

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

IN RE:

Stephen H. Danielson and
Linda K. Danielson

CHAPTER 7
BKY CASE NO. 04-60739

Debtor(s).

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. Tamara L. Yon, 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 **10:00 a.m. on September 29, 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 September 24, 2004, at 10:30 a.m. which is three days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than September 20, 2004, which is seven 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, 11 U.S.C. §522, Bankruptcy Rule 5005 and 9014, Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on June 21, 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 014 and

Local Rules 9001-1 to 9001-6 and 9013-1 and 9013-5. Movant requests relief with respect to debtor's claims for exemption.

6. Debtor has claimed as exempt the following asset which the trustee objects to as follows:

Checking account, valued at \$28,000.00 by debtor, and claimed exempt in the amount of \$1,500.00 under Minnesota Statute §§ 550.37(13) and 571.922.

7. The trustee objects to the debtor's claim of exemption on the following basis:

The trustee does not believe that the described assets are eligible to be exempt under the cited provisions of the Minnesota Statutes.

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

Dated: August 16, 2004.

/e/ Tamara L. Yon
Tamara L. Yon
Trustee in Bankruptcy
P.O. Box 605
Crookston, MN 56716
(218) 281-2400
(218) 281-5831 *Facsimile*

Verification

I, Tamara L. Yon, 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.

Dated: August 16, 2004.

/e/ Tamara L. Yon
Tamara L. Yon
Trustee in Bankruptcy
P.O. Box 605
Crookston, MN 56716
(218) 281-2400
(218) 281-5831 *Facsimile*

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ORDER

At Fergus Falls, Minnesota, on September 29, 2004.

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

IT IS ORDERED:

1. That Debtors' checking account, valued at \$28,000.00 and claimed exempt in the amount of \$1,500.00 under Minnesota Statutes §§ 550.37(13) and 571.922 is not exempt.

Judge Dennis D. O'Brien
US Bankruptcy Court

UNSWORN CERTIFICATE OF SERVICE

I, Terri Beth Dufault, declare under penalty of perjury that on August 16, 2004, I mailed copies of 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 by placing a copy in an envelope, postage prepaid, and by depositing same in the post office at Crookston, Minnesota for delivery by the United States Post Office Department as directed to said:

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

Logan Moore
1118 Broadway
Alexandria, MN 56308

Stephen and Linda Danielson
400 Kennedy Park Circle - #203
Fergus Falls, MN 56537

Rosen's Inc.
C/O David Johnson
McNair, Larson & Carlson, Ltd.
PO Box 2189
Fargo, ND 58108

Dated: August 16, 2004.

/e/ Terri Beth Dufault
Assistant to Tamara L. Yon,
Chapter 7 Trustee