

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

FROEHLER, FRANCIS ARNOLD
FROEHLER, MARJORIE EILEEN (deceased),

Case No.: 02-60354
Chapter 7

Debtors.

RESPONSE TO MOTION OBJECTING TO EXEMPT PROPERTY

The debtor, Francis Arnold Froehler, through his undersigned attorney responds to the objections filed by the Trustee as follows:

1. The debtors originally filed a Chapter 13 on March 8, 2002 with a creditors meeting held on May 20, 2002 and the Plan was confirmed on June 26, 2002..
2. The deadline to Object to the Exemptions was thirty (30) days after the conclusion of the meeting of creditors.
3. There was no objection filed 30 days after the creditors meeting nor was any issue concerning the debtor's exemption preserved by the trustee.
4. The debtor's spouse died in 2004 which resulted in a decrease in income to the debtor.
5. The debtor filed a motion to convert from a Chapter 13 to a Chapter 7 and it was converted on March 27, 2004.
6. The debtor amended schedule I (income) only and no other schedule (including schedule C) was amended.
7. The trustee filed a motion objecting to exemptions which was mailed on June 23, 2004.

8. The debtor is an owner of a "Life Estate" in 240 acres which was deeded to his children in October of 1998. I have attached copies of the Warranty deed and a the real estate tax statement.
9. The debtor utilized Minnesota exemptions and could partition the "Life Estate" and claim the maximum of \$200,000 as exempt value for the "Life Estate".
10. The debtor is 87 years old and since his wife's death has moved from his residence on the farm and now resides in Crookston, Minnesota in assisted housing.
11. The debtor receives \$898 per month (\$10,776 annually) from CRP payments from the land with his monthly expenses and real estate taxes of \$435 (\$5,220 annually) his net monthly income is \$463 per month (\$5,556 annually).
12. The value of the Life Estate would be very small with the debtor's short life expectancy. Assuming a 2 year life expectancy the value of the "Life Estate" would have a total value of less then \$10,000.
13. The trustee's objection is untimely and if not untimely then should be dismissed because the value of the "Life Estate" is within the allowable exemption amount.

Dated: July 12, 2004.



Thomas V. Omdahl
Attorney for the Debtor
424 Demers Avenue
Grand Forks, ND 58201
701-772-8526

Verification I, Thomas V. Omdahl, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.



Thomas V. Omdahl

**REAL ESTATE
PAYABLE 2003**

POLK COUNTY AUDITOR/TREASURER
612 N. BROADWAY, SUITE 207
CROOKSTON, MN 56716-1452
(218) 281-2554

PROPERTY ID# 9879 TAX BILL# R E
MP# R 42.00093.00

PROPERTY DESCRIPTION - FOR TAX PURPOSES ONLY
(THE LEGAL DESCRIPTION OF YOUR PROPERTY MAY DIFFER)
**SECTION-23 TWP-149 RANGE-045
NE4 & E2 SW4 (EX R/W & 14.72 A
IN E2 SW4)& S 18 RDS WIDE
OF E 154 RDS OF NE4**

PROPERTY CLASS

NEW IMPROVEMENTS
ESTIMATED MARKET VALUE
TAXABLE MARKET VALUE

234.91 AC

FRANCIS A & MARJORIE FROEHLER
(LIFE ESTATE)
15498 320TH ST SW
CROOKSTON MN 56716

2003

PAYABLE 2002	PAYABLE 2003
FARM HSTD	FARM HSTD
3,800	
89,900	91,
89,900	91,

(14.) SPECIAL ASSESSMENTS	CODE	AMT
C D #140	1140-0	165
BURNHAM CRE	5243-1	
SOLID WASTE	61101-0	92

INT.	PRIN.	258
		116

- Use this amount on Form M-1PR to see if you're eligible for a property tax refund
File by August 15. **IF BOX IS CHECKED, YOU OWE DELINQUENT TAXES AND ARE NOT ELIGIBLE**

<input type="checkbox"/>	106.00
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YOUR PROPERTY TAX AND HOW IT IS REDUCED BY THE STATE

- Your property tax before reduction by state-paid aids and credits
- Aid paid by the State of Minnesota to reduce your property tax
- A. Homestead and agricultural credits paid by the State of Minnesota to reduce your property tax
- B. Other credits paid by the State of Minnesota to reduce your property tax
- Your property tax after reduction by state-paid aids and credits

PAYABLE 2002	PAYABLE 2003
2,405.82	2,444
1,628.93	1,680
198.60	287
578.29	477
323.49	277.
79.26	68.
107.34	85.
46.80	26.
20.02	17.
1.38	1.
578.29	477.
257.71	258.
836.00	736.

WHERE YOUR PROPERTY TAX DOLLARS GO

- County
 - COUNTY LEVY
 -
- City or town
- State General Tax
- School District
 - Voter approved levies
 - Other local levies
- Special taxing districts
 - WTSD
 - NWRDC
 -
 -
- Non-school voter approved referenda levies
- Total property tax before special assessments
- Special assessments added to this property tax bill
- YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS**

FIRST HALF DUE	SECOND HALF DUE
MAY 15	NOVEMBER 15
368.00	368.

NO RECEIPT SENT UNLESS REQUESTED.
YOUR CANCELLED CHECK IS YOUR RECEIPT.

TAXES OF \$50.00 OR LESS MUST BE PAID
IN FULL. IF YOU PAY YOUR TAXES LATE
YOU WILL BE CHARGED A PENALTY.
SEE BACK FOR RATE.

You may be eligible for one or even two refunds to reduce your property tax.
Read the back of this statement to find out how to apply.

TEAR HERE

TAXPAYERS COPY RETURN
STUB WITH PAYMENT

1 of 2

I hereby certify that within instrument was filed in
office for record on the 5th day of Oct.
19 98 at 2 o'clock PM and duly record

as Doc. # **563343**
Sheryl Hanson Cariveau

SHERYL HANSON CARIVEAU, County Recorder

By Marlene Hanson De
Jillie Law
1954 # 6046

Nr. 38911
Deed tax herein of \$ 1.65
paid this 5th day of Oct. 19 98
Gerald J. Amint / aw
County Auditor-Treasurer

Ch 6047

WARRANTY DEED

Individual(s) to Individual(s)

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed (X) not required
Certificate of Real Estate Value No. October 5, 1998
Gerald J. Amint
County Auditor
by Perry Dusek
Clerk Deputy

STATE DEED TAX DUE HEREON: \$ 1.65

Date: October 2, 1998

FOR VALUABLE CONSIDERATION, Francis A. Froehler and Marjorie E. Froehler, husband and wife, Grantors, hereby convey and warrant to Robert A. Froehler, Joyce M. Hackworth, Mary B. Menebroker, Thomas F. Froehler, Bernardine F. Swift, and Michael R. Froehler as joint tenants, Grantees, real property in Polk County, Minnesota, described as follows:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Forty-nine (149), North of Range Forty-five (45). West of the Fifth Principal Meridian and that part of the North Half (N $\frac{1}{2}$) of Section Twenty-three (23), Township One Hundred Forty-nine (149), North of Range Forty-five (45), West of the Fifth Principal Meridian described as follows: Beginning at the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 23; thence West 154 rods; thence North 18 rods; thence East 154 rods; thence South 18 rods to the point of beginning; AND the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Forty-nine (149), North of Range Forty-five (45) West of the Fifth Principal Meridian, EXCEPT the West twelve (12) rods thereof, AND EXCEPT that part of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section Twenty-three (23), Township One Hundred Forty-nine (149), North of Range Forty-five (45), described as follows: Beginning at the Southeast corner of the SW $\frac{1}{4}$ of said Section 23; thence Northerly along the Easterly boundary line of said SW $\frac{1}{4}$ a distance of 1,150 feet to a point, which is the point of beginning of the tract herein excepted; thence Westerly a distance of 208 feet to a point; thence Northerly a distance of 208 feet to a point; thence Easterly a distance of 208 feet, more or less, to the Easterly boundary line of said SW $\frac{1}{4}$; thence Southerly along the Easterly boundary line of said SW $\frac{1}{4}$ a distance of 208 feet, more or less, to the point of beginning AND EXCEPT a tract of land commencing at the point where

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the railroad right of way intersects the Easterly boundary line of the Southwest Quarter (SW¼) of Section Twenty-three (23), Township One Hundred Forty-nine (149), North of Range Forty-five (45), West of the Fifth Principal Meridian; thence Westerly along the Northerly boundary line of the railroad right of way a distance of 360 feet; thence Northerly along a line which is parallel to the Easterly boundary line of the SW¼ of Section 23 and 360 feet West thereof, a distance of 450 feet; thence Easterly along a line parallel to and 450 feet North of the Northerly boundary line of the railroad right of way to the Easterly boundary line of the SW¼ of Section 23; thence South along the Easterly boundary line a distance of 450 feet more or less to the point of beginning,

Grantors reserve for themselves a life estate in said real property. Total consideration is less than \$500.00.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: None.

Affix Deed Tax Stamp Here

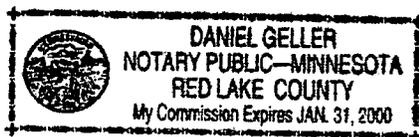
Francis A. Froehler
Francis A. Froehler

Marjorie E. Froehler
Marjorie E. Froehler

STATE OF MINNESOTA }
COUNTY OF RED LAKE } ss.

The foregoing instrument was acknowledged before me this 2nd day of October, 1998, by Francis A. Froehler and Marjorie E. Froehler, husband and wife, Grantors.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



[Signature]
SIGNATURE OF PERSON TAKING ACKNOWLEDGEMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

1-31-00

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Mr. Francis A. Froehler
Route 3, Box 129
Crookston, MN 56716

Daniel Geller
GELLER LAW OFFICE
111 Second Street
Red Lake Falls, MN 56750
Telephone: 218-253-4388

STATE OF NORTH DAKOTA)
)SS
COUNTY OF GRAND FORKS)

Arnette A. Cariveau, is of legal age, a citizen of the United States, being duly sworn, says that on July 12, 2004, she served the attached Response to Motion Objection to Exempt Property by electronic filing with:

Ms. Delores Campbell
Clerk of Bankruptcy Court
204 U.S. P.O. Courthouse Bldg.
118 South Mill Street
Fergus Falls, MN 56337

and mailing copy thereof, in first class mail postage prepaid to each entity named below at the address stated:

Mr. Habbo G. Fokkena
U.S. Trustee's Office
1015 U. S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

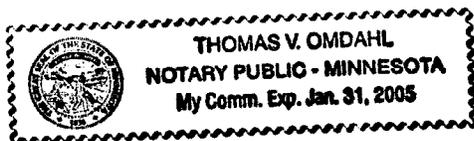
Mr. David Velde
Bankruptcy Trustee
1118 Broadway
Alexandria, MN 56308

Mr. Francis Froehler
Route 3, Box 129
Crookston, MN 56716

Executed on: July 12, 2004

Arnette A. Cariveau
Arnette A. Cariveau

Subscribed and sworn to before me
this 12th day of July 2004.



[Signature]
Notary Public