy M. Crum

CERTIFICATE OF SERVICE

I, the undersigned, certify under penalty of perjury that on 2<sup>nd</sup> day of July, 2009, I served a copy of the foregoing MOTION by mailing a true and correct copy, first class mail, postage prepaid to Debtors at the following address or served via CM/ECF, to the Debtor's Counsel and the U.S. Trustee:

Gregory B. Duncan and Laurie L. Duncan  
P. O. Box 490  
Whitefish, MT 59937

By: /s/ Darcy M. Crum  
Darcy M. Crum