

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

LOM, JOHN,

Case No.: 04-60824

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 10:00 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 12, 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.

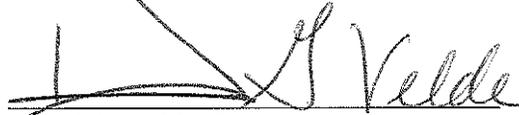
6. Debtor has claimed as exempt the following assets which the trustee objects to as follows: 357 Smith & Wesson Revolver valued at \$200 and 22 Magnum Dixie Darringer valued at \$100 claimed exempt under MS § 550.37(4)(b), 1972 Harley Davidson golf cart valued at \$300 claimed exempt under MS § 550.37(12a) and 1983 VAC tractor valued at \$800 claimed exempt under MS § 550.37(5).

7. The trustee objects to the debtor's claim of exemption on the following basis: The firearms are not typical household items and therefore do not qualify as exempt under the cited statute. The debtor has already claimed one vehicle exempt under MS § 550.37(12a) and cannot claim two. The tractor is not a tool of trade and therefore does not qualify as 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:

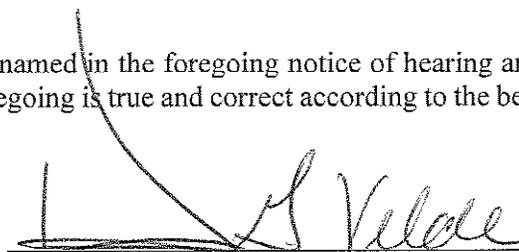
9/3/04


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:

9/3/04


David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

LOM, JOHN,

Case No.: 04-60824

Chapter 7

Debtor.

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 357 Smith & Wesson Revolver valued at \$200 and 22 Magnum Dixie Darringer valued at \$100 claimed exempt under MS § 550.37(4)(b), 1972 Harley Davidson golf cart valued at \$300 claimed exempt under MS § 550.37(12a) and 1983 VAC tractor valued at \$800 claimed exempt under MS § 550.37(5) is not exempt.

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 3rd day of September, 2004, she served the attached Notice of Motion and Motion Objecting to Exempt Property and proposed Order, by electronically filing with:

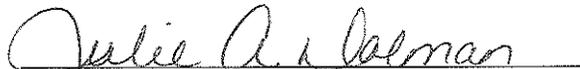
US Bankruptcy Court
204 PO Building
118 S. Mill Street
Fergus Falls MN 56537

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

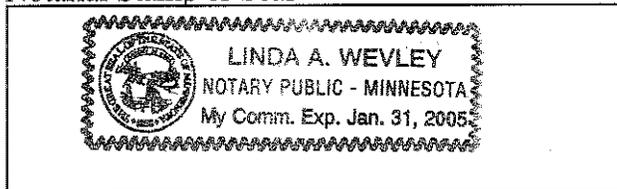
George Duranske
Attorney at Law
P.O. Box 1383
Bemidji, MN 56619-1383

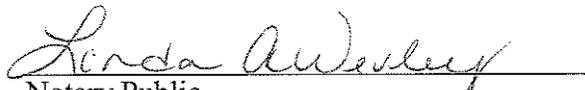
John Lom
65500 County Road 31
Northome, MN 56661


Julie A. Dolman

Subscribed and sworn to before me this 2nd day of September, 2004.

Notarial Stamp or Seal




Notary Public