

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No.: 04-50822 RJK

JULIE HUNTER,

Debtor.

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

TO: THE COURT, THE DEBTOR, THE DEBTOR'S ATTORNEY DANIEL R. BINA, 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 10:30 a.m., on October 25, 2004, before the Honorable Robert J. Kressel, 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 October 18, 2004, which is seven (7) days before the time set for the hearing, or filed and served by mail not later than October 15, 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 19, 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 a homestead under 11 U.S.C. §522(d)(1), and personal property under 11 U.S.C. §522(d)(5), to which movant objects.

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

- (a) With respect to the homestead, debtor's equity in the property exceeds the claimed exemption amount; and
- (b) With respect to the personal property, debtor's claimed exemptions exceed the amount allowed under 11 U.S.C. §522(d)(5).

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

Dated this 20th day of September, 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 this 20th day of September, 2004.

 /e/ Robert R. Kanuit
Robert R. Kanuit

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UNSWORN DECLARATION FOR PROOF OF SERVICE

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/entities named below by mailing to them a copy 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:

Julie Hunter
21577 Spur Lane Road
Pine City, MN 55063

Daniel R. Bina
Attorney at Law
1639 Main Street North
Suite 1
Pine City, MN 55063

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 20th day of September, 2004.

/e/ Bonnie K. Vanderpool
Bonnie K. Vanderpool

**UNITED STATES BANKRUPTCY COURT
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ORDER

At Duluth, Minnesota, on October 25, 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 homestead and all scheduled personal property are not exempt.

Honorable Robert J. Kressel
United States Bankruptcy Judge