

FILED

AUG 30 2007

**U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:) Chapter 7
STEVEN GORDON,) No. 4-06-bk-00974-JMM
Debtor.) **MEMORANDUM DECISION**

The Trustee's motion for turnover and the Trustee's objection to exemption came on regularly for hearing on August 20, 2007. The Trustee was represented by Michael M. Neal; the Debtor was represented by Ronald Ryan.

After consideration of the undisputed facts and the law, the court now rules.

FACTS

1. Between June 22, 2006 and August 17, 2006, the Debtor's employer withheld, from Debtor's wages, pursuant to a garnishment of creditor Discover Bank, the sum of \$1,386.27.
2. On August 15, 2006, the Debtor filed a chapter 7 bankruptcy petition.
3. Discover Bank never sought to perfect its garnishments by obtaining a judgment against the garnishee-defendant (the employer).
4. On August 31, 2006, Discover Bank released the garnishment.
5. On August 31, 2006, the employer returned \$1,386.27 to the Debtor.
6. The Trustee seeks said sum, as a non-exempt asset.

1 COPIES served as indicated below this
2 30th day of August, 2007, upon:

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By /s/ M. B. Thompson
Judicial Assistant