

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In the Matter of:	'08 MAR 24 10:49)	
)	Case No. 04-31353 MBM
Gerald B. Applegate)	
	U.S. B. COURT)	
)	Chapter 7
Debtor)	
)	REPLY TO TRUSTEE'S
)	OBJECTION TO DEBTOR'S
)	MOTION FOR VARIOUS
)	RELIEF

AND NOW COMES Gerald B. Applegate, Debtor in the above estate, and files the following answer to Trustee's Objection to Debtor's Motion for Various Relief:

1. Debtor filed an original petition for Chapter 7 Bankruptcy in the United States Bankruptcy Court for the District of Western Pennsylvania on October 4, 2004 as indicated by the record herein.
2. Debtor continues not to receive any of the required notices in accordance of Federal Rules from the Trustee or Karen Applegate.
3. Not having used certified mail, the risk of improper service is at the peril of the Trustee and Karen Applegate.
4. Debtor's Summary of Schedules showed various real and personal property assets of \$2,456,599.33.
5. Debtor's Schedule B. Personal Property listed, among other items, furniture, electronics, an extensive collection of diamond rings, diamond chains, diamond pendants, diamond bracelets, 12 fur coats, cars, a house, collectable prints and paintings, and a yacht among other assets.
6. All of these items were in the possession and control of debtor's wife at the time.

7. The address and location of all of these items was given to Trustee Williams in October of 2004 but never cataloged or inventoried by the Trustee, nor was a turnover order sought.
8. Trustee Williams was given all information pertaining to an uncollected debt owed to Debtor from sale of his medical practice in excess of \$300,000.00 which was disregarded by the Trustee and not made subject to turnover to the Trustee.
9. Trustee Williams did not pursue and abandoned assets of extensive jewelry although part of the bankrupt estate.
10. Trustee Williams did not pursue and abandoned assets of 12 fur coats although part of the bankrupt estate.
11. Trustee Williams did not pursue and abandoned assets of any cars although part of the bankrupt estate.
12. Trustee Williams did not pursue and abandoned assets of valuable collectable prints although part of the bankrupt estate.
13. Trustee Williams did not pursue and abandoned assets of a yacht although part of the bankrupt estate.
14. All of these assets were in the possession and control of Debtor's wife at the time and most of these items still remain in her possession and control at this time.
15. Trustee Williams did not pursue and abandoned assets of the large debt owed to Debtor from the sale of his medical practice.
16. These assets were available to Trustee Williams and in fact would have substantially paid many of debtor's creditors inclusive of all taxes due.

17. Trustee Williams did not pursue assets generated from the sale of Debtor's house, this only became available when Debtor himself found a buyer for the house, although the duty of the Trustee.

18. Said funds then became available and were approved for distribution by United States Trustee Kelly Beaudin Stapleton on January 24, 2007.

19. To date, Debtor's estate has not been distributed to creditors and the Trustee was and continues to be dilatory.

20. Trustee's William's statement that he in no way acted in a dilatory manner and that he moved forward with all possible speed is not supported by any of the facts of this case and at the very least is conclusatory and not factual.

21. Trustee William's statement that lengthy negotiations have been conducted with Karen Applegate's attorney is not supported by any of the facts of this case, nor have any facts of proof been produced or offered.

22. The Trustee is privileged to disagree with Court Rules; this privilege does not extend to non-compliance. To disregard Court Rules is to relegate them to mere suggestions.

23. In actuality, Trustee Williams consistently abandoned assets of the Debtor's estate, which would have been available for creditors, caused undue harm and delay to the Debtor, and Debtor has been unjustly prejudiced and suffered damage.

24. The Distribution Schedule filed in January of 2007 lists the Internal Revenue Service as a priority creditor.

25. The Distribution Schedule filed in January of 2007 lists the amount of debt owing to the Internal Revenue Service by the debtor as \$22,534.02.

26. Interest on the debt to the Internal Revenue Service continues to accrue on a daily basis.

27. The debt now owing the Internal Revenue Service, due to accruing interest, is a direct effect of Trustee Williams's delay and is currently \$34,675.22 causing the Debtor to suffer prejudice and monetary damages.

28. Trustee Williams has directly and intentionally caused this increase in amount due and this amount should be borne by the Debtor's estate and/or the Trustee including sanctions and costs.

29. Debtor believes the legal liability for said additional interest should be upon the shoulders of the Trustee or Karen A. Applegate and that Debtor should be held harmless as to any additional interest by the Internal Revenue Service, which is substantial.

30. Debtor believes that he will suffer irreversible and irrevocable damages as a result of the dilatory acts of the Trustee and Karen A. Applegate and has been deprived of due process of Law and the remedies and benefits afforded by the Bankruptcy Statutes.

32. Debtor additionally believes that the matter be held as of the original date of Trustee's distribution and that the Internal Revenue Service is a Priority creditor and should receive payment forthwith.

WHEREFORE, Debtor respectfully requests the Court to deny any relief sought by the Trustee in Trustee's Objection to Debtor's Motion for Various Relief and award sanctions and immediate payment of all taxes and federal liens. A formal order is attached.

MARCH 17, 2008

GERARD B. Applegate
GERARD B. Applegate
PO Box 402095
MIAMI BEACH, FL
33140