

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

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In Re:

Case No. 04-33839

Rodney & Marilyn Dosch,  
  
Debtor(s).

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**NOTICE OF HEARING AND VERIFIED MOTION OBJECTING TO EXEMPTION**

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TO: The Debtors, their attorney, Trustee and other parties in interest specified in Local Rule 9013-3:

1. Mary Jo A. Jensen-Carter, Trustee of the bankruptcy estate of the above-named Debtor(s) (“Trustee”), 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 27, 2004 at 11:00 a.m.**, before the Honorable Dennis D. O’Brien, Judge of the U.S. Bankruptcy Court, in Courtroom Number 228B, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.
3. Any response to this motion must be filed and delivered not later than September 22, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail later than September 16, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays).

**IF A RESPONSE IS NOT TIMELY FILED, THE COURT, IN ITS DISCRETION, MAY GRANT THE RELIEF REQUESTED 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. The petition commencing this case was filed under Chapter 7 on June 30, 2004. This case is now pending in this Court.
5. This motion arises under 11 U.S.C. § 522 and Minn. Stat. § 510.01 and 510.02. This motion is filed pursuant to Bankruptcy Rule 9014 and Local Rules 9013-1, 9013-2, 9013-3 and 9013. Trustee objects to the debtors' exemption of the following assets:
  - Tools valued at \$1,000.00
  - Lawn Mower valued at \$1,200.00
  - Snow Blower valued at \$150.00

The debtors have claimed all of these assets as exempt household goods pursuant to the provisions of Minn. Stat. § 550.37(4)(b). Trustee does not believe that said assets constitute household goods and therefore objects to the exemption.

WHEREFORE, Trustee prays for an order of the Court denying debtors' exemptions as set forth herein and granting such other and further relief as the Court deems just and equitable.

Dated: August 20, 2004.

BUCKLEY & JENSEN

By /e/ Mary Jo A. Jensen-Carter  
Mary Jo A. Jensen-Carter, #186041  
1339 East County Road D  
Vadnais Heights, MN 55109  
(651) 486-7475

**VERIFICATION**

I, Mary Jo A. Jensen-Carter, Trustee and movant named in the motion, declare under penalty of perjury that the facts contained in the foregoing motion are true and correct to the best of my knowledge, information and belief.

Dated: August 20, 2004.

/e/ Mary Jo A. Jensen-Carter  
Mary Jo A. Jensen-Carter, Trustee

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**UNSWORN CERTIFICATE OF SERVICE**

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I, Ann M. Gagner, declare under penalty of perjury that on August 20, 2004, I served copies of the attached *Notice of Hearing, Verified Motion Objecting to Exemption, and a proposed Order* by first class U.S. Mail, to the following parties:

Rodney & Marilyn Dosch 18947 Jordan Trail Lakeville, MN 55044	United States Trustee 1015 U.S. Courthouse 300 South Fourth Street Minneapolis, MN 55415
Robert J. Hoglund P.O. Box 130938 Roseville, MN 55113	American Express Bank, FSB c/o Becket & Lee, LLP P.O. Box 3001 Malvern, PA 19355-0701

Executed on: August 20, 2004.

Signed: /e/ Ann M. Gagner  
Ann M. Gagner  
Buckley & Jensen  
1339 East County Road D  
Vadnais Heights, MN 55109

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**ORDER**

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The above-captioned matter came on before this Court on the motion of the Trustee, Mary Jo A. Jensen-Carter, objecting to the debtors' exemptions. Appearances, if any, are noted in the Court's record.

Based upon all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED:**

1. The debtors' exemption of the following assets is disallowed:
  - Tools valued at \$1,000.00
  - Lawn mower valued at \$1,200.00
  - Snow blower valued at \$150.00

Dated: \_\_\_\_\_, 2004.

BY THE COURT

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Dennis D. O'Brien  
Judge, United States Bankruptcy Court