

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:
Christina Alexandra Moreno

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CASE NO: 17-52057 G

Debtor

Chapter 13

TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE
FOR FAILURE TO TURNOVER TAX RETURN AND/OR REFUND
WITH NOTICE AND OPPORTUNITY TO OBJECT

AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK WITHIN TWENTY ONE (21) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE. ANY SUCH OBJECTION MUST ALSO BE SERVED UPON THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING. IF AN OBJECTION IS FILED A HEARING WILL BE HELD AT COURTROOM # 3, U. S. POST OFFICE BUILDING, 615 E. HOUSTON STREET, SAN ANTONIO, TEXAS, ON August 14, 2018 AT 9:30 A.M.

NOW COMES Mary K. Viegelahn, Chapter 13 Trustee, in the above captioned case and files this Motion to Dismiss Chapter 13 Case for Failure to Turnover Tax Return and/or Refund for the following reason:

The Debtor has failed to provide the Trustee with a copy of the 2017 Federal Income Tax Return as required pursuant to 11 U.S.C. §521(f)(1). The Trustee requested a copy of the Return pursuant to a letter dated January 2018. To date, the Return has not been provided. The Debtor has failed to assist in the administration of the Estate. In addition, to the extent the Debtor received a refund, such refund may be disposable income which may be required to be turned over to the Trustee.

WHEREFORE, PREMISES CONSIDERED, the Trustee request that this Court dismiss this case in accordance with 11 U.S.C. §1307 (c)(1) and/or (c)(6), discharge the Trustee from her trust and sureties in connection with this case, and for such other relief as this Court may deem proper.

Dated: May 11, 2018

/S/ Mary K. Viegelahn

MARY K. VIEGELAHN P42327 (MI)
CHAPTER 13 TRUSTEE
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