

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: Bultman, Dolores C.,

Chapter 7
Bky Case No. 04-33595

Debtor.

Notice of Hearing and Motion Objecting to Exempt Property

TO: Entities specified in Local Rule 9013-3.

1. Patti J. Sullivan, Trustee (the "Trustee") of the bankruptcy estate of the above-named Debtor moves the Court for the relief requested below and gives notice of hearing.

2. A hearing will be held on this motion by the Honorable Dennis D. O'Brien, on September 22, 2004 at 1:30 P.M., in Courtroom No. 228A, at the United States Court House, 316 N Robert St., St. Paul, Minnesota 55101, or as soon thereafter as counsel can be heard.

3. Any response to this motion must be filed and delivered not later than 1:30 P.M. on September 17, 2004, which is three (3) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than September 13, 2004, which is seven (7) days before the time set for the hearing (excluding 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 matter pursuant to 28 U.S.C. §§ 157 and 1334, 11 U.S.C. §522, Federal Rules of Bankruptcy Procedure 5005 and Local Rule 1070-1. This is a core proceeding. The petition commencing this Chapter 7 case was filed on June 18, 2004 and is now pending before this court.

5. This motion arises under 11 U.S.C. §522, FED. R. BANKR. P. 4003 and Local Rule 4003-1(a). This motion is filed under FED. R. BANKR. P. 9014 and Local Rules 9001-1 to 9001-6 and 9013-1 to 9013-5. The Trustee requests relief with respect to the Debtor's claims of exemption.

6. The Debtor has claimed the following asset as exempt under Minn. Stat. 550.37, subd. 24 – an Employee Retirement Account from Dayton Hudson Co. with a claimed value and market value of \$27,000. The Debtor has claimed the following asset as exempt under Minn. Stat. 550.37 subd. 12(a) – a 2002 Mercury Sable with a value of the claimed exemption at \$3,800.00 and a market value of \$5,000.00.

7. The Trustee objects to the Debtor's claimed exemption in the Retirement Account on the basis that the debtor has not provided the Trustee with any of the requested information regarding the Retirement Account. Therefore, the Trustee cannot determine whether the Retirement Account is exempt or not.

8. The Trustee objects to the Debtor's claimed exemption in the 2002 Mercury Sable on the basis that the Trustee does not agree with the proposed value the debtor has provided. The NADA loan value at the time of filing is between \$7,225.00 and \$10,100.00. Furthermore, the Trustee has requested additional information of the debtor to more accurately determine the value of the vehicle, however, the debtor has not complied with the Trustee's request.

WHEREFORE, the Trustee moves the Court for an order sustaining the Trustee's objections to claimed exempt property and such other relief as may be just and equitable.

Dated this 11th day of August, 2004.

Ulvin and Sullivan Attorneys, P.A.

By /e/ Patti J. Sullivan
Patti J. Sullivan (#170124)
P.O. Box 16406
St. Paul, MN 55116
(651) 699-4825
Attorneys for Trustee

VERIFICATION

I, Patti J. Sullivan, Trustee, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Dated: August 11, 2004

 /e/ Patti J. Sullivan
Patti J. Sullivan, Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In the Matter of:

Bultman, Dolores C.,

Bky No. 04-33595

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I, Joeline A. Kissinger, declare under penalty of perjury that on the 11th day of August, 2004, I mailed a copy of the attached **Notice of Hearing and Motion Objecting to Exempt Property and proposed Order** by first class mail postage prepaid to each entity named below or on the statement attached at the address stated below or in said attachment for each entity:

Robert J. Wendling, Esq.
Wendling & Associates
201 W. Burnsville Pkwy #106
Burnsville, MN 55337

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

Dolores C. Bultman
7385 157th St. W. #109
Apple Valley, MN 55124-4936

Executed on this 11th day of August, 2004.


Joeline A. Kissinger

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: Bultman, Dolores C.,

Chapter 7
Bky Case No. 04-33595

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ORDER

The above-entitled matter came before the Court on the Objection to Claimed Exempt Property filed by the Trustee. Appearances, if any, were as noted upon the record. Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

That the Trustee's objection is sustained, and

1. The Debtor's claims of exemption in the following are hereby disallowed:
 - (a) Employee Retirement Account from Dayton Hudson Company: \$27,000.00;
and,
 - (b) 2002 Mercury Sable: \$3,800.00.

Dated: _____, 2004.

Dennis D. O'Brien
Judge of U.S. Bankruptcy Court