

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: James P. Hritsko, Jr.) Case Number: 10-21835-pmc
Arlene Muttick-Hritsko) Chapter 13 Proceedings
Debtors.) Honorable Pat E. Morgenstern-Clarren

TRUSTEE’S OBJECTION TO DEBTOR’S CLAIM OF EXEMPTION

Craig Shopneck, the duly appointed, standing Chapter 13 Trustee, hereby objects to certain exemption(s) claimed by the debtor. Pursuant to 11 U.S.C. § 522(b), the exemptions available in a state that has opted out of the federal exemption scheme such as Ohio, are generally those exemptions provided by the law of the state. The debtor herein claimed on Schedule C improper exemption(s) as to property governed by the following subsections of Ohio Rev. Code §2329.66.

PROPERTY	LAW	CLAIMED EXEMPTION	TRUSTEE’S POSITION
5150 S. Broadway Lorain, OH 44052	2329.66(A)(1)(b)	100% of FMV	Reduce exemption to \$21,625.00. An assertion of a “100%” exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a “100%” exemption could allow debtors to exempt more than the statutory maximum.
Lormet FCU – Checking	2329.66(A)(3)	100% of FMV	Limit to \$200.00. An assertion of a “100%” exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a “100%” exemption could allow debtors to exempt more than the statutory maximum.
Lormet FCU – Savings	2329.66(A)(3)	100% of FMV	Limit to \$20.00. An assertion of a “100%” exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a “100%” exemption could allow debtors to exempt more than the statutory maximum.

PROPERTY	LAW	CLAIMED EXEMPTION	TRUSTEE'S POSITION
Household Furnishings	2329.66(A)(4)(a) 2329.66(A)(4)(a)	100% of FMV 100% of FMV	Limit to \$5,000.00. An assertion of a "100%" exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a "100%" exemption could allow debtors to exempt more than the statutory maximum.
Clothing	2329.66(A)(4)(a)	100% of FMV	Limit to \$500.00. An assertion of a "100%" exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a "100%" exemption could allow debtors to exempt more than the statutory maximum.
Clothing	2329.66(A)(4)(a)	100% of FMV	Limit to \$500.00. An assertion of a "100%" exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a "100%" exemption could allow debtors to exempt more than the statutory maximum.
PERS	2329.66(A)(10)	100% of FMV	Limit to \$54,000.00. An assertion of a "100%" exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a "100%" exemption could allow debtors to exempt more than the statutory maximum.

PROPERTY	LAW	CLAIMED EXEMPTION	TRUSTEE'S POSITION
1977 Chev Pickup	2329.66(A)(2)(b)	100% of FMV	Limit to \$200.00. An assertion of a "100%" exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a "100%" exemption could allow debtors to exempt more than the statutory maximum.
Support Arrearage	2329.66(A)(11)	100% of FMV	Limit to \$6,300.00. An assertion of a "100%" exemption is inappropriate in that the statutory exemptions asserted have maximum dollar amounts available; allowing a "100%" exemption could allow debtors to exempt more than the statutory maximum.

This objection will continue to stand until it is ruled upon by the Court or withdrawn by the Trustee.

Respectfully Submitted,

/S/ Craig Shopneck

CRAIG SHOPNECK (#0009552)

Chapter 13 Trustee

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Trustee's Objection to Claim of Exemption was served electronically and/or via regular U.S. Mail, postage prepaid, this 6th day of January 2011 upon the following persons:

William J. Balena, Attorney for Debtors
(Via Electronic Mail)

Arlene Muttick-Hritsko & James P. Hritsko, Jr., Debtors
5150 S Broadway
Lorain, OH 44052

/S/ Craig Shopneck
CRAIG SHOPNECK (#0009552)

CHS/kb