

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

HUNTER, ALAN EUGENE,
HUNTER, TRACY LYNN,
Debtors.

Case No.: 04-60009
Chapter 7

NOTICE OF MOTION AND MOTION OBJECTING TO EXEMPT PROPERTY

TO: The United States Bankruptcy Court, the United States Trustee, the Debtors, the Debtors' attorney, and all parties who requested notice under Bankruptcy Rule 2002.

1. David G. Velde, Trustee of the bankruptcy estate of the above-named debtors moves the court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 10:30 a.m. on May 25, 2004, in US Bankruptcy Court, 204 US Courthouse 118 South Mill Street, Fergus Falls, Minnesota.

3. Any response to this motion must be filed and served not later than May 14, 2004, at 10:30 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than May 11, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal 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. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on January 5, 2004. The case is now pending in this Court.

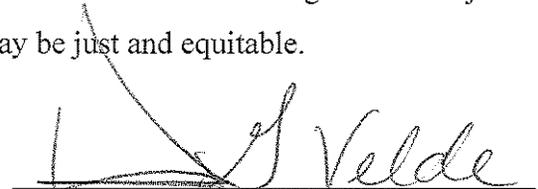
5. This motion arises under 11 U.S.C. § 522, and Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013-1. Movant requests relief with respect to debtors' claims for exemption.

6. Debtors have claimed as exempt the following asset which the trustee objects to as follows: House occupied by husband's mother, husband owns a 1/6th interest, husband has a joint ownership with his mother and four siblings valued in the bankruptcy petition at \$6,667.00 claimed exempt under 11 USC § 522(d)(5) legally described as SECTION 25, TWSHP 135, RANGE 40, PT S.E. ¼, S.W. ¼, COM S.W. SOR SEC. 25E., 1084.53 FT., N.E. ALONG CFAH #14, TO E. LN OF S.E. ¼, S.W. ¼ AND PT OF BG, S.W. 130 FT, S.W. TO A PT, COUNTY OF OTTERTAIL, STATE OF MINNESOTA.

7. The trustee objects to the debtors' claim of exemption on the following basis: the debtors have not provided the trustee with verification of the current fair market value of the asset therefore the value of the asset may exceed the amount available to the debtors under the cited statute.

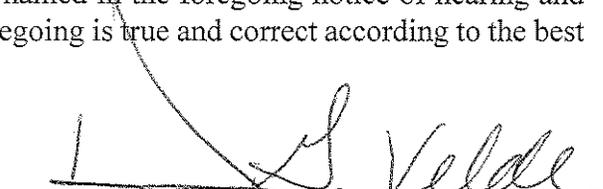
WHEREFORE, the Applicant moves the court for an order sustaining trustee's objection to claimed exempt property and such other relief as may be just and equitable.

Date: 3/22/04


David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
(320) 763-6561

Verification. I, David G. Velde, 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.

Date: 3/22/04


David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

HUNTER, ALAN EUGENE,
HUNTER, TRACY LYNN,
Debtors.

Case No.: 04-60009
Chapter 7

ORDER

At Fergus Falls, Minnesota, _____, _____.

Upon the Objection to Claimed Exempt Property filed by the Trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED:

1. The house occupied by husband's mother, husband owns a 1/6th interest, husband has a joint ownership with his mother and four siblings valued in the bankruptcy petition at \$6,667.00 claimed exempt under 11 USC § 522(d)(5) legally described as SECTION 25, TWSHP 135, RANGE 40, PT S.E. ¼, S.W. ¼, COM S.W. SOR SEC. 25E., 1084.53 FT., N.E. ALONG CFAH #14, TO E. LN OF S.E. ¼, S.W. ¼ AND PT OF BG, S.W. 130 FT, S.W. TO A PT, COUNTY OF OTTERTAIL, STATE OF MINNESOTA is not exempt to the extent it exceeds the amount available to the debtors under the cited statute.

2. The debtors shall turn over to the trustee the husband's interest in the house exceeding \$9,350, which is the amount the husband has allowed to claim exempt under 11 USC § 522(d)(5).

Judge Dennis D. O'Brien
US Bankruptcy Court

