

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In Re:

Bky. No.: 04-50790 GFK

DALE D. KEENE,

Debtor.

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

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TO: THE COURT, THE DEBTOR, THE DEBTOR'S ATTORNEY, PETER C. GREENLEE,  
AND THE UNITED STATES TRUSTEE

1. Robert R Kanuit, Trustee of the bankruptcy estate of the above-named debtor 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 October 6, 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 29, 2004, which is seven (7) days before the time set for the hearing, or filed and served by mail not later than September 26, 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 July 9, 2004. The case is now pending in this Court. Movant is entitled to object to Debtor's 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 Debtor's nonexempt property.

6. Debtor has claimed as exempt non-homestead real estate legally described as the South Half and the South Half of North Half of Northeast Quarter of Northwest Quarter, Section 21, Township 57, Range 19, Town of Cherry, St. Louis County, Minnesota, at a value of \$33,000.00 (i.e., debtor's one-half of equity in property based on a tax assessed value of \$33,000.00 and a mortgage balance of \$24,000.00), to which movant objects.

7. Movant objects to debtor's claim of exemption because the value of this real estate according to the St. Louis County Assessor is \$65,700.00, which is well in excess of the claimed value.

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

Dated this 27<sup>th</sup> day of August, 2004.

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

**VERIFICATION**

I, Robert R. Kanuit, movant, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: August 27, 2004

/e/ Robert R. Kanuit  
Robert R. Kanuit

**UNITED STATES BANKRUPTCY COURT  
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**UNSWORN DECLARATION FOR PROOF OF SERVICE**

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The undersigned, being an employee of Kanuit & Bray, Ltd., attorneys licensed to practice law in this Court, with office address of 4815 W. Arrowhead Road, Hermantown, MN 55811, declares under penalty of perjury that on the date stated below, she served the annexed **Motion Objecting to Property Claimed as Exempt and (proposed) Order** upon the persons named below by mailing to them copies thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at Hermantown, Minnesota, addressed as follows:

Dale D. Keene  
PO Box 73  
Hibbing, MN 55746

Peter C. Greenlee  
Greenlee Law Office  
PO Box 1067  
Twig, MN 55791

U.S. Department of Justice  
Office of the United States Trustee  
U.S. Courthouse, Suite 1015  
300 South Fourth Street  
Minneapolis, MN 55415

Dated this 27<sup>th</sup> day of August, 2004.

/e/ Bonnie K. Vanderpool  
Bonnie K. Vanderpool

**UNITED STATES BANKRUPTCY COURT  
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**ORDER**

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At Duluth, Minnesota, on October 6, 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 objection is sustained and the non-homestead real estate legally described as the South Half and the South Half of North Half of Northeast Quarter of Northwest Quarter, Section 21, Township 57, Range 19, Town of Cherry, St. Louis County, Minnesota, is not exempt.

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Honorable Gregory F. Kishel  
United States Bankruptcy Judge