

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Case No. 04-32834 DDO
Samuel Wright and Nicole Wright fka Shepler Chapter 7
Debtors. **NOTICE OF HEARING AND
MOTION FOR VACATION OF
ORDER.**

TO: U.S. Trustee and other entities specified in Local Rule 1204(a).

1. Samuel Wright and Nicole Wright, debtors move 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 October 7, 2004 in Courtroom No. 228A at the United States Courthouse at 316 No. Robert St., St. Paul, Minnesota.

3. Any response to this motion must be filed and delivered not later than September 30, 2004, which is seven 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.

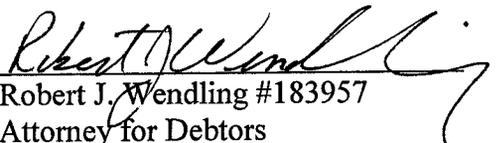
4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on May 26, 2004. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. § 522 and Fed. R. Bankr. P. 4003. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules.

6. The debtors and Michael J. Iannacone, Trustee, had agreed in July, 2004 to enter into a Stipulation and Agreement to continue the proceedings on the Objection to the Debtors' claim to exempt property in her IRA pursuant to *In re Rousey*. Through a miscommunication between the parties the Motion on August 5, 2004 went forth as a default. The parties wish to enter into the Stipulation as agreed in July, 2004.

WHEREFORE, Debtors move the Court for an order that vacates the order of August 5, 2004 and such other relief as may be just and equitable.

Dated: Sept 16, 2004

Signed: 
Robert J. Wendling #183957
Attorney for Debtors
201 W. Burnsville Pkwy. #145
Burnsville, MN 55337
ph. 952-894-2546

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

In Re:

Bankruptcy 04-32834
Chapter 7 Case

Samuel and Nicole Wright

Debtors,

**UNSWORN CERTIFICATE
OF SERVICE.**

I, Lillian L. Bray, employed by Robert J. Wendling, attorney licensed to practice law in this Court, with office address of 201 W. Burnsville Parkway, Suite 145, Burnsville, MN 55337, I mailed copies of the NOTICE OF HEARING AND MOTION ON OBJECTION TO CLAIMED EXEMPT PROPERTY WITH PROPOSED ORDER by first class mail postage prepaid to each entity named below at the address stated below for each entity:

United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

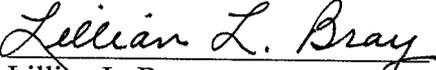
Samuel Wright
1690 Walnut Court
Eagan, MN 55122

Nicole Wright
1690 Walnut Court
Eagan, MN 55122

Michael J. Iannacone
Attorney for Trustee
8687 Eagle Point
Lake Elmo, MN 55042

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on: September 17, 2004.


Lillian L. Bray