

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In RE:

SORENSEN, ALAN SCOTT,  
SORENSEN, DONNA RUTH,  
Debtors.

Case No.: 04-60338  
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 June 22, 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 June 11, 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 June 8, 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 March 23, 2004. The case is now pending in this Court.

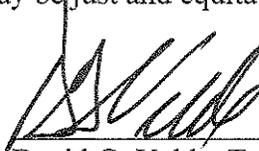
5. This motion arises under 11 U.S.C. § 522, and Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013-1. Movant requests relief with respect to debtors' claims for exemption.

6. Debtors have claimed as exempt the following asset which the trustee objects to as follows: IRAs with Affinity Plus FCU valued at \$26,915 claimed exempt under 11 USC § 522(d)(10)(E) and 100 shares of ADC Stock valued at \$350, cash valued at \$30, checking account valued at \$150, Harley Davidson-2 valued at \$36,000, and John Deere Tractor valued at \$10,0000 all claimed exempt under 11 USC § 522(d)(5).

7. The trustee objects to the debtors' claim of exemption on the following basis: The IRAs do not meet the requirements to be claimed exempt under 11 USC § 522(d)(10)(E). It is the trustee's opinion that the debtors undervalued the John Deere tractor. Further the debtors did not report a tractor worth approximately \$500 nor their 2003 income tax refunds totaling \$5,822. Therefore the debtors will exceed the amount available to be claimed exempt under 11 USC § 522(d)(5).

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.

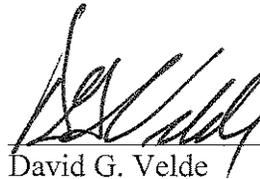
Date: 5/4/04



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: 5/4/04

  
David G. Velde

**UNITED STATES BANKRUPTCY COURT  
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**ORDER**

At Fergus Falls, Minnesota, \_\_\_\_\_, 2004.

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 debtors' IRAs with Affinity Plus FCU valued at \$26,915 claimed exempt under 11 USC § 522(d)(10)(E) exempt under the cited statute.
2. The debtors' 100 shares of ADC Stock valued at \$350, cash valued at \$30, checking account valued at \$150, Harley Davidson-2 valued at \$36,000, and John Deere Tractor valued at \$10,000 all claimed exempt under 11 USC § 522(d)(5) are not exempt to the extent they exceed the amount available to the debtors under the cited statute.
3. The debtors shall turn over to the trustee the value of the IRAs, stock, cash, checking account, Harley Davidson-2 and John Deere Tractor exceeding \$19,300 which is the amount available to the debtors under 11 USC § 522(d)(5).

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Judge Dennis D. O'Brien  
US Bankruptcy Court

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF DOUGLAS )

Julie A. Dolman, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 4<sup>th</sup> day of May, 2004, she served the attached Notice of Motion and Motion Objecting to Exempt Property and proposed Order, by electronically filing with:

US Bankruptcy Court  
204 PO Building  
118 S. Mill Street  
Fergus Falls MN 56537

and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena  
US Trustee  
1015 US Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

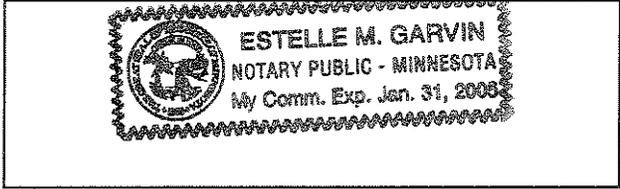
Mark S. Stolpman  
Attorney at Law  
P.O. Box 131  
Fergus Falls, MN 56538-0131

Scott and Donna Sorenson  
21506 - 485<sup>th</sup> Avenue  
Vining, MN 56588

Julie A. Dolman  
Julie A. Dolman

Subscribed and sworn to before me this 4<sup>th</sup> day of May, 2004.

Notarial Stamp or Seal



Estelle M. Garvin  
Notary Public