

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Court File 04-50570

Margaret M. Husghes-Husbands and
James F. Husbands,

Debtors.

DEBTOR'S RESPONSE TO NOTICE OF MOTION AND MOTION
OBJECTING TO PROPERTY CLAIMED AS EXEMPT

TO: THE COURT, THE UNITED STATES TRUSTEE. AND OTHER INTERESTED
PARTIES:

1. MacKenzie P. Guptil, associate of the Bina Law Firm, and of Daniel R. Bina, attorney for Debtors hereby responds to Trustee's Notice of motion and verified motion objecting to property claimed as exempt;
2. The original motion arises under 11 U.S.C. § 522, 11 U.S.C. § 542 and the applicable Local Rule 702 and Bankruptcy Rule 4003..
3. In Debtors' Bankruptcy Petition, Debtors originally claimed various assets exempt under 11 U.S.C. § 522 (d) (5), 522(d) (10) (E), 522 (d) (1) and other exemption provisions.
4. Subsequent to Debtor's Petition, Trustee filed a motion objecting to exemption claim regarding Debtors' retirement benefit, and Debtors' homestead.
5. Trustee stated that at a value of the \$ 365, 000.00 would exceed the value allowed for under 11 U.S.C. § 522 (d) (1).
6. Debtors through their attorney have filed amended Schedules A and C, thereby switching the exemptions claimed, from the Federal exemption amounts to that authorized by Minnesota exemptions..
7. As a result of this amendment, the retirement amount and the homestead fit within the exemption amounts allowed by the State of Minnesota. There may now be other assets that are no longer exempt which need to be administered

by the Trustee, that were previously claimed as exempt pursuant to 11 U.S.C. § 522 (d)(5).

8. Therefore Debtors' attorney respectfully requests that the Trustee withdraw its objection or that the Court Dismiss Trustee's request for relief.

Respectfully Submitted

8/30/2004

/e/ MacKenzie Guptil
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United States Bankruptcy Court
District of Minnesota

IN RE:

Case No. _____

MARGARET M HUGHES-HUSBANDS & JAMES F HUSBANDS

Chapter 7

Debtor(s)

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the following document(s):

DEBTOR'S RESPONSE TO NOTICE OF MOTION AND MOTION OBJECTING TO PROPERTY CLAIMED AS EXEMPT

was(were) mailed to all persons in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail, postage prepaid, on this 30th day of August, 2004.

/s/ Daniel R. Bina

Daniel R. Bina #200621

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