

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 03-46876

In re:

Ann Norman-Stanek,

Debtor.

**NOTICE OF HEARING AND
MOTION OBJECTING TO
CLAIMED EXEMPTIONS**

TO: The Debtor and other entities specified in Local Rule 9013-3.

1. Randall L. Seaver, the duly appointed Chapter 7 trustee herein (“Trustee”) moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 1:00 p.m. on January 7, 2004, in Courtroom 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and delivered not later than December 31, 2003 which is seven days before the time set for the hearing or filed and served by mail not later than December 26, 2003 which is ten days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This Chapter 7 case was commenced on October 1, 2003. The first meeting of creditors was originally scheduled for November 4, 2003. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. §522, Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rules 9013-1 and 9013-2.

6. Attached hereto as Exhibit A is a true and correct copy of Debtors' Schedule C. Movant objects to the Debtors' exemptions claimed in that schedule as follows, for the following reasons:

- a. Objection is made to the Debtor's claimed homestead exemption of "\$0.00." Objection is made to assure that the claimed exemption by the Debtor entitles her to \$0.00 of value in the property located at 224 Union Street North, Norwood Young America described as follows:

North half of Lots 004 and 005, Block 016 to the city lots addition to the city of Norwood young America, County of Carver, State of Minnesota,

and that all remaining value of the estate's interest in the Property, together with the Property itself remain property of the bankruptcy estate.

WHEREFORE, the Trustee requests an order of the court holding that the Debtor's claimed exemption of "\$0.00" in the above property entitles the Debtor to \$0.00 of equity in the above property with all other estate equity and the Debtor's interest in the property itself to remain property of the bankruptcy estate.

FULLER, SEAVER & RAMETTE, P.A.

Dated: December 3, 2003

By: /e/ Randall L. Seaver
Randall L. Seaver 152882
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, the duly appointed Chapter 7 trustee of this Bankruptcy Estate, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on December 3, 2003

/e/ Randall L. Seaver

Randall L. Seaver

In re **Ann Norman-Stanek**

Debtor.

Case No. _____

(If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:

(Check one box)

11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). **Note: These exemptions are available only in certain states.**

11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
1994 Ford Ranger 128k miles	11 USC § 522(d)(2)	1,950.00	1,950.00
Norwood Young America State Bank- checking	11 USC § 522(d)(5)	400.00	400.00
property located at: 224 Union Street North, Norwood Young America, described as: north half of Lots 004 and 005, Block 016 to the city lots addition to the city of Norwood Young America, county of Carver, state of Minnesota	11 USC § 522(d)(1)	0.00	77,200.00
Various Clothing Items	11 USC § 522(d)(3)	1,000.00	1,000.00
Various Household Items	11 USC § 522(d)(3)	2,000.00	2,000.00
wedding jewelry	11 USC § 522(d)(4)	400.00	400.00

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 03-46876

In re:

Ann Norman-Stanke,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I, Kari L. Fogarty, declare under penalty of perjury that on December 3, 2003, I mailed a copy of the following documents:

1. Notice of Hearing and Motion Objecting to Claimed Exemptions; and
2. Order (proposed)

by first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Ann Norman-Stanek
224 North Union Street
Norwood Young America, MN 55368

Steven M. Gale
Stuart E. Gale Law Office
9301 Bryant Avenue South, Suit 101
Bloomington, MN 55420

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

FULLER, SEAVER & RAMETTE, P.A.

Dated: December 3, 2003

By: /e/ Kari L. Fogarty
Kari L. Fogarty
Legal Secretary
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 03-46876

In re:

Ann Norman-Stanek,

ORDER

Debtor.

At Minneapolis, Minnesota this _____ day of _____, 2004.

The above matter came before the court on the objection of the Chapter 7 Trustee to exemptions. Appearances were as noted upon the record.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

That the Trustee's objection is sustained and the Debtor's claimed exemption of \$0.00 of value in the property legally described as follows:

North half of Lots 004 and 005, Block 016 to the city lots addition to the city of
Norwood young America, County of Carver, State of Minnesota

entitles the Debtor to \$0.00 of value in that property and all equity above that amount, together with the Debtor's interest in the property itself shall remain property of the bankruptcy estate.

BY THE COURT:

Nancy C. Dreher
U.S. Bankruptcy Judge