

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Israel R. McKinney
Jennifer H. McKinney

Debtors.

Case No. 11-61215
Chapter 7

NOTICE OF MOTION AND MOTION OBJECTING TO EXEMPT PROPERTY

TO: The debtors and other entities specified in Local Rule 9013-3

1. Gene W. Doeling the 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 9:00 a.m. on May 23, 2012 at the United States Courthouse, at 118 South Mill Street, in Fergus Falls, Minnesota.

3. Any response to this motion must be filed and served not later than May 18, 2012, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **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, Fed. R. Bank. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this chapter 7 case was filed on December 13, 2011. The case is now pending in this court.

5. This motion arises under 11 U.S.C. § 522 and Fed. R. Bankr. P. 4003. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules 9013-1. Movant requests relief with respect to debtor's claim of exemption.

6. The debtors filed amended schedules on April 12, 2012, disclosing several assets that were not previously disclosed in the original schedules. Trustee objects to any attempts by the debtors to exempt the following assets: paypal account (unknown value); joint debtor's interest in accounts receivable of \$1,460.16 (previously, the sum of \$1,500 was disclosed and exempted; the amended schedules now list \$2,960.16); 1950 camper on two wheels valued at \$750; and the joint debtor's interest in the domain names "mycharmingkids.net", "mcmama.com" and "mycharmingkids.net/deals" valued at \$100, which the debtors did not schedule in their original schedules, but which debtor was clearly utilizing as a primary source of income at the time of the original filing.

Wherefore, the bankruptcy trustee moves the court for an order as follows:

1. Disallowing the debtors' exemption in the following assets: the paypal account;

the joint debtor's interest in accounts receivable of \$1,460.16; the 1950 camper on two wheels; and the joint debtor's interest in the domain names "mycharmingkids.net", "mckmama.com" and "mycharmingkids.net/deals"; and

2. For such other relief as may be just and equitable.

Dated: April 30, 2012

Signed: /e/ Gene W. Doeling
Gene W. Doeling, Bankruptcy Trustee
PO Box 423
Fargo, ND 58107-0423
701-232-8757

Verification. I, Gene W. Doeling, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: April 30, 2012

Signed: /e/ Gene W. Doeling

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ORDER

At Fergus Falls, Minnesota, May 23, 2012.

Upon the Objection to Claimed Exempt Property filed by the Trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED

The debtors' exemption in the paypal account; the joint debtor's interest in accounts receivable of \$1,460.16; the 1950 camper on two wheels; and the joint debtor's interest in the domain names "mycharmingkids.net", "mckmama.com" and "mycharmingkids.net/deals are disallowed.

Dated: _____

Dennis D. O'Brien
U.S. Bankruptcy Court Judge

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UNSWORN CERTIFICATE OF SERVICE

I, Gene W. Doeling, declare under penalty of perjury that on April 30, 2012 the following entities were served electronically via CM/ECF

Patty L. Wisecup, patty@wisecuplaw.com, wisecuplaw@gmail.com
Office of the United States Trustee, ustpreion12.mn.ecf@usdoj.gov

Israel McKinney
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

Jennifer McKinney
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

Executed on : April 30, 2012

Signed: /e/ Gene W. Doeling
Gene W. Doeling
121 Roberts Street
Fargo, ND 58102