

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 04-42781

In re:

Trent R. Steckman and Heidi L. Steckman

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

Debtors.

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 2:30 p.m. on July 21, 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 July 16, 2004 which is ten days before the time set for the hearing (excluding Saturdays, Sundays and holidays) or filed and served by mail not later than July 12, 2004 which is seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays). **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 May 17, 2004. The first meeting of creditors was originally scheduled for June 17, 2004. 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.

7. Movant objects to the Debtors' exemptions claimed in that schedule because the Debtors stated that they had minimal amounts in their accounts. On the date of filing they withdrew \$1,170 in cash from their account. Objection is made to the Debtor's claimed exemptions of "minimal account balances," and the claimed blanket exemption claim of the Debtors stated as: "Pension and/or profit sharing plans, rentals and reasonable usage of realty during proceedings, tax refund accrued, wages, all sums on deposit, fair debt collection practice act claims, if any; exact amounts unknown, but less than the unused amount in 11 U.S.C. 522(d)(5) above. All transfers by garnishment of execution within 90 days prior to filing this case are claimed as exempt and avoided pursuant to 11 U.S.C. 522(f)(g) and (i) and 11 U.S.C. 547(f)" to assure that the unscheduled cash of \$1,170, together with the actual account balances in each of their checking accounts remains property of the bankruptcy estate.

WHEREFORE, the Trustee requests an order of the Court:

1. Denying the Debtor's claimed exemption of amounts in their accounts as of the date of filing stated as "minimal."

2. Denying any claimed exemption of the Debtors in \$1,170 in cash which they withdrew from their account on the date of filing, and which cash was not scheduled by them.

FULLER, SEAVER & RAMETTE, P.A.

Dated: June 30, 2004

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 June 30, 2004

/e/ Randall L. Seaver
Randall L. Seaver

Name of Debtor(s): Steckman, Trent R.
Steckman, Heidi L.

Case No. BKY

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

FEDERAL

Debtor elects the exemptions to which debtor is entitled under (Check one box)

11 USC § 522(b)(1): Exemptions provided in 11 USC § 522(d). Note: these exemptions are available only in certain states.

11 USC § 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law. (State of Minnesota)

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
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Aggregate interest in real property or personal property used as my(our) residence located in Anoka County, Minnesota, legally described, to-wit:

11 U.S.C. 522(d)(1) \$36,000.00 \$210,000.00

Lot 16, Block 2, Pinewood Estates 2nd Addition

Amount allowed as exemption under 11 U.S.C. Sec. 522(d)(1) \$36,900.00

Used above \$36,000.00

Balance remaining to be applied to personal property under \$900.00

I (we) claim a 100% (joint) interest, unless otherwise specified in the following described personal property which is valued only to the extent of my (our) interest and only to my (our) equity in the property over and above existing liens:

2. Vehicles: 11 U.S.C. 522(d)(2) \$3,950.00 \$7,000.00

Description/exempt amount/value

1998 Jeep Grand Cherokee (120,000 miles)

1982 Chevy Camaro-not running

3. Household goods: 11 U.S.C. 522(d)(3)

Furnishings, appliances, including video, audio and computer \$4,200.00 \$4,200.00

Wearing apparel \$800.00 \$800.00

Books.

Musical instruments.

Interest does not exceed \$400.00 in value in any particular item within the classification described above unless otherwise indicated, and any overage is credited to Section 5 below. All items are held primarily for the personal family or household use of the Debtor(s) or his dependents.

4. Jewelry 11 U.S.C. 522(d)(4)

Name of Debtor(s): Steckman, Trent R.
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5. Miscellaneous items:

11 U.S.C. 522(d)(5)

Amount remaining from No. 1 above	\$900.00
Amount per individual provided by 11 U.S.C. 522	\$1,950.00
Total available under 11 U.S.C. 522(d)(5) for exemption	\$2,850.00

Remington 1100 shotgun-\$75
Canoe-\$50
Wedding rings-\$750
97% int-"Builders Choice Inc."no value
(2) Blaine State Bank checking accts-\$minimal amts
Bremer Bank checking acct-\$minimal amt

Pension and/or profit sharing plans, rentals and reasonable usage of realty during proceedings, tax refunds accrued, wages, all sums on deposit, fair debt collection practice act claims, if any; exact amounts unknown, but less than the unused amount in 11 U.S.C. 522(d)(5) above. All transfers by garnishment of execution within 90 days prior to filing this case are claimed as exempt and avoided pursuant to 11 U.S.C. 522 (f) (g) and (i) and 11 U.S.C. 547(f).

6. Implements or tools of trade used by Debtor(s).

11 U.S.C. 522(d)(6)

\$500.00

\$500.00

Various office equipment and parts

7. Property claimed exempt under other sections of 11 U.S.C. 522(d)

Description	Statute	Exempt Value	Value
Time Life (term)	11 USC 522(d)(7)	\$0.00	\$0.00
his: American General Life	11 USC 522(d)(7)&(8)	\$6,101.00	\$6,101.00
hers: American General Life	11 USC 522(d)(7)&(8)	\$3,853.00	\$3,853.00

If equity in any of the above items is deemed to exceed the stated value, said excess value is claimed as exempt under any exemption remaining in its classification and it is claimed exempt under any unused amount in (d)(5) above. Similarly, any assets owned by Debtor(s) which have been inadvertently omitted and/or not claimed exempt are claimed exempt under any unused amount remaining in (d)(5) above.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 04-42781

In re:

Trent R. Steckman and Heidi L. Steckman,

ORDER

Debtors.

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

1. The Debtor's claimed exemption of amount in their accounts as of the date of filing stated as "minimal" is denied.

1. Any claimed exemption of the Debtors in \$1,170 in cash which they withdrew from their account on the date of filing, and which cash was not scheduled by them is denied.

BY THE COURT:

Nancy C. Dreher
U.S. Bankruptcy Judge