

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: EXPRESS PROCESSING, LLC
Debtor**

**CHAPTER 11
CASE NO. 21-11835-SDM**

MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE

COMES NOW Express Processing, LLC (the “Debtor”), and files this its *Motion for Turnover of Property of the Estate* (the “Motion”), and in support thereof, would respectfully show as follows, to-wit:

1. The Debtor initiated this Chapter 11 case by the filing of a voluntary petition pursuant to Chapter 11 on September 29, 2021. Subsequent thereto, the Debtor has been and is, the duly qualified, and acting, Debtor-in-Possession in this case. CR3 Partners is the Chief Restructuring Officer of the Debtor and is in control of the assets and properties of the Debtor-in-Possession and is conducting the limited business of the Debtor-in-Possession.

2. This Honorable Court has jurisdiction of the subject matter herein and the parties hereto pursuant to 28 U.S.C. §§ 157 and 1334; 11 U.S.C. §§ 105, 363, 541, 1107, 1109, related statutes, related rules and various orders of reference. This is a core proceeding.

3. Prior to the filing of the petition, the Debtor created a checking account at U.S. Bank a/k/a US Bancorp (the “Bank”) at Post Office Box 1800 St. Paul, Minnesota, 55101-0800. The account has been assigned Account No. 8374 (this is obviously a redacted account number including only the last four digits of the account).

4. The account holds funds that are property of the estate and, the Bank has been deducting, without authorization, post-petition charges from the account on a regular basis.

5. The Debtor has contacted the Bank and has advised it that the funds in the account belong to the Debtor and they should be released to the Debtor/its counsel or the Chief Restructuring Officer. The Bank has declined.

6. There is no reason, justification or contract which allows the Bank to retain property of the bankruptcy estate.

7. Turnover actions are routinely filed as adversary proceedings, not as contested matters, but the Debtor respectfully submits that a turnover action is appropriate here in order to promote efficiency, judicial economy and to save as much as possible on fees and expenses in this case.

8. The funds in the account belong to the Debtor. As stated, the Bank has no right, obligation, justification or other reason for withholding the funds from the Debtor.

9. The Court should enter an order, directing the Bank to immediately turnover those funds and transmit them to counsel for the Debtor, to be held pending Plan confirmation and/or other orders of the Court directing distribution of the funds being held.

10. Other grounds to be assigned upon a hearing hereof.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully prays that upon a hearing hereof this Honorable Court will enter its order directing the Bank to turn over the funds held in the account referenced in the Motion, immediately, to counsel for the Debtor, to be held in an interest bearing, savings account not to be disbursed except upon further order of the Court after notice and a hearing. Debtor prays for general relief.

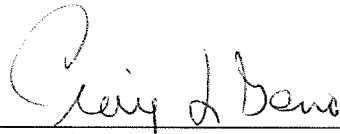
THIS, the 24th day of August, 2023.

Respectfully submitted,

EXPRESS PROCESSING, LLC

By Its Attorneys,

LAW OFFICES OF CRAIG M. GENO, PLLC

By: 
Craig M. Geno

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via electronic filing transmission or U.S. Mail, a true and correct copy of the above and foregoing to the following:

Abigail M. Marbury, Esq.
abigail.m.marbury@usdoj.gov

U.S. Bancorp Registered Office
1010 Dale Street N
St. Paul, Minnesota 55117-5603

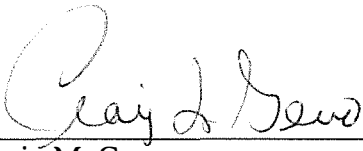
Mr. Dennis Gerrard
dennis.gerrard@cr3partners.com

Corporation Trust Center
Registered Agent
1209 Orange Street
Wilmington, Delaware 19801

The Office of the Corporate Secretary
U.S. Bancorp BC- NNA-H210
800 Nicollet Mall
Minneapolis, Minnesota 55402-4302

U.S. Bank
P. O. Box 1800
St. Paul, Minnesota 55101-0800

THIS, the 24th day of August, 2023.



Craig M. Geno