

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

LUCKOW, CHRISTOPHER EDWIN,
LUCKOW, KATHLEEN MONICA,
Debtors.

Case No.: 04-60649
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 9:30 a.m. on August 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 August 16, 2004, at 9:30 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 August 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 May 28, 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.

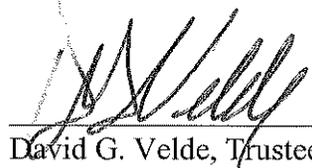
6. Debtors have claimed as exempt the following assets which the trustee objects to as follows: Lake Lot valued in the bankruptcy petition at \$9,867, cash in hand valued at \$100, bank accounts valued at \$20, bikes valued at \$600, 1989 trailer valued at \$250, and 1945 boat valued at \$1,000 all claimed exempt under 11 U.S.C. § 522(d)(5), 2003 Arctic Cat snowmobile valued at \$3,500 and 1993 Arctic Cat watercraft and trailer valued at \$750 both claimed exempt under 11 U.S.C. § 522(d)(2), and tools valued at \$3,500 claimed exempt under 11 U.S.C. § 522(d)(6).

7. The trustee objects to the debtors' claim of exemption on the following basis: The debtors provided the trustee with a tax statement indicating the current value of the real estate to be \$29,500 of which Christopher Luckow owns a 1/3 share thereby consuming and exceeding the amount available to him under 11 U.S.C. § 522(d)(5). The debtors testified at the 341 hearing that the 2003 Arctic Cat snowmobile, 1989 trailer, 1945 boat and trailer, 1993 Arctic Cat watercraft and trailer and tools are individually owned by Christopher Luckow. The snowmobile and watercraft are not qualified to be claimed exempt as motor vehicles. Finally, the debtor exceeded the amount available to him for the tools.

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:

7/16/04



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:

7/16/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

LUCKOW, CHRISTOPHER EDWIN,
LUCKOW, KATHLEEN MONICA,
Debtors.

Case No.: 04-60649
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 debtors' Lake Lot valued in the bankruptcy petition at \$9,867, cash in hand valued at \$100, bank accounts valued at \$20, bikes valued at \$600, 1989 trailer valued at \$250, and 1945 boat valued at \$1,000 all claimed exempt under 11 U.S.C. § 522(d)(5) are not exempt to the extent the values exceed the amount allowed under the cited statute.
2. The debtors' 2003 Arctic Cat snowmobile valued at \$3,500 and 1993 Arctic Cat watercraft and trailer valued at \$750 both claimed exempt under 11 U.S.C. § 522(d)(2) are not exempt.
3. The debtors' tools valued at \$3,500 claimed exempt under 11 U.S.C. § 522(d)(6) are not exempt to the extent the value exceeds the amount allowed under the cited statute.

Judge Dennis D. O'Brien
US Bankruptcy Court

STATE OF MINNESOTA)
) ss.
COUNTY OF DOUGLAS)

Estelle M. Garvin, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 19th day of July, 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

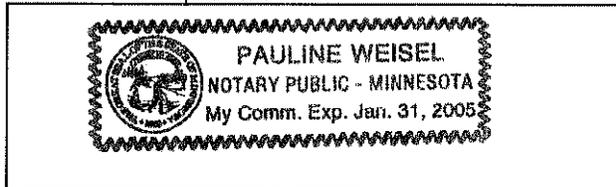
Trent J. Fischer
Attorney at Law
P.O. Box 644
Crookston, MN 56716

Christopher and Kathleen Luckow
721 Alexander
Crookston, MN 56716

Estelle M. Garvin
Estelle M. Garvin

Subscribed and sworn to before me this 19th day of July, 2004.

Notarial Stamp or Seal



Pauline Weisel
Notary Public