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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

NORTH AMERICAN TELEPHONE-TPA, INC.,

Debtor.

Chapter 7

Bankruptcy Case No. 99-10074-8B7

_____ /

MOTION TO DESTROY DEBTOR'S BOOKS AND RECORDS

Plaintiff, Douglas N. Menchise, Chapter 7 Trustee (the "Trustee") of the bankruptcy estate of North American Telephone, TPA, Inc. (the "Debtor"), files this motion (the "Motion") seeking the entry of an order granting the Trustee authority to destroy the Debtor's corporate books and records, and would state to the Court as follows:

1. On June 19, 1999, North American Telephone TPA, Inc. (the "Debtor") filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101, *et seq.* (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Middle District of Florida, Tampa Division (the "Court").

2. The Debtor continued operating its business and managing its affairs as a debtor and debtor in possession pursuant to Code Section 1107 and 1108 of the Bankruptcy Code until September 30, 1999, on which date the Court converted the case to a Chapter 7.

3. On September 30, 1999, the Trustee was appointed Chapter 7 Trustee of the Debtor's bankruptcy estate.

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- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
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4. In response to the Trustee's request for production of documents pursuant to a Bankruptcy Rule 2004 examination of the Debtor's president, Curt Barnes, the Debtor turned over to the Trustee nearly all the Debtor's corporate books and records (the "Business Records").

5. The Trustee retained a forensic accountant to review the Business Records. The forensic accountant has informed the Trustee and Trustee's counsel that the Business Records were historically old documents which are not relevant to the Trustee's investigation of potential fraudulent and preferential transfers. Significantly, the forensic accountant believes the Business Records have been "picked through" to remove relevant information that would support fraudulent or preferential transfers against third parties.

6. Currently, the estate has insufficient funds to pay for the storage of the Business Records.

7. Since the production of the Business Records, the Business Records have been stored at Trustee's counsel's office. The Trustee has been informed that such Business Records must be removed from Trustee's counsel's office so that space may be utilized by the firm. As such, the Trustee seeks permission to destroy the Business Records.

8. Trustee's counsel has contacted Curt Barnes' counsel notifying him of the Trustee's desire to turn over the Business Records to Mr. Barnes. To date, Mr. Barnes or his counsel have been unwilling to take possession of such Business Records.

9. There are currently pending several adversary proceedings in which defendants may want to obtain copies or review such Business Records. Notice of the Trustee's proposed destruction of the Business Records have been given to those defendants. If requested and/or authorized by the Court, the Trustee will turn over possession of the Business Records to any

party willing to take possession of the Business Records and willing to safeguard the Business Records.

WHEREFORE, the Trustee requests that the Court set this motion for hearing, enter an order granting it the authority to destroy the Business Records or, alternatively, enter an order authorizing the turnover of the Business Records to any defendant or third party who wishes to obtain possession of such Business Records and agrees to safeguard those records for other defendants and waives any claim against the estate for the storage of the Business Records; and grant such other and further relief as is just, equitable and proper.

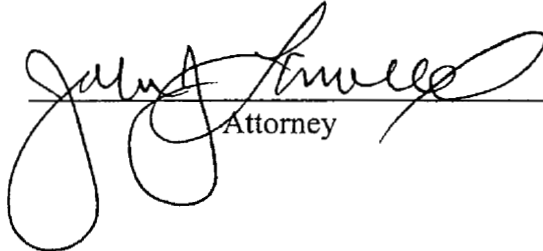
Respectfully submitted this 29th day of October, 2002.



John J. Lamoureux
Florida Bar Number 835218
CARLTON FIELDS, P.A.
One Harbour Place
Post Office Box 3239
Tampa, Florida 33601
Telephone: (813) 223-7000
Facsimile: (813) 229-4133
Email: jlamoureux@carltonfields.com
Special Counsel for Douglas N. Menchise,
Chapter 7 Trustee of the bankruptcy estate
of North American Telephone-TPA, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by United States first class mail, postage prepaid, upon those parties listed on the attached Exhibit A on this 29th day of October, 2002.



Attorney

Web Creditors Matrix
Case# 99-10074-8B7
Date: 10/29/2002 15:14:36
Group: ALL CREDITORS LIST

NORTH AMERICAN TELEPHONE, TPA, INC.
400 N. TAMPA ST., STE. 2100
TAMPA, FL 33602

David W. Steen
400 N. Tampa St., Suite 2450
Tampa, FL33602
813-224-0866

Douglas N. Menchise
300 Turner Street
Clearwater, FL33756
727-442-2186

Douglas N. Menchise
300 Turner Street
Clearwater, FL33756
727-442-2186

AABCO MORTGAGE LOANS & INVESTMENTS
C/O BARRY ELKIN, ESQ.,
9400 4TH STREET N., # 128
SAINT PETERSBUR, FL 33702

ACSI D/B/A E-SPIRE
P.O. BOX 64576
BALTIMORE, MD 21264-4576

AMERICAN EXPRESS TRAVEL REL
C/O BECKET & LEE, LLP
P.O. BOX 3001
MALVERN, PA 19355-0701

AMERICAN EXPRESS TRAVEL REL CO INC
C/O BECKET & LEE, LLP
P.O. BOX 3001 DEPT.
MALVERN, PA 19355-0701

ASSISTANT UNITED STATES TRUSTEE
TIMBERLAKE ANNEX, SUITE 1200
501 E. POLK STREET
TAMPA, FL 33602

ASSOCIATES CAPITAL BANK
E. FRITZ, SUPERVISOR
P.O. BOX 7004 DEPT. 56-4201156089
SIOUX FALLS, SD 57117

ASSOCIATES CAPITAL BANK/OFFICE DEPO
C/O E. FRITZ
P.O. BOX 7001 DEPT. 56-4600020159
SIOUX FALLS, SD 57117

ASSOCIATES GLOBAL SYSTEM
P.O. BOX 71318
CHICAGO, IL 60694-1318

AT&T
P.O. BOX 628072
ORLANDO, FL 32862-8072

BTI, INC. SCOTT HARDESTY
4300 SIX FORKS ROAD # 50
RALEIGH, NC 27609

BUSINESS TELECOM, INC.
ATTN: BETH CUNNINGHAM
4300 SIX FORKS RD., #80
RALEIGH, NC 27609

BUSINESS TELECOM, INC.,
C/O MICHAEL P. HORAN, ESQ.,
100 N TAMPA ST STE 1900, P.O.500
TAMPA, FL 33601-0500

COLONIAL BANK
C/O SHIRLEY C. ARCURI, ESQ.
4830 W. KENNEDY BLVD., #750
TAMPA, FL 33609

CRISTEL TELCOM, INC.
35246 US 19, NORTH, SUITE 206
PALM HARBOR, FL 34684

FEDERAL EXPRESS
P.O. BOX 1140
MEMPHIS, TN 38191-1140

FLORIDA DEPT OF REVENUE
C/O GORDON L. KIESTER, ESQ.,
P.O. BOX 2299
MANGO, FL 33550-2299

FRONTIER COMMUNICATIONS
20 OAK HOLLOW, STE 210
ATTN JANICE CLEARY
SOUTHFIELD, MI 48034

FRONTIER COMMUNICATIONS OF WEST INC
C/O KATHLEEN S. MCLEROY, ESQ.,
ONE HARBOUR PLACE, P.O. BOX 3239
TAMPA, FL 33601

FRONTIER COMMUNICATIONS WEST INC*
C/O THOMAS E. COUGHLIN, ESQ.,
ONE WOODWARD AVE., STE 2400
DETROIT, MI 48226

FRONTIER COMMUNICATIONS WEST, INC**
C/O ROBERT A. SORIANO, ESQ.,
ONE HARBOUR PLACE - P.O. BOX 3239
TAMPA, FL 33601

GLOBAL INTERCONNECT
1001 BRICKELL BAY DRIVE
SUITE 1510
MIAMI, FL

GLOBAL PAYCOM
5008 W. LINEBAUGH AVE., SUITE 56
TAMPA, FL 33624

GOLD LABEL COFFEE
9502 PALM RIVER ROAD
TAMPA, FL 33619

GTE SOUTH
P.O. BOX 101687
ATLANTA, GA 30392-1687

GTE TELEPHONE OPERATIONS
P.O. BOX 6050
INGLEWOOD, CA 90312-6050

GTE WIRELESS
P.O. BOX 630025
DALLAS, TX 75263-0025

HERITAGE COMMUNICATIONS
1600 W. EAU GALLIE BLVD.
SUITE 201
MELBOURNE, FL 32935

HILLSBOROUGH TAX COLLECT
601 E. KENNEDY BLVD.
14TH FLOOR
TAMPA, FL 33602-0920

INTEGERA BUSINESS FORMS
P.O. BOX 916158
LONGWOOD, FL 32791-6158

INTERMEDIA COMMUNICATION
P.O. BOX 915121
ORLANDO, FL 32891-5121

INTERNAL REVENUE SERVICE
SPECIAL PROCEDURES - STOP 5720
400 W. BAY STREET, SUITE 35045
JACKSONVILLE, FL 32202

KIMPTON BURKE WHITE
28059 US HWY 19 N.
SUITE 100
CLEARWATER, FL 33761

KIMPTON, BURKE, WHITE & HEIDEN PA
C/O LANGFRED W. WHITE, ESQ.,
28059 US HWY 19 N., SUITE 100
CLEARWATER, FL 33761

LAW OFFICE OF MARK A. HA
9001 AIRPORT FREEWAY
SUITE 650
FORTH WORTH, TX 76180

LESA REICH
1523 ATTLEBORO LN
BRANDON, FL 33511

LINSKY & REIBER
601 E. TWIGGS
TAMPA, FL 33602

MAIL OFFICE PRODUCTS
1212 N. 39TH ST.
TAMPA, FL 33605

MCBEE
P.O. BOX 4270
ATHENS, OH 45701

NACT TELECOMMUNICATIONS, INC.
ATTN: RICHARD HEIDECKE, ESQ.
1919 S. HIGHLAND AVE., SUITE 129-D
LOMBARD, IL 60148

NATIONAL APPLIED COMPUTE
191 WEST 5200 N.
PROVO, UT 84604

OCEAN CAPITAL MANAGEMENT
400 N. TAMPA ST.
SUITE 2100
TAMPA, FL 33602

OCEAN CAPITAL MANAGEMENT
C/O RICHARD J. MCINTYRE, ESQ.
PO BOX 1102
TAMPA, FL 33601-1102

OFFICE DEPOT
P.O. BOX 8001
LAYTON, UT 84041

OFFICE OF U.S. ATTORNEY
400 NORTH TAMPA STREET
SUITE 3200
TAMPA, FL 33602

PINELLAS COUNTY TAX COLLECTOR
ATTN: ROBERT J. JOSEPH, DIRECTOR
PO BOX 1729
CLEARWATER, FL 33757-1729

PIRMETEC
98 SAN JACINTO BLVD.
SUITE 1700
AUSTIN, TX 78701

PRIME TEC INTERNATIONAL, INC.
C/O MICHAEL C. MARKHAM, ESQ.
PO BOX 1368
CLEARWATER, FL 34617

PRIMETEC INTERNATIONAL, INC.
C/O MICHAEL C. MARKHAM
911 CHESTNUT ST.
CLEARWATER, FL 33756

PRYOR RESOURCES, INC.
P.O. BOX 2951
SHAWNEE MISSION, KS

PUBLIC SERVICES COMM - FLO
2540 SUPERIOR BLVD.
ATLANTA, GA
TALLAHASSEE, FL 32399

RICHARD LEE REPORTING
P.O. BOX 1157
TAMPA, FL 33601

SKYTEL, INC.
P.O. BOX 3887
JACKSON, MS 39207-3887

STATE OF FLORIDA, DEPT. OF REVENUE
OFFICE OF GENERAL COUNCIL/BKCY SEC
P.O. BOX 6668
TALLAHASSEE, FL 32314-6668

TAMPA CITY OF OCC. LIC
P.O. BOX 2200
TAMPA, FL 33601-2200

TELECARD DISPENSING CORP.
C/O ROBERT GRADY
2699 S. BAYSHORE DR, 7TH FLOOR
MIAMI, FL 33133

THE MADISON BUILDING, INC.
C/O DENNIS LEVINE & ASSOC., PA
PO BOX 707
TAMPA, FL 33601

TIME WARNER TELECOM
P.O. BOX 2017
MECHANICSBURG, PA 17055

UNITED PARCEL SERVICE
C/O D&B BANKRUPTCY SERVICES
PO BOX 5126
LUTHERVILLE TIM, MD 21094

UNITED PARCEL SERVICES
P.O. BOX 505820
THE LAKES, NV 88905-5820

W. FRED PETTY, PINELLAS CO TAX COLL
C/O ROBERT J JOSEPH, DIR.
P.O. BOX 1729
CLEARWATER, FL 33757-1729

WARREN PUBLISHING, INC.,
2115 WARD COURT, N.W.
WASHINGTON, DC 20037

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Case# 99-10074-8B7
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TAMPA, FL 33602

David W. Steen
400 N. Tampa St., Suite 2450
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P.O. BOX 6668
TALLAHASSEE, FL 32314-6668

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P.O. BOX 2017
MECHANICSBURG, PA 17055