



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

GULLICKSON, JEFFREY SCOTT,  
GULLICKSON, EDITH,  
Debtors.

Case No: 04-60814  
Chapter 7

**RESPONSE TO THE TRUSTEE'S MOTION TO  
OBJECTING TO EXEMPT PROPERTY**

To: The United States Bankruptcy Court, the United States Trustee, and all parties who requested notice under Bankruptcy Rule 2002.

1. Rolf H. Nycklemoe, attorney for the above-named debtors moves the court for the relief requested below.

2. This 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 20, 2004 at 10:00 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 September 15, 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 July 8, 2004. The case is now pending in this Court.

5. The Debtor's have claimed as exempt the following asset which the trustee objects to as follows: real estate described as Lots numbered 24 and 25 in the Townsite of Ashby, Grant Count, Minnesota, according to Simon Larson's original plat thereof on file and of record in the office of the Register of Deeds in and for Grant County, Minnesota valued in the bankruptcy petition at \$31,100 claimed exempt under 11 USC § 522(d)(5).

6. The Debtor's object to the trustee's objection over the claimed exemption, in that the value of the real estate does not exceed the amount of available exemption under 11 USC § 522 (d)(5) and that the real estate is owned by one of the debtors but there is a cognizable marital interest recognized by Minnesota in real estate and therefore the debtors are entitled to claim the full exemption available under the above statute to the

extent that the marital interest is recognized in the property. Wherefore, the applicant moves the court for an order dismissing the trustee's objection to the claimed except property and such other further relief has may be just and equitable place for me to sign.

Date:

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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 trustee's motion is hereby dismissed in its entirety.

\_\_\_\_\_  
Judge Dennis D. O'Brien  
US Bankruptcy Court