

Motion for Turnover (including Motion to Compel Turnover)

Docketing Event

- Bankruptcy> Motions/Applications/Objections> Motion for Turnover of Property
 - Bankruptcy> Motions/Applications/Objections> Motion to Compel (Abandonment/Turnover/Other)
-

Negative Notice: Yes.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 521\(a\)\(4\)](#)

[11 U.S.C. § 542\(a\)](#)

[11 U.S.C. § 543](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 1/23/2018 9:50:26 AM

Description

Motions to compel turnover of property and motions for turnover of property are processed the same. In both instances, the filer is asking the court to enter an order directing a party to turn over property.

A trustee files the motion requesting turnover when a debtor, a custodian, or any other entity in possession of property of the estate fails to turn over that property as required by the Bankruptcy Code. 11 U.S.C. §§ 521(a)(4), 542(a), 523(b)(1).

In some instances, a party may file a motion for order to show cause to address issues related to turnover.

In other instances, a party may file a motion to approve stipulation for turnover. Those motions ask the Court to approve a “payment plan” to obtain the property. If the party still refuses to turn over property of the estate, the trustee may initiate an adversary proceeding against that party.

Filing Checklist

Review the motion to determine if it:

- Is signed;
- Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Contains negative notice that has the correct language located on the first page;
 - ❖ **Note:** Response period is 30 days (plus an additional three days if any party was served by U.S. Mail).