

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No.: BKY 04-30934

SCOTT JOSEPH HANK
BONNIE MARIE HANK,

Debtors.

Chapter 7 Case

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

TO: The debtors and other entities specified in Local Rule 9013-3.

Paul W. Bucher, the trustee in bankruptcy in this case (the “trustee”), moves the Court for the relief requested below and gives notice of hearing.

1. The Court will hold a hearing on this Motion at 10:00 a.m. on July 7, 2004, in Courtroom No. 228A, at the United States Courthouse, at 316 North Robert Street, in St. Paul, Minnesota.
2. Because this Motion is being delivered at least 21 days or mailed at least 24 days before the hearing date, any response to this Motion must be filed and delivered not later than June 30, 2004, which is seven days before the time set for the hearing (including Saturdays, Sundays and holidays), or filed and served by mail not later than June 27, 2004, which is ten days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
3. This Court has jurisdiction over this Motion pursuant to Sections 157 and 1334 of Title 28 of the United States Code, Rule 5005 of the Federal Rules of Bankruptcy Procedure, and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on February 19, 2004. This case is now pending in this court.
4. This Motion arises under Section 522 of the United States Bankruptcy Code (11 U.S.C. §522), Rule 4003 of the Federal Rules of Bankruptcy Procedure, and Local Rule 4003-1(a). This Motion is filed under Rules 9013 and 9014 of the Federal Rules of Bankruptcy Procedure and Local Rules 9013-1, 9013-2, 9013-3 and 9013-5. The trustee requests relief with respect to objections to certain property claimed as exempt by the debtors.
5. The debtors have elected to claim property as exempt under Section 522(b)(1) of the United States Bankruptcy Code. See the attached Schedule C filed in this case.

6. The debtors have claimed the following assets as exempt under the following statute: 1997 Ford F150 XLT, 2001 Crestliner 17 ft Boat and EZ Loader Trailer (described as None on Schedule C), 2001 Dodge Grand Caravan SE, cash, First Farmers & Merchants National Bank Savings #430692, First Farmers & Merchants National Bank Checking #135853, and wages owed as of the date of filing under 11 U.S.C. §522(d)(5). The debtor, Scott J. Hank's wages due and owing on the date of filing were actually \$1,055.49. The 2001 Crestliner 17 ft. boat and EZ Loader Trailer were scheduled as a joint asset; however, the titles to these assets listed Scott J. Hank as the sole owner (See Exhibit A). The trustee objects to the claimed exemption on the grounds that the trustee has insufficient information to determine the value of the above listed items and that the total value that may be exempted under §522(d)(5) may be exceeded by Scott J. Hank.

7. If oral testimony is necessary at the hearing, the trustee will call the debtors: Scott Joseph Hank and Bonnie Marie Hank, 212 North 2nd Street, LeSueur, MN 56058, who will testify concerning value of the assets listed in #6 above, and any other matters, if necessary.

Wherefore, the trustee moves the Court for an order denying the above exemptions claimed by the debtors, and such other relief as the Court finds just and equitable.

Dated: May 13, 2004

/e/ Paul W. Bucher
Paul W. Bucher, Trustee
206 South Broadway, Suite 505
Post Office Box 549
Rochester, Minnesota 55903-0549
Telephone: (507) 288-9111

VERIFICATION

I, Paul W. Bucher, the trustee in bankruptcy in this case and the moving party named in the foregoing Notice of Hearing and Motion Objecting to Claim of Exemption, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on May 13, 2004

/e/ Paul W. Bucher
Paul W. Bucher
206 South Broadway, Suite 505
Rochester, Minnesota 55904

In re SCOTT JOSEPH HANK BONNIE MARIE HANK , Case No. _____
 Debtor. (If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:

(Check one box)

- 11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). **Note: These exemptions are available only in certain states.**
- 11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
1997 FORD F150 XLT SUPERCAB 4X4 PICKUP TRUCK WITH 70,543 MILES	11 USC § 522(d)(5)	5,850.00	8,625.00
	11 USC § 522(d)(2)	2,775.00	
NONE	11 USC § 522(d)(5)	2,000.00	2,000.00
2001 DODGE GRAND CARAVAN SE WITH 39,805 MILES	11 USC § 522(d)(5)	5,950.00	8,725.00
	11 USC § 522(d)(2)	2,775.00	
CASH	11 USC § 522(d)(5)	20.00	20.00
CLOTHING	11 USC § 522(d)(3)	500.00	500.00
FIRST FARMERS AND MERCHANTS NATIONAL BANK, 112 SOUTH MAIN STREET, LE SUEUR, MN 56058 SAVINGS #430692	11 USC § 522(d)(5)	1,200.00	1,200.00
FIRST FARMERS AND MERCHANTS NATIONAL BANK, 112 SOUTH MAIN STREET, LE SUEUR, MN 56058 CHECKING #135853	11 USC § 522(d)(5)	1,900.00	1,900.00
FURNITURE AND APPLIANCES	11 USC § 522(d)(3)	2,000.00	2,000.00
HOMESTEAD LOCATED AT 212 SECOND STREET NORTH, LE SUEUR, MN 56058 LEGALLY DESCRIBED AS FOLLOWS: LOT 5, BLOCK 30, TOWN OF LE SUEUR, LE SUEUR COUNTY, MINNESOTA.	11 USC § 522(d)(1)	0.00	116,000.00

In re **SCOTT JOSEPH HANK** Debtor, **BONNIE MARIE HANK** Case No. _____ (If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
MODERN WOODMEN OF AMERICA, 1701 FIRST AVENUE, ROCK ISLAND, IL 61201 WHOLE LIFE POLICY WITH CASH VALUE 6788648	11 USC § 522(d)(8)	200.00	200.00
MODERN WOODMEN OF AMERICA, 1701 FIRST AVENUE, ROCK ISLAND, IL 61201 WHOLE LIFE POLICY WITH CASH VALUE #6788649	11 USC § 522(d)(8)	200.00	200.00
WAGES OWED AS OF THE DATE OF FILING	11 USC § 522(d)(5)	500.00	500.00

STATE OF MINNESOTA CERTIFICATE OF TITLE TO A WATERCRAFT



THIS TITLE IS PRIMA FACIE PROOF OF OWNERSHIP
KEEP IN A SAFE PLACE — ANY ALTERATION OR ERASURE VOIDS THIS TITLE

TITLE NO. NOR72385H001	REGISTRATION NO. 3603 JN	ISSUE DATE 04/17/2003
ASSIGNMENT BY SELLER (TRANSFEROR)		
X (WE) CERTIFY THAT THIS WATERCRAFT IS FREE FROM ALL SECURITY INTERESTS, WARRANT TITLE, AND ASSIGN THE WATERCRAFT TO REGISTRATION FEE PAID TO:		
SELLER'S SIGNATURE <i>Scott Joseph Bank</i>		SELLER'S SIGNATURE <i>Scott Joseph Bank</i>
FIRST SECURED PARTY (PRINT NAME) SCOTT JOSEPH BANK 212 N 2ND ST LESUEUR MN 56038		DATE OF SALE 2003-03-26
ADDRESS (NO. & STREET, RFD, BOX NO.) 212 N 2ND ST LESUEUR MN 56038		CITY LESUEUR MN 56038
DEPUTY VALIDATION STAMP		

APPLICATION FOR TITLE BY NEW OWNER 3603 JN **DO NOT SEPARATE** NOR72385H001

COMPLETE REVERSE SIDE		APPLICATION FOR TITLE BY BUYER (TRANSFEREE)		PLEASE PRINT	
PRINT BUYER'S FULL NAME(S) LAST, FIRST AND MIDDLE		DRIVER LICENSE NO.		DATE OF BIRTH	
PRINT BUYER'S FULL NAME(S) LAST, FIRST AND MIDDLE		DRIVER LICENSE NO.		DATE OF BIRTH	
ADDRESS (NO. & STREET, RFD, BOX NO.)		CITY	COUNTY (WHERE WATERCRAFT MOST USED)	STATE	ZIP CODE
IS THIS WATERCRAFT SUBJECT TO SECURITY AGREEMENT(S) <input type="checkbox"/> NO <input type="checkbox"/> YES IF YES, COMPLETE SECTION BELOW					
FIRST SECURED PARTY (PRINT NAME)				TIME & DATE OF SECURITY AGREEMENT	
ADDRESS (NO. & STREET, RFD, BOX NO.)				CITY	STATE ZIP CODE
DEPUTY VALIDATION STAMP					

IF THERE IS AN ADDITIONAL SECURITY AGREEMENT(S) COMPLETE AND ATTACH GRANT FORM.
I/WE LISTED ABOVE AM/ARE THE PURCHASERS OF THE WATERCRAFT DESCRIBED ABOVE AND DO HEREBY MAKE APPLICATION FOR CERTIFICATE OF TITLE AND CERTIFY, UNDER PENALTY OF PERJURY, THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT THE WATERCRAFT IS SUBJECT TO THE LIEN AND ENCUMBRANCE LISTED AND NONE OTHER.

SIGNATURE OF BUYER X		DATE OF PURCHASE	TITLE FEE
SIGNATURE OF BUYER X		PHONE NO. (DURING 8-5 WORKING HOURS)	RENEWAL/REGISTRATION (If Due)
MUST BE SIGNED BY ALL PURCHASERS: IF FIRM OR CORPORATION BY AN AUTHORIZED AGENT.			
REASSIGNMENT BY A DEALER (WE) CERTIFY THAT THIS WATERCRAFT IS FREE FROM ALL SECURITY INTERESTS, WARRANT TITLE AND ASSIGN THE WATERCRAFT AND REGISTRATION FEE PAID TO:			SURCHARGE
BUYER'S NAME(S)			FILING FEE
DEALER SIGNATURE X	SALE DATE	DEALER'S PHONE NO.	TOTAL
DEALER NAME AND ADDRESS		CITY	STATE ZIP CODE

THIS CERTIFICATE ISSUED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES
BUREAU OF INFORMATION EDUCATION AND LICENSING 500 LAFAYETTE ROAD BOX 26 ST. PAUL, MN 55155-4026

ALL DATA COLLECTED ON A WATERCRAFT APPLICATION IS REQUIRED BY LAW. THIS DATA IS USED TO IDENTIFY YOUR WATERCRAFT. FAILURE TO PROVIDE REQUIRED DATA MAY RESULT IN DENIAL OF THE TRANSFER OF OWNERSHIP, REGISTRATION OF THIS CRAFT, OR OTHER REQUESTED ACTION. YOUR WATERCRAFT RECORD IS PUBLIC & TRANSCRIPTS MAY BE ISSUED TO ANYONE.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY
DRIVER & VEHICLE SERVICES DIVISION
445 MINNESOTA ST., ST. PAUL, MN 55101
CONFIRMATION OF LIEN PERFECTION - DEBTOR NAME AND ADDRESS

HANK SCOTT JOSEPH
212 N 2ND
LESUEUR MN 56058

First Class
U.S. Postage
PAID
Permit No. 171
St. Paul, MN

AAYV984

01 Year	EZLD Make	TRL Model	J1060R175 Title NR.
1ZEADALD81A110221 VIN		03/26/03 Security Date	NO Rebuilt

1ST SECURED PARTY

LIEN HOLDER

RETAIN THIS DOCUMENT - See reverse
side of this form for removing this lien.

FIRST FARMERS & MERCHANTS
NATL BANK
112 S MAIN ST
LE SUEUR MN 56058-1909



UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:

Scott Joseph Hank
Bonnie Marie Hank

Bky Case No. 04-30934
Chapter 7

Debtors.

UNSWORN CERTIFICATE OF SERVICE

I, Jennifer M. Albright, declare under penalty of perjury that on May 13, 2004, I mailed copies of the following:

Notice of Hearing and Motion Objecting to Claimed Exemptions

by United States Mail, postage pre-paid, to each entity named below at the address stated below:

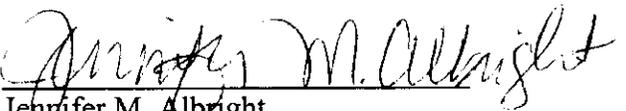
Stephen J. Behm
Attorney at Law
P.O. Box 1056
Mankato, MN 56002

Scott and Bonnie Hank
212 N. 2nd St.
LeSueur, MN 56058

UNITED STATES TRUSTEE
1015 U S COURTHOUSE
300 SOUTH 4TH STREET
MINNEAPOLIS MN 55415

Executed on May 13, 2004.

Signed:



Jennifer M. Albright
DUNLAP & SEEGER, P.A.
P O BOX 549
ROCHESTER MN 55903-0549
(507) 288-9111

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No.: BKY 04-30934

SCOTT JOSEPH HANK
BONNIE MARIE HANK,

Debtors. Chapter 7 Case

ORDER DENYING CLAIMED EXEMPTIONS

This matter came before the Court on the 7th day of July, 2004, on the Motion of the Trustee Objecting to Claimed Exemptions. Appearances, if any, were noted of record. Based on the file, proceedings and record in this matter:

IT IS HEREBY ORDERED that:

The Trustee's Motion Objecting to Claimed Exemptions is sustained, and accordingly:

1. The debtors' claimed exemptions of the 1997 Ford F150 XLT, 2001 Crestliner 17 ft Boat and EZ Loader Trailer (described as None on Schedule C), 2001 Dodge Grand Caravan SE, cash, First Farmers & Merchants National Bank Savings #430692, First Farmers & Merchants National Bank Checking #135853, and wages owed as of the date of filing are denied.

Dated: _____

Honorable Dennis D. O'Brien
United States Bankruptcy Judge