

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

JOHNSON, MICHAEL S.,

Case No.: 04-60872

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 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 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 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 9014 and Local Rule 9013-1. Movant requests relief with respect to debtor's claims for exemption.

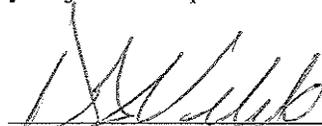
6. Debtor has claimed as exempt the following assets which the trustee objects to as follows: firearms valued at \$500, 1972 Arctic Cat snowmobile valued at \$300, 2002 Arctic Cat snowmobile valued at \$3,644, MTD riding lawn mower valued at \$250, MTD push mower valued at \$25, MTD snowblower valued at \$200, lawn cart valued at \$25, air compressor valued at \$25, table saw valued at \$10, drill press valued at \$10, tool chest w/various hand tools valued at \$25, battery charger valued at \$10, electric drill valued at \$10, skill saw and jig saw valued at \$10, grinder valued at \$5, vise valued at \$5, and space heater valued at \$10 all claimed exempt under Minn. Stat. § 550.37(4)(b).

7. The trustee objects to the debtor's claim of exemption on the following basis: The assets listed are not typical household items and therefore cannot be claimed 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:

9/1/04

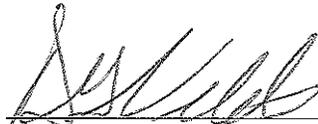


David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
(320) 763-6561

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:

9/1/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

JOHNSON, MICHAEL S.,

Case No.: 04-60872

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 firearms, 1972 Arctic Cat snowmobile, 2002 Arctic Cat snowmobile, MTD riding lawn mower, MTD push mower, MTD snowblower, lawn cart, air compressor, table saw, drill press, tool chest w/various hand tools, battery charger, electric drill, skill saw and jig saw, grinder, vise, and space heater all claimed exempt under Minn. Stat. § 550.37(4)(b) are 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 2nd 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

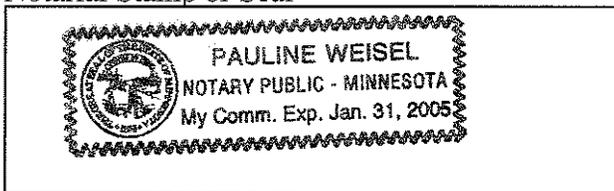
Joel Arnason
Attorney at Law
301 North Third Street
Grand Forks, ND 58203

Michael Johnson
32591 State Highway 11
Roseau, MN 56751-9076

Julie A. Dolman
Julie A. Dolman

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

Notarial Stamp or Seal



Pauline Weisel
Notary Public