

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re:

Case No.: BKY 04-33698

BEVERLY LYNN HALVORSON,

Debtor.

Chapter 7 Case

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**NOTICE OF HEARING  
AND  
MOTION OBJECTING TO CLAIMED EXEMPTIONS**

TO: The debtor 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 11:00 a.m. on October 7, 2004, in Courtroom No. 228A, 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 September 30, 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 September 27, 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 June 23, 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 debtor.
5. The debtor has elected to claim property as exempt under Section 522(b)(1) of the United States Bankruptcy Code. See the attached Schedule C filed in this case.

6. The debtor has claimed the following assets as exempt under the following statute: 1997 Pontiac Bonneville, accrued income, American Express IRA, estimated 2004 tax refunds, exercise equipment, and Farmers and Merchants State Bank deposits under 11 U.S.C. §522(d)(5). The debtor's balance at Farmers & Merchants State Bank was actually \$575.41 on the date of filing, the balance in the American Express IRA was actually \$9,716.88 on the date of filing, and her accrued wages/ accounts receivable were actually \$1,634.79 on the date of filing. Beverly Lynn Halvorson has claimed exemptions totaling \$12,435.08. The trustee objects to the claimed exemption on the grounds that the debtor has exceeded the amount allowed under this statute.

7. If oral testimony is necessary at the hearing, the trustee will call the debtor: Beverly Lynn Halvorson, 115 S. Carleton Ave., Morgan, MN 56266, who will testify concerning the assets listed in #6 above, and any other matters, if necessary.

Wherefore, the trustee moves the Court for an order denying the above exemptions claimed by the debtor, and such other relief as the Court finds just and equitable.

Dated: September 3, 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 September 3, 2004

/e/ Paul W. Bucher

Paul W. Bucher  
206 South Broadway, Suite 505  
Rochester, Minnesota 55904

In re **Beverly Lynn Halvorson**

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
<b>1997 Pontiac Bonneville</b>	11 USC § 522(d)(5) 11 USC § 522(d)(2)	200.00 2,950.00	4,000.00
<b>Accrued Income</b>	11 USC § 522(d)(5)	197.10	197.10
<b>American Express IRA</b>	11 USC § 522(d)(5)	8,689.57	8,689.57
<b>Assorted Jewelry</b>	11 USC § 522(d)(4)	50.00	50.00
<b>Child Support (on average)</b>	11 USC § 522(d)(10)(D)	220.00	220.00
<b>Estimated 2004 Tax Refunds</b>	11 USC § 522(d)(5)	283.00	283.00
<b>Exercise Equipment</b>	11 USC § 522(d)(5)	25.00	25.00
<b>Farmers and Merchants State Bank of Springfield 101 Vernon Ave. Morgan, MN 56266 (Deposits)</b>	11 USC § 522(d)(5)	403.38	403.38

In re Beverly Lynn Halvorson, Case No. \_\_\_\_\_  
 Debtor. (If known)

## SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
<b>Homestead</b> Located at 115 S. Carleton Ave., Morgan, MN 56266 Legally described as: Real property in Redwood County, Minnesota, described as follows, to-wit: Beginning at the South corner of said Lot 3, thence running Northeast on the Southeast line of said Lot 3, a distance of 60 feet, then at right angles Northwest and parallel to Southwest line of said Lot 3, a distance of 150 feet, then at right angles Southwest and parallel to the Southeast line of said Lot 3, a distance of 60 feet to Southwest Line of Lot 3, thence Southeast on Southwest line of Lot 3, a distance of 150 feet to the point of beginning; and Commencing at the Northeast corner of Lot Four (4) of Block Thirteen (13), First Addition to the City of Morgan, on Carleton Avenue, running Northwest on the lot line between Lots 3 and 4 of said Block 13, a distance of 150 feet; thence at right angles Southwest and parallel with the Southeast line of said Lot 4 a distance of 10 feet; thence at right angles Southeast and parallel with the Southwest line of said Lot 3 a distance of 150 feet to the Southeast line of said Lot 4; thence Northeast on the Southeast line of said Lot 4 a distance of 10 feet to the place of beginning.	11 USC § 522(d)(1)	9,200.00	65,000.00
Household Goods and Furnishings	11 USC § 522(d)(3)	3,000.00	3,000.00
Wearing Apparel	11 USC § 522(d)(3)	150.00	150.00

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Beverly Lynn Halvorson

Debtor.

Bky Case No. 04-33698

Chapter 7

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**UNSWORN CERTIFICATE OF SERVICE**

I, Jennifer M. Albright, declare under penalty of perjury that on September 3, 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:

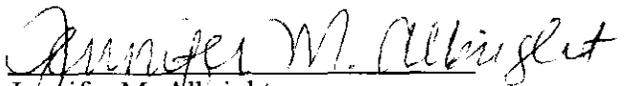
Beverly L. Halvorson  
115 S. Carleton Ave.  
Morgan, MN 56266

Mark C. Halvorson  
Halvorson & Associates  
P.O. Box 3544  
Mankato, MN 56002-3544

UNITED STATES TRUSTEE  
1015 U S COURTHOUSE  
300 SOUTH 4<sup>TH</sup> STREET  
MINNEAPOLIS MN 55415

Executed on September 3, 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 04-33698

BEVERLY LYNN HALVORSON,

Debtor.

Chapter 7 Case

**ORDER DENYING CLAIMED EXEMPTIONS**

This matter came before the Court on the 7 day of October, 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. The debtor's claimed exemptions of 1997 Pontiac Bonneville, accrued income, American Express IRA, estimated 2004 tax refunds, exercise equipment, and Farmers and Merchants State Bank deposits are denied.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Dennis D. O'Brien  
United States Bankruptcy Judge