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(Revised 10/90)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Chapter 7  
Bky Case No. 04-44320-NCD

**Steven V. Tweeter,**

**VERIFIED NOTICE OF HEARING AND  
MOTION OBJECTING TO CLAIMED  
EXEMPT PROPERTY**

Debtor(s).

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TO: The United States Bankruptcy Court, the United States Trustee, the debtor, the debtor's attorney, and all parties who requested notice under Bankruptcy Rule 2002 (none):

1. John R. Stoebner, Trustee herein, moves the Court for the relief requested below, and gives notice of hearing herewith.

2. The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005, and Local Rule 1070-1. This motion is filed pursuant to Bankruptcy Rule 9014 and Local Rules 9013-1 through 9013-5. This proceeding arises under 11 U.S.C. § 522 and Local Rule 4003-1(a).

3. The Court will hold a hearing on this objection on November 10, 2004, at 10:30 a.m. in Courtroom No. 7 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, or as soon thereafter as counsel can be heard.

4. Any entity opposing the motion under Local Rule 9013-2 is required to file and serve a response, including a memorandum of facts and law and any opposing affidavit, not later than November 5, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than November 1, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays). **If no response is timely served and filed, the Court may grant the relief requested without a hearing.**

5. The undersigned trustee hereby objects to the debtor's claim that the following property is exempt under the applicable exemption statute:

TCF Checking/Savings 628805236, claimed exempt to the extent of \$7,514.00; Putnam Investments Savings 0373885195, A071477725205BBBE, claimed exempt to the extent of \$31.90; inc or ING savings 24666127, claimed exempt to the extent of \$75.01; and US savings bonds, claimed exempt to the extent of \$350.00; all claimed exempt under Minn. Stat. §550.37 (4)(a).

6. The objection is made for the following reasons:

The listed assets are not available for exemption under Minn. Stat. § 550.37 (4)(a). Accordingly, the exemption in said assets should be disallowed.

Dated: September 30, 2004

/e/ John R. Stoebner  
John R. Stoebner, Trustee  
One Financial Plaza, Suite 2500  
120 South Sixth Street  
Minneapolis, MN 55402  
(612) 338-5815

#### **VERIFICATION**

John R. Stoebner, being duly sworn, says that he is the Chapter 7 Trustee in this action, that he has read this Verified Notice and Objection To Claimed Exempt Property and that it is true of his own knowledge, to the best of his information.

/e/ John R. Stoebner  
John R. Stoebner

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**Steven V. Tweeter,**

Debtor(s).

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**UNSWORN CERTIFICATE OF SERVICE**

I, Sarah L. Fortin, declare under penalty of perjury that on September 30, 2004, I mailed copies of the attached **Trustee's Verified Notice of Hearing and Motion Objecting to Claimed Exempt Property and proposed Order** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Steven V. Tweeter, Pro Se  
2617 39<sup>th</sup> Avenue South  
Minneapolis, MN 55406

U.S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Executed on: September 30, 2004

/e/ Sarah L. Fortin  
Sarah L. Fortin, Legal Secretary  
Lapp, Libra, Thomson, Stuebner &  
Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

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UNITED STATES BANKRUPTCY COURT  
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Debtor(s).  
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**ORDER SUSTAINING OBJECTION TO CLAIM OF EXEMPTION**

At Minneapolis, Minnesota, November 10, 2004.

The objection of the trustee to the debtor's claim that the following property is exempt under Minn. Stat. §550.37 (4)(a): TCF Checking/Savings 628805236, claimed exempt to the extent of \$7,514.00; Putnam Investments Savings 0373885195, A071477725205BBBE, claimed exempt to the extent of \$31.90; inc or ING savings 24666127, claimed exempt to the extent of \$75.01; and US savings bonds, claimed exempt to the extent of \$350.00, came duly on for hearing on November 10, 2004.

Appearances, if any, were as noted in the record.

Upon said objection and for cause shown, and upon all the files, records, and proceedings herein,

**IT IS ORDERED,**

The debtor's claim of exemption in the TCF Checking/Savings 628805236; Putnam Investments Savings 0373885195, A071477725205BBBE; inc or ING savings 24666127; and US savings bonds is disallowed.

Dated: \_\_\_\_\_, 2004

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Nancy C. Dreher  
United States Bankruptcy Judge