

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

**STANLEY J. AND JONI K.
WILLIAMSON,**

**Bankruptcy No. 04-33450
Chapter 7**

Debtors

**NOTICE OF MOTION AND MOTION
OBJECTING TO CLAIMED
EXEMPTION**

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

1. Michael S. Dietz, Trustee of the above bankruptcy estate moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this Motion on September 7, 2004, at 1:30 p.m., in Courtroom 228B, United States Courthouse, at 316 North Robert Street, in St. Paul, Minnesota.

3. Any response to this Motion must be filed and delivered not later than 1:30 p.m. on August 30, 2004, which is seven days before the hearing, or filed and served by mail not later than August 28, 2004, which is ten days before the time set for the 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 pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The Petition commencing this Chapter 7 case was filed on June 10, 2004. The 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. The Debtors have scheduled an interest in a trust generating income from 40 acres of land as well as some mutual fund shares with an unknown value. The Debtor is the sole beneficiary of the Stanley J. Williamson Trust and it appears the land may generate approximately \$3,000 per year. The property is claimed on Schedule C under Minn. Stat. §550.37(9). Attached as Exhibit "A" is a true and correct copy of Schedule C filed in this case.

7. Movant objects to the above noted exemption claimed in that schedule for the following reasons: The Trustee is without sufficient information to determine if the trust has a spendthrift provision. Moreover, the trustee does not know the actual value of this interest.

WHEREFORE, the Trustee moves the Court for an Order denying the claimed exemption of the Stanley J. Williamson Trust.

Dated: August 6, 2004

/e/ Michael S. Dietz

Michael S. Dietz
Registration No. 188517
DUNLAP & SEEGER, P.A.
Attorneys for Trustee
206 S. Broadway, Suite 505
Post Office Box 549
Rochester, Minnesota 55903
Telephone: (507) 288-9111

VERIFICATION

I, Michael S. Dietz, Trustee, 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.

Executed on: August 6, 2004

/e/ Michael S. Dietz

Michael S. Dietz, Trustee
206 S. Broadway, Suite 505
Post Office Box 549
Rochester, Minnesota 55903
Telephone: (507) 288-9111

In re Stanley James Williamson Joni Kay Williamson 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
162 carpet cleaning machines; 130 in stores @\$50; 12 spares @\$25; 20 junk-zero.	MSA § 550.37(6)	6,800.00	6,800.00
1994 GMC 2500 van	MSA § 550.37(12a)	2,400.00	2,400.00
43 RACKS	MSA § 550.37(6)	875.00	875.00
Fax machine, computer, copier; cash register.	MSA § 550.37(6)	250.00	250.00
Furniture, appliances, pots, pans, dishes, silverware, linens and bedding.	MSA § 550.37(4)(b)	2,000.00	2,000.00
PERA	MSA § 353.15	15,000.00	15,000.00
Soap for carpet cleaning machines	MSA § 550.37(6)	600.00	600.00
Sole beneficiary of Stanley J Williamson Trust-income from 40 acres of land-about \$3,000 per year and also some mutual fund shares.	MSA § 550.37(9)	Unknown	Unknown
The South 50 feet of the north 200 feet of Lot 1, Block 17 of Bolcom's Addition to the City of Austin, Mower County, Minnesota.	MSA §§ 510.01, 510.02	70,000.00	70,000.00
Tools	MSA § 550.37(6)	250.00	250.00
Two term policies	MSA § 550.37(23)	100.00	100.00

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bankruptcy Case No. 04-33450

STANLEY J. AND JONI K. WILLIAMSON,

Debtors.

UNSWORN CERTIFICATE OF SERVICE

I, Emily D. Stenhoff, declare under penalty of perjury that on August 5, 2004, I mailed copies of the following:

Trustee's Notice of Motion and Motion Objecting to Claimed Exemption

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

OFFICE OF THE US TRUSTEE
1015 UNITED STATES COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415

WILLIAM BODENSTEINER
ATTORNEY AT LAW
309 S MAIN STREET
AUSTIN MN 55912

STANLEY J. AND JONI K. WILLIAMSON
509 SOUTH MAIN STREET
AUSTIN MN 55912

Executed on August 5, 2004

Signed: _____



Emily D. Stenhoff
DUNLAP & SEEGER, P.A.
P O BOX 549
ROCHESTER MN 55903-0549
(507) 288-9111

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:

STANLEY J. AND JONI K.
WILLIAMSON,

Bky Case No. 04-33450
Chapter 7

Debtors

**ORDER SUSTAINING TRUSTEE'S
OBJECTION TO DEBTORS' CLAIM
OF EXEMPTION**

AT ST. PAUL, MINNESOTA,

This Chapter 7 case came on before the Court on September 8, 2004, for a hearing on the Trustee's objection to the Debtor's claimed exemption of the following property:

Stanley J. Williamson Trust.

Appearances, if any, were noted on the record. Upon the documents on file herein and the arguments of counsel:

IT IS HEREBY ORDERED AND DETERMINED:

1. The Trustee's objection is sustained.
2. The Debtor's interest in Stanley J. Williamson Trust is not exempt and is property of the bankruptcy estate to be administered by the Trustee in due course.

Dated: September __, 2004

BY THE COURT:

Gregory F. Kishel
United States Bankruptcy Judge