

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 04-43753

In re:

Julie D. Townsend,

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 9:30 a.m. on October 20, 2004, in Courtroom 8 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 October 13, 2004 which is seven days before the time set for the hearing or filed and served by mail not later than October 8, 2004 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 July 6, 2004. The first meeting of creditors was originally scheduled for August 12, 2004. The meeting was continued. The meeting was concluded on or about August 24, 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 Debtor's Schedule C.

7. Objection to the Debtor's claimed exemption of a 1999 Honda Civic is made to assure that the Debtor's claimed exemption of \$3,600 entitles the Debtor only to \$3,600 in value in the Honda Civic and to assure that the Honda Civic itself and all value in excess of \$3,600 remain property of the bankruptcy estate.

WHEREFORE, the Trustee requests an order of the court as follows:

1. Holding that the Debtor's claimed exemption of a 1999 Honda Civic entitles the Debtor only to \$3,600 in value in the Honda Civic and the Honda Civic itself and all value in excess of \$3,600 remain property of the bankruptcy estate.

Dated: September 2, 2004

/e/ Randall L. Seaver
Randall L. Seaver, Trustee
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 September 2, 2004

/e/ Randall L. Seaver
Randall L. Seaver

In re **JULIE D TOWNSEND**

Case No. **4-43753**

Debtor.

(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
1997 Honda Civic 4 DR Sedan Mileage of 73,000 VIN JHMEJ6677VS0xxxxx Value per Kelly Blue Book	MSA § 550.37(12a)	3,600.00	3,600.00
CLOTHING AT HOMESTEAD	MSA § 550.37(4)(b)	300.00	300.00
Furniture, appliances, PC, TV, and other household possessions.	MSA § 550.37(4)(b)	2,200.00	2,200.00
HOMESTEAD, Legally Described as Lot 4, Block 1, "Westlake Park", Hennepin County, Minnesota Torrens Certificate 1124772	MSA §§ 510.01, 510.02	62,898.00	202,800.00
Support due from Ex Spouse	MSA § 550.37(15)	840.00	840.00
Wages due. \$176.00 of which \$133.00 is exempt.	MSA § 550.37(13)	133.00	133.00
Wells Fargo Bank Account(s) Wages deposited in past 20 days Amount is approx \$80.00. Exempt portion (%75) is noted at right	MSA § 550.37(13)	60.00	60.00

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**UNSWORN DECLARATION
FOR PROOF OF SERVICE**

Kari L. Fogarty, employed by Randall L. Seaver, attorney licensed to practice law in this Court, with office address of 12400 Portland Avenue South, Suite 132, Burnsville, MN 55337, declares that on September 2, 2004 I served the annexed Notice of Hearing and Motion Objecting to Claimed Exemption and proposed Order upon each of the entities named below by mailing each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at Minneapolis, Minnesota, addressed to each of them as follows:

Julie D. Townsend
6013 West Lake Street
St. Louis Park, MN 55416

Eric N. Talsness
Attorney at Law
905 Jefferson Avenue, Suite 201
St. Paul, MN 55102

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

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: September 2, 2004

/e/ Kari L. Fogarty
Kari L. Fogarty

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 04-43753

In re:

Julie D. Townsend,

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

1. The Debtor's claimed exemption of \$3,600 entitles the Debtor only to \$3,600 in value in the Honda Civic and the Honda Civic itself and all value in excess of \$3,600 shall remain property of the bankruptcy estate.

BY THE COURT:

Robert J. Kressel
U.S. Bankruptcy Judge