

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

HANSEN, COREY SCOTT,

Case No.: 04-60421

Chapter 7

Debtor.

NOTICE OF MOTION AND MOTION OBJECTING TO EXEMPT PROPERTY

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.

1. David G. Velde, Trustee of the bankruptcy estate of the above-named debtor 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 July 28, 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 July 19, 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 July 14, 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 April 8, 2004. The case is now pending in this Court.

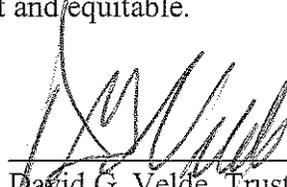
5. This motion arises under 11 U.S.C. § 522, and Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013-1. Movant requests relief with respect to debtor's claims for exemption.

6. Debtor has claimed as exempt the following assets which the trustee objects to as follows: real estate described as Lot 12 and E½ Lot 11, Block 3, City of Cyrus, Pope County, Minnesota valued in the bankruptcy petition at \$70,000 claimed exempt under 11 USC § 522(d)(1), IRA through work with MFS Heritage Trust Co. valued at \$1,412.90 claimed exempt under 11 USC § 522(d)(10)(E) and 1999 Ford F250 pickup valued at \$12,000 claimed exempt under 11 USC § 522(d)(2).

7. The trustee objects to the debtor's claim of exemption on the following basis: The trustee received an appraisal dated September 10, 2001, stating that the value of the house at that time was \$85,000. The NADA guide value for the pickup is \$18,025. The trustee believes the debtor has exceeded the amounts available to him for the real estate and vehicle. The IRA is not qualified to be declared exempt 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: 6/8/04



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: 6/8/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

HANSEN, COREY SCOTT,

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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 debtor's real estate described as Lot 12 and E½ Lot 11, Block 3, City of Cyrus, Pope County, Minnesota valued in the bankruptcy petition at \$70,000 claimed exempt under 11 USC § 522(d)(1) is not exempt to the extent the equity exceeds \$18,450 which is the amount available to the debtor under the cited statute.

2. The debtor's IRA through work with MFS Heritage Trust Co. valued at \$1,412.90 claimed exempt under 11 USC § 522(d)(10)(E) is not exempt.

3. The debtor's 1999 Ford F250 pickup valued at \$12,000 claimed exempt under 11 USC § 522(d)(2) is not exempt to the extent its equity exceeds \$2,950 which is the amount available to the debtor under the cited statute.

Judge Dennis D. O'Brien
US Bankruptcy Court

