

ORIGINAL

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13 UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF IDAHO

14 In re:

15 GERALD AND ONA LINDSEY,

16 Debtors.

17 Bankruptcy No. 03-21652

18 UNITED STATES JOINDER
19 IN TRUSTEE'S MOTION TO
20 CONVERT TO CHAPTER 7

21 The United States of America, through the Internal Revenue Service of the United States joins
22 in the Trustee's Motion to Dismiss or Convert and supports Trustee's motion upon the following
23 grounds and for the following reasons:

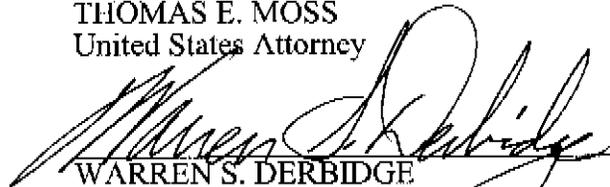
- 24 1. That the IRS proof of claim, which is unchallenged and therefore deemed allowed as filed,
25 exceeds the limitations on Chapter 13 eligibility in 11 U.S.C. §109(e);
- 26 2. That debtors in bad faith have omitted significant assets and income from their schedules
27 and statement of business affairs for the purpose of filing the case under Chapter 13;
- 28 3. That pursuant to 11 U.S.C. §1307(c) the Court has authority to convert this case to one
under Chapter 7 for cause;
4. That it is in the best interest of creditors, IRS included, to convert to Chapter 7 rather than
dismissing, to enable the Trustee to marshal assets and prevent debtors from dissipating and
concealing them through continuing transfers without consideration to sham trusts.

26

1 WHEREFORE, United States prays for entry of the Court's Order converting the case to a
2 case under Chapter 7.

3
4 DATED this 8th day of January, 2004.

5
6 THOMAS E. MOSS
7 United States Attorney

8 
9 WARREN S. DERBIDGE
10 Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY I am an employee of the Office of the United States Attorney for the District of Idaho, and that a copy of the foregoing UNITED STATES JOINDER IN MOTION TO CONVERT was mailed, postage prepaid and faxed to all parties named below on this 8th day of January, 2004.

ADDRESSEES:

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