

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

In re

Case Number
Chapter 13

Debtor(s).

Plaintiff(s),

v.

Adv. Proc. No.

Defendant.

COMPLAINT FOR TURNOVER OF PROPERTY TO THE ESTATE

The Debtor, as Plaintiff, brings this complaint for turnover of property to the estate pursuant to FED. R. BANKR. P. 7001(1) and 11 U.S.C. § 542(a) to recover a *(describe property)* believed to have been repossessed by the Defendant prior to the commencement of this case.

The Court has jurisdiction of this case under the provisions of 28 U.S.C. §§ 1334(b) and 157(a). By virtue of 28 U.S.C. § 157(b)(2)(E), this is a core proceeding.

Under the particular facts and circumstances, and applicable law, the Plaintiff is entitled to possession of the above-described property of the estate for “use” as contemplated in 11 U.S.C. § 363.

WHEREFORE, the Plaintiff respectfully requests that an expedited hearing be set to consider the requested relief, and that the court enter its order directing the Defendant to return the property to the Debtor.

Attorney for the Plaintiff(s)

INSTRUCTIONS FOR USING THIS FORM

1. This form is designed for use only in Chapter 13 cases where the debtor seeks the return of property taken by repossession or garnishment immediately prior to the filing of a bankruptcy case. Requests for money judgment, specific performance or declaratory relief should not be made by way of this form, but should be made by way of summons and complaint.
2. The full name and address of the defendant must be provided. This information will be used to create the Notice of Expedited Hearing on Complaint for Turnover of Property to the Estate.
3. Service of the Complaint for Turnover of Property to the Estate and of the Notice of Expedited Hearing on Complaint for Turnover of Property to the Estate must be made as provided in FED. R. BANKR. P. 7004. That rule should be carefully consulted concerning the requirements of service for defendants who are not natural persons.
4. In addition, because hearings on these complaints are set on an expedited basis, the plaintiff or attorney for the plaintiff must give telephonic notice of the filing of the complaint and the date and time of the hearing to the defendant.
5. The plaintiff or attorney for the plaintiff should file a certificate of service indicating the date and manner of service well in advance of the scheduled hearing.