

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

ANNA SCHULTHEISS : BK No. 05-11660
Debtor : Chapter 13

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ORDER DIRECTING THE UNITED STATES MARSHAL TO SEIZE AND ARREST THE DEBTOR AND ROBERT SCHULTHEISS, AND BRING THEM BEFORE THE COURT TO DETERMINE THE STATUS OF ESTATE PROPERTY

On April 5, 2006, I issued an Order requiring *inter alia* the Debtor, Anna Schultheiss, and her son, Robert Schultheiss, to personally appear before this Court on April 6, 2006, at 10:00 A.M., to show cause why they should not be held in contempt for failing to turn over the net proceeds of the sale of the Debtor's home at 26 Oak Avenue, Narragansett, Rhode Island, to the Chapter 13 Trustee, as required in the Notice of Sale, and as Ordered by this Court on February 24, 2006. They have not complied. On April 5, 2006, at 5:30 P.M., the Order to Show Cause was personally served on both the Debtor and her son by the United States Marshal's Service. At the show cause hearing today, we heard representations from her counsel that the Debtor would be appearing with check in hand. When there was no appearance by 10:30 A.M., counsel was asked to phone his client and he was advised that "the Debtor's son was in the shower and that they would be leaving shortly." With still no appearance, and after giving the Debtor the benefit of many doubts, I continued the matter to 3:30 P.M. today. After calling to inform his client of the extension of time granted by the Court, Debtor's counsel was told that neither the

Debtor or her son had a driver's license and therefore they could not drive to the Court.


Based upon the colloquy and the representations made by the Debtor through her counsel, I find that both Anna Schultheiss and Robert Schultheiss have intentionally ignored this Court's Order of April 5, 2006, requiring their appearance here. In addition, the Court is concerned over the possible dissipation of an estate asset, i.e., \$40,000 which the Debtor and her son received from the sale of the Debtor's house. Accordingly, pursuant to 11 U.S.C. § 105 (a), the United States Marshal is ORDERED and AUTHORIZED to seize, arrest, and transport Anna Schultheiss and her son, Robert Schultheiss, to this Court at 380 Westminster Mall, 6th Floor, Providence, RI, to attend the Show Cause hearing. See *In re Duggan*, 133 B.R. 671, (Bankr. D. Mass. 1991). When the Marshal delivers Anna Schultheiss and Robert Schultheiss, the Court will reconvene the continued hearing pursuant to the April 6, 2006 Show Cause Order.

ORDER:

ENTER:

Deputy Clerk

Entered on Docket: 4/6/06
Document Number: _____



Arthur N. Votolato
U.S. Bankruptcy Judge

Date: 4/6/06