

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In Re:

BKY Case No. 04-42944-NCD

DAVID A. ANDERSON,

Debtor.

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**NOTICE OF MOTION AND MOTION BY  
TRUSTEE OBJECTING TO DEBTOR'S CLAIM OF EXEMPT PROPERTY**

**TO: THE DEBTOR AND HIS COUNSEL.**

The Chapter 7 Trustee is in this case, Brian F. Leonard, hereby brings this Motion objecting to the claim of exempt property of the Debtors, and states as follows:

1. A hearing on this Motion will be held before the Honorable Nancy C. Dreher on the 29th day of September, 2004, at 2:30 o'clock p.m. in Courtroom 7 West, Seventh Floor, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel may be heard. Any response or objection to this Motion must be served and filed no later than ten (10) days before the date of the hearing, if by mail, or seven (7) days before the date of the hearing, if by physical delivery. **IF NO RESPONSE OR OBJECTION IS SERVED AND FILED IN THIS MATTER, THE COURT MAY GRANT THE RELIEF REQUESTED WITHOUT A HEARING.**

2. The Debtor claims as exempt property the following:

1. Debtor's one-half interest in Anderson & Martineau, PA, an accounting business;
2. Debtor's interest in 2801 Hennepin Avenue LLC;
3. Debtor's interest in Concrete Energy Homes, LLC; and
4. Investment in Grand Forks, North Dakota property.

3. The Trustee believes that the foregoing items have value greater than that allowed by 11 U.S.C. § 522, which is the statutory authority under which said exemptions were claimed and the Trustee objects to the Debtor's claim of objection with respect thereto.

4. In the event evidence and testimony is appropriate to be offered at any hearing on this matter, the Trustee, the Debtor, the Debtor's attorney, and other third parties whose identity have not yet been established, may be called to testify and give evidence.

**WHEREFORE**, the undersigned respectfully requests that the Court enter an Order denying the claim of exempt property on the assets described herein, and for such other and further relief as is just and necessary.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

Dated: July 15, 2004

/e/ Brian F. Leonard  
By \_\_\_\_\_  
Brian F. Leonard, #62236  
Matthew R. Burton, #210018  
Attorneys for Brian F. Leonard, Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, Minnesota 55402-1216  
(612) 332-1030

**VERIFICATION**

The undersigned, Brian F. Leonard, under penalty of perjury, hereby states that he has read the foregoing Motion and states that the information contained herein is true and correct to the best of his information and belief.

Dated: July 15, 2004

/e/ Brian F. Leonard  
\_\_\_\_\_  
Brian F. Leonard

UNITED STATES BANKRUPTCY COURT  
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**UNSWORN CERTIFICATE OF SERVICE**

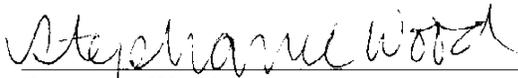
I, Stephanie Wood, declare under penalty of perjury that on the 15th day of July, 2004, I mailed a copy of the annexed *Notice of Motion and Motion by Trustee Objecting to Debtor's Claim of Exempt Property* on:

Barbara J. May, Esq.  
Suite 310  
4105 N. Lexington Avenue  
Arden Hills, MN 55126

David A. Anderson  
2801 Hennepin Avenue S.  
Minneapolis, MN 55408

by mailing to all parties copies thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at Minneapolis, Minnesota, directed to said party at the last known addresses of said parties.

Dated: July 15, 2004

  
Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030