

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: 2/5/2024 2:17:49 PM

Description

In motions for turnover or motions to compel turnover, the filer asks the Court to enter an order directing a party to turn over property. A trustee will file a 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), 543(b)(1).

Sometimes, a party may file a motion to approve a stipulation for turnover. Such motions typically ask the Court to approve a “payment plan” whereby the debtor “buys back” property from the trustee. If a party refuses to turn over property of the estate, the trustee may initiate an adversary proceeding to seek recovery of the property.

Filing Checklist

Review the motion to determine if:

- ☐ It is signed by the filing attorney (may be “scanned in signature” or “/s/” signature block);
- ☐ It includes attorney’s complete name and address, consistent with the filing attorney’s name and address in CM/ECF;
- ☐ It is properly served and includes a proper certificate of service;
- ☐ Includes the following required language: “Debtor may contact the Trustee to discuss purchasing the estate’s interest in the pertinent asset(s).”; and
- ☐ It contains negative notice with 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).

Review proposed order to determine if it:

- ☐ Follows the Court's Style Guide and format for submission of proposed orders;
- ☐ Includes the following **required** language: "Debtor may contact the Trustee to discuss purchasing the estate's interest in the pertinent asset(s)."

Forms

[Order Granting Motion for Turnover](#)