

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Chapter 7 Case
BKY 04-34742 GFK

Catherine Savannah Harris,

Debtor.

**NOTICE OF HEARING AND MOTION TO EXTEND PERIOD TO
OBJECT TO CLAIMED EXEMPT PROPERTY**

To: The Debtor and other entities specified in Local Rule 9013-3.

1. Nauni Jo Manty, Trustee for the above-captioned bankruptcy estate (“Trustee”), moves the Court for the relief requested below, and gives notice of hearing herewith.

2. The Court will hold a hearing on this motion at **1:30 p.m., Monday, October 25, 2004**, before The Honorable Gregory F. Kishel, Bankruptcy Judge, in Courtroom No. 228B, at the U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, or as soon thereafter as counsel can be heard.

3. Any objection to the relief requested herein must be filed and delivered not later than October 20, 2004, which is three (3) days excluding intermediate Saturdays, Sundays and legal holidays before the time set for the hearing, or filed and served by mail not later than October 14, 2004, which is seven (7) days excluding intermediate Saturdays, Sundays and legal holidays before the time set for the hearing. **UNLESS A WRITTEN RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY ENTER AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 4003(b) and 5005 and Local Rule 1070-1. This is a core proceeding. The petition commencing this chapter 7 case was filed on August 13, 2004. The case is now pending in this court.

5. This motion is filed pursuant to Bankruptcy Rule 9006 and Local Rule 9013-2. The Trustee seeks an order extending the period within which to timely file an objection to claimed exempt property.

6. The 341 Meeting of Creditors was held September 14, 2004. The last day to object to exemptions is October 14, 2004.

7. The Trustee has requested that the Debtor produce additional information regarding the value of the Debtor's claimed exempt real property. The Trustee requires the information in order to determine whether to pursue an objection to the Debtor's claimed exemptions.

8. In light of the fact the Trustee has requested information from the Debtor and the Debtor needs additional time to produce the information, the Trustee asserts "cause" exists to extend the time to object to the Debtor's claim of exemptions for 60 days pursuant to Bankruptcy Rule 4003(b) in order to allow the Trustee to conduct further inquiry of the Debtor's affairs.

WHEREFORE, the Trustee respectfully requests this Court to enter an order extending the time to object to claimed exempt property until December 13, 2004.

Dated: October 8, 2004

/e/Nauni Jo Manty
Nauni Jo Manty
Trustee in Bankruptcy
Attorney ID No. 230352
Rider Bennett
333 S. 7th St., Suite 2000
Minneapolis, MN 55402

VERIFICATION

I, Nauri Jo Manty, Trustee for the Bankruptcy Estate of Catherine Savannah Harris, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

DATED: October 8, 2004

/e/ Nauri Jo Manty
Nauri Jo Manty

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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Debtor.

**MEMORANDUM IN SUPPORT OF MOTION TO EXTEND PERIOD TO
OBJECT TO EXEMPTIONS**

This Memorandum of Law is submitted in support of the motion by Nauri Jo Manty, Trustee for the above-captioned bankruptcy estate (the "Trustee") to extend the period to timely object to the Debtor's claimed exemptions.

FACTS

The petition commencing this case was filed under Chapter 7 on August 13, 2004. The Trustee has requested that the Debtor produce additional information regarding the Debtor's claimed exemptions. The 341 Meeting of Creditors was held on September 14, 2004. The last day to object to exemptions is October 14, 2004. The Trustee requires the information in order to determine whether to pursue an objection to the Debtor's claimed exemptions. The Trustee is, therefore, seeking an extension of time to file objections to exemptions.

DISCUSSION

Bankr. R. 4003(b) provides:

The trustee . . . may object to the list of property claimed as exempt within 30 days after the conclusion of the 341 of creditors . . . unless, within such period, further time is granted by the court.

The Trustee requests that the time period in which to object to exemptions be extended for 60 days, so she may conclude her investigation.

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UNSWORN CERTIFICATE OF SERVICE

I, Donna Voth, declare under penalty of perjury that on October 8, 2004, I mailed copies of the attached **Notice of Hearing and Motion to Extend Period to Object to Claimed Exempt Property, Memorandum in Support of Motion to Extend Period to Object to Exemptions, proposed Order, and Unsworn Certificate of Service** for each entity below:

Catherine Savannah Harris 894 Fuller Avenue St. Paul, MN 55104	Malin D. Greenberg, Esq. 600 S. Highway 169 Suite 1525 St. Louis Park, MN 55426
United States Trustee 1015 U.S. Courthouse 300 So. Fourth St. Minneapolis, MN 55415	

Executed on: October 8, 2004

Signed: /e/ Donna Voth _____

Donna Voth
Legal Assistant
Rider Bennett
333 S. 7th Street, Suite 2000
Minneapolis, MN 55402
612-335-3950

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ORDER

This matter came before the Court on the motion by Nauri Jo Manty, the Trustee for the Bankruptcy case of Catherine Savannah Harris, ("Trustee") for an Order extending the time to object to claimed exempt property until December 13, 2004. Appearances were noted in the record at the time of the hearing. Based upon the files and records, the Court makes this Order pursuant to the Rules of Bankruptcy Procedure.

IT IS ORDERED:

1. The Trustee's Motion to Extend Period to Object to Claimed Exempt Property is granted.
2. The Trustee shall have until December 13, 2004, to object to the Debtor's claimed exemptions.

Dated: _____, 2004.

Gregory F. Kishel
United States Bankruptcy Judge