

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Case No: 04-30109-DDO

Robin Ann Olson,

Debtor(s).

**NOTICE OF HEARING AND MOTION FOR OBJECTING
TO CLAIMED EXEMPTIONS**

TO: THE ABOVE NAMED DEBTOR, HER ATTORNEY JAMES P. RYAN, AND OTHER PARTIES IN INTEREST SPECIFIED IN LOCAL RULE 9013-3

1. Charles W. Ries, the duly appointed and acting trustee in the above captioned matter, moves the Court for relief requested below and gives notice of hearing herewith.

2. The Court will hold a hearing on this motion on June 10, 2004 at 1:30 p.m., or as soon thereafter as counsel can be heard, before Honorable Dennis D. O'Brien, Court Room No: 228a, at the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. Any response to this motion must be filed and delivered not later than 1:30 p.m. on June 7, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than June 1, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays). If no response is timely filed, the Court may in its discretion enter an order without a hearing.

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 or this motion is authorized under 28 U.S.C. 157 and 1334, Bankruptcy Rule 5005, and Local Rule 1070-1. This proceeding is a core proceeding. This Chapter 7 case was commenced on January 9, 2004. Charles W. Ries was appointed as Chapter 7 trustee on January 12, 2004. The first meeting of creditors was scheduled for April 2, 2004. This case is now pending in this Court.

5. This motion arises under 11 U.S.C. 522, Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rules 9013-1, 9013-2, and 9013-5.

6. Debtor has scheduled certain assets as exempt on Schedule C, including as follows:

Asset	Statute	Scheduled Value	Exemption Value
Balance of Personal Injury Settlement	11 U.S.C. § 522(d)(11)(D)	\$7,000	\$7,000

7. Movant objects to the above noted exemptions claimed in that schedule as follows, for the following reasons:

- (a) The Debtor has claimed Balance of Personal Injury Settlement as exempt pursuant to 11 U.S.C. § 522 (d)(11)(D). Objection is made because settlement appears to be for pecuniary loss and is not exemptible under (d)(11)(D).

WHEREFORE, the Trustee requests that the Court deny the following exemptions claimed by the Debtor(s):

1. Balance of Personal Injury Settlement.

Dated this 28th day of April, 2004.

/e/Charles W. Ries
Charles W. Ries for
MASCHKA RIEDY & RIES
Attorneys for Trustee
200 Union Square Business Center
201 North Broad Street
P. O. Box 7
Mankato, MN 56002-0007
Telephone (507) 625-6600
Attorney License No: 12767X

VERIFICATION

STATE OF MINNESOTA

ss.

COUNTY OF BLUE EARTH

Charles W. Ries declares under penalty of perjury that he is the trustee in the above entitled action; that he has read the foregoing Notice of Hearing and Motion Objecting to Claimed Exemptions and knows the contents thereof; that the same is true to his own knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes them to be true.

/e/Charles W. Ries
Charles W. Ries

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DECLARATION RE: SERVICE BY MAIL

The undersigned, being an employee of Maschka, Riedy & Ries, 200 Union Square Business Center, 201 North Broad Street, Mankato, Minnesota, declares under penalty of perjury that on the 28th day of April, 2004, she served the Notice of Hearing and Motion Objecting to Claimed Exemptions by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Robin Ann Olson
103 Tamra Lane
Albert Lea, MN 56007

James P Ryan Jr
Ryan & Grinde, Ltd.
407 14th Street NW
PO Box 6667
Rochester, MN 55903

United States Trustee
1015 U S Courthouse
300 S 4th St
Minneapolis MN 55415

/e/Janet Anderson

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ORDER

At St. Paul, Minnesota this ____ day of _____, 2004.

The above captioned matter came before the Court on the on objection of the Chapter 7 Trustee to exemptions. Appearances were as noted upon the record.

Based upon the files, records, and proceedings herein,

IT IS HEREBY ORDERED,

That the Trustee's objection is sustained and

1. The claimed exemption of Balance of Personal Injury Settlement is denied.

BY THE COURT:

United States Bankruptcy Judge