

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No.: BKY 04-32615

DENNIS MATTHEW MEYER
REBECCA ANN MEYER,

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 September 7, 2004, in Courtroom No. 228B, 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 August 31, 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 August 28, 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 April 30, 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) and 522(b)(2) of the United States Bankruptcy Code. See the attached Schedule C filed in this case. The

debtors also served the trustee with Amended Scheduled C (See attached Exhibit A), which has not been filed with the Bankruptcy Court as of today's date, in which they have elected to claim property as exempt under Section 522(b)(1).

6. The trustee objects to the all of the exemptions claimed by the debtors on the originally filed Schedule C on the grounds that the debtors are only allowed to claim exemptions under 11 U.S.C. §522(b)(1) or 11 U.S.C. §522(b)(2), but not both.

7. The debtors also claimed the following assets as exempt under the following statute: cash on hand, deposit in First Independent Bank checking account #218873, 1/5 interest in mother's home, lawn mower, patio furniture, snow blower and dog and cat under 11 U.S.C. §522(d)(5). The debtor, Rebecca A. Meyer's balance in the First Independent Bank checking account #218873 was actually \$860.05 on the date of filing and the 1/5 interest in her mother's home is actually a 1/2 interest. The debtor scheduled her interest in her mother's home as \$6,000.00; however, the 2003 tax assessed value of the property is \$29,200.00, which would leave the debtor's 1/2 interest as \$14,600.00. The trustee objects to the claimed exemption on the grounds that the actual value of the assets scheduled is in excess of the amount the debtor, Rebecca A. Meyer is allowed under this statute.

8. If oral testimony is necessary at the hearing, the trustee will call the debtors: Dennis M. Meyer and Rebecca A. Meyer, P.O. Box 162, Wood Lake, MN 56297, who will testify concerning the assets listed on originally filed Schedule C, the assets listed in paragraph 7 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: July 23, 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 July 23, 2004

/e/ Paul W. Bucher

Paul W. Bucher

206 South Broadway, Suite 505

Rochester, Minnesota 55904

In re Dennis M. and
Rebecca A. Meyer, Debtor(s)

Case No. _____
 (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
CASH ON HAND IN DEPOSIT IN BANK	11 USC 522(D)(5)(2)	\$2,075.00	\$700.00
FORD BRONCO	MS 550-37(12A)	\$3,000.00	\$3,000.00
DODGE STRATUS	11 USC 522(D)(2)	\$2,000.00	\$2,000.00
HOUSEHOLD FURNISHINGS INCLUDING Refrigerator, Stove, TELEVISIONS 4 ROOMS	MS 550-37(4)(B)	\$6,750.00	\$1,500.00
1/5 Interest in Mother's HOME	11 USC 522(D)(5) 2	\$8,075.00	\$6,000.00
Personal Clothing - WIFE, HUSBAND and Child	11 USC 522(D)(3) 1	\$425.00 per item	\$250.00
PENSION PLAN - 401K	11 USC 522(D)(10)	\$11,981.08	\$11,981.08
PERSONAL JEWELRY	11 USC 522(D)(4)	\$1,075.00	\$40.00
LIFE INSURANCE	11 USC 522(D)(7)	Actual Value	\$3,964.00
4 ROOM HOME AT WOOD LAKE, MN	11 USC 522(D)(1)	\$16,150.00	\$30,000.00
LAWN MOWER, PATIO FURNITURE SNOWBLOWER	11 USC 522(D)(5) 2	\$1,375.00	\$450.00
DOG and CAT	11 USC 522(D)(5) 2	\$850.00	\$25.00

* 141 1st AVE SOUTH PO BOX 162 WOOD LAKE MN ALL OF LOT THREE (3)
 in Block (13) of Justs 2nd
 Addn of Wood Lake
 Yellow Medicine Co

EXHIBIT A

AMENDED Schedule C

DENNIS M. and Rebecca A. MEYER

Case No. BKY 04-32615

In re Dennis M. and
Rebecca A. Meyer, Debtor(s)

Case No. _____
 (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
CASH ON HAND IN DEPOSIT IN BANK	11 USC 522(D)(5) 2	\$ 2,075.00	\$ 700.00
FORD BRONCO	11 USC 522(D)(2)	\$ 2,575.00	\$ 3,000.00
DODGE STRATUS	11 USC 522(D)(2)	\$ 2,575.00	\$ 2,000.00
HOUSEHOLD FURNISHINGS INCLUDING REFRIGERATOR STOVE, TELEVISIONS 4 ROOMS	11 USC 522(D)(3) 1	\$ 425.00 per item	\$ 1,500.00
1/5 INTEREST IN MOTHER'S HOME	11 USC 522(D)(5) 2	\$ 8,075.00	\$ 6,000.00
PERSONAL CLOTHING - WIFE, HUSBAND AND CHILD	11 USC 522(D)(3) 1	\$ 425.00 per item	\$ 250.00
PENSION PLAN - 401K	11 USC 522(D)(10)	Actual Amount	\$ 24,869.40
PERSONAL JEWELRY	11 USC 522(D)(4)	\$ 1,075.00	\$ 40.00
LIFE INSURANCE - 401K	11 USC 522(D)(7)	Actual Value	\$ 4,059.11
4 ROOM HOME AT WOOD LAKE, MN	11 USC 522(D)(1)	\$ 16,150.00	\$ 30,000.00
LAWN MOWER, PATIO FURNITURE, SNOW BLOWER	11 USC 522(D)(5) 2	\$ 1,375.00	\$ 450.00
DOG AND CAT	11 USC 522(D)(5) 2	\$ 850.00	\$ 25.00

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:

Dennis Matthew Meyer
Rebecca Ann Meyer

Bky Case No. 04-32615
Chapter 7

Debtors.

UNSWORN CERTIFICATE OF SERVICE

I, Jennifer M. Albright, declare under penalty of perjury that on July 23, 2004, I mailed copies of the following:

Notice of Hearing and Motion Objecting to Claimed Exemptions and Proposed Order

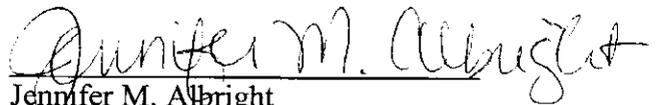
by United States Mail, postage pre-paid, to each entity named below at the address stated below:

Dennis and Rebecca Meyer
P.O. Box 162
Woodlake, MN 56297

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

Executed on July 23, 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 04-32615

DENNIS MATTHEW MEYER
REBECCA ANN MEYER,

Debtors. Chapter 7 Case

ORDER DENYING CLAIMED EXEMPTIONS

This matter came before the Court on the 7 day of September, 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. All of the exemptions claimed by the debtors on the originally filed Schedule C are denied.
2. The debtors' claimed exemption of cash on hand, deposit in First Independent Bank checking account #218873, 1/5 interest in mother's home, lawn mower, patio furniture, snow blower and dog and cat is denied.

Dated: _____

Honorable Gregory F. Kishel
United States Bankruptcy Judge