

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No.: 04-50570 GFK

MARGARET M. HUGHES-HUSBANDS and
JAMES F. HUSBANDS,
Debtors.

**NOTICE OF MOTION AND VERIFIED MOTION OBJECTING
TO PROPERTY CLAIMED AS EXEMPT**

TO: THE COURT, THE DEBTORS, THE DEBTORS' ATTORNEY DANIEL R. BINA, AND
THE UNITED STATES TRUSTEE

1. Robert R Kanuit, Trustee of the bankruptcy estate of the above-named debtors moves
the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on September 8, 2004,
before the Honorable Gregory F. Kishel, in Courtroom 2 at the United States Courthouse, 515 West
First Street, in Duluth, Minnesota.

3. Any response to this motion must be filed and delivered not later than September 1,
2004, which is seven (7) days before the time set for the hearing, or filed and served by mail not
later than August 29, 2004 which is ten (10) days before the time set for the hearing. **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 motion pursuant to 28 U.S.C. §§ 157 and 1334,
11 U.S.C. § 522, 11 U.S.C. § 542, Bankruptcy Rules 4003d, 9013 and 9014, and Local Rules 702
and 1201, et seq. This proceeding is a core proceeding. The petition commencing this Chapter 7

case was filed on May 13, 2004. The case is now pending in this Court. Movant is entitled to object to Debtors' claims of exemption pursuant to Bankruptcy Rule 4003.

5. This motion arises under 11 U.S.C. § 522, 11 U.S.C. § 542, and Bankruptcy Rule 4003 and Local Rule 702. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9001-1 to 9006-1 and 9013-1 to 9013-5. Movant requests relief with respect to Debtors' nonexempt property.

6. Debtors have claimed various assets exempt under 11 U.S.C. § 522(d)(5), and a retirement benefit as exempt under 11 U.S.C. § 522(d)(10)(E), which movant objects to.

7. Movant objects to debtors' claims of exemption for the following reasons:

As to the assets claimed exempt under 11 U.S.C. § 522(d)(5), the claimed exempt amount exceeds the allowed amount by \$6,353.00. As to the retirement benefit, movant has requested information from the debtors to verify that this benefit is exempt but, to date, has not received the requested information.

WHEREFORE, trustee, Robert R. Kanuit, moves the Court for an order sustaining his objection to debtors' exemptions and such other relief as may be just and equitable.

Dated this 7th day of July, 2004.

/e/ Robert R. Kanuit
Robert R. Kanuit (#0252530)
Chapter 7 Trustee
4815 W. Arrowhead Road, #230
Hermantown, MN 55811
(218) 722-7722

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No.: 04-50570 GFK

MARGARET M. HUGHES-HUSBANDS and
JAMES F. HUSBANDS,
Debtors.

ORDER

At Duluth, Minnesota, _____, 2004.

Upon the objection to property claimed as exempt filed by the trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED:

The trustee's objections are sustained and the retirement benefit is not exempt and all property claimed exempt under 11 U.S.C. § 522(d)(5) is not exempt to the extent its aggregate value exceeds \$3,850.00.

Honorable Gregory F. Kishel
United States Bankruptcy Judge