

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re:

BKY NO.: 04-33511  
CHAPTER 7

Luverne & Kristine Maier  
Debtor.

**RESPONSE TO  
TRUSTEE'S OBJECTION**

TO: MICHAEL DIETZ, THE INTERIM TRUSTEE HEREIN AND THE U.S. TRUSTEE.

PLEASE TAKE NOTICE, that the debtor will appear at the hearing on this motion on September 8, 2004 at 3:00 p.m. or as soon thereafter as counsel can be heard, in Court Room 228A, Unites States Courthouse, 316 North Robert Street, St. Paul, Minnesota, and at that time and place dispute the trustee's objection.

1. 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 June 14, 2004. Michael Dietz was appointed as Chapter 7 trustee on June 15, 2004. The first meeting of creditors was scheduled for July 9, 2004. This case is now pending in this Court.

2. 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.

3. I do not have the title yet for the 1997 Jeep Laredo Grand Cherokee. However, when we purchased the vehicle, we asked the dealer to put the title solely in the name of Kristine H. Maier.

4. I believe all the values I assigned to these vehicles are accurate. If anything, several of them are a little bit on the high side (that is, I probably slightly overstated some of the values). I would comment on these values as follows:

The 1948 Buick belonged to my father. Accordingly, it has a lot of sentimental value to me. I suspect I would not be able to sell it for \$5,000. Among other things, it has a cracked cylinder.

The 1979 F-150 pickup is very rusty and is probably not worth \$800. However, it is a 4x4 and in my experience, even old rusty pick ups with 4-wheel drive are worth at least \$800.

The 1987 Ford Mustang 50 GT is non-professionally primed and does not have any paint.

The 1993 Dodge Caravan has 197,000 miles and has a broken head.

We paid \$5,000 for the 1997 Jeep Laredo Grand Cherokee.

The 1961 VW Dune buggy does not have a motor. I paid \$1,000 for it.

The 15 foot boat highrider with 80 hp outboard motor sank in St. Olaf Lake. The owner gave it to me for free. I did manage to get the motor to run but it does not run correctly.

5. Assuming that the 1997 Jeep Laredo Grand Cherokee is titled in Kristine's name and further assuming that my values are correct, I still have \$1,675 of wildcard exemption available to me.

**WHEREFORE**, the debtor moves the court for an order dismissing the trustee's claimed exemption and determining that all the debtor's listed assets are exempt to the extent provided in the debtor's schedules.

Dated: August 19, 2004

/e/ William L. Bodensteiner  
William L. Bodensteiner #149093  
Attorney for Debtor  
309 South Main Street  
Austin, MN 55912  
(507) 437-7686

**VERIFICATION**

I, Luverne D. Maier, the debtor herein, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/s/ Luverne D. Maier  
Luverne D. Maier  
111 Main Street SW  
Sargeant MN 55973-2012

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## UNSWORN CERTIFICATE OF SERVICE

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I, Keri Ann Yerhart, declare under penalty of perjury that on August 19, 2004, I mailed copies of the attached "Response to Trustee's Objection" by first class mail postage prepaid to each entity named below at the address stated:

US TRUSTEE  
BARBARA STUART  
1015 US COURTHOUSE  
300 SOUTH FOURTH STREET  
MINNEAPOLIS, MN 55415

MICHAEL S. DIETZ  
206 SOUTH BROADWAY, SUITE 505  
PO BOX 549  
ROCHESTER MN 55903

LUVERNE & KRISTINE MAIER  
111 MAIN STREET SW  
SARGEANT MN 55973

Executed on: August 19, 2004

Signed: /e/ Keri Ann Yerhart  
Keri Ann Yerhart  
Bodensteiner Law Firm  
309 South Main St.  
Austin MN 55912  
(507)437-7686