

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF: )  
 )  
PAUL CASPER SAVICK ) CASE NO. BK00-42090  
 )  
DEBTOR. ) CH. 13

JOURNAL ENTRY

This matter is before the Court on the Trustee's Objection to Debtor's Claim of Exemptions (Fil. #16), and Resistance by Debtor (Fil. #19). The Objection is overruled.

The Trustee objects to the Debtor's claimed exemptions under Neb. Rev. Stat. §§ 25-1552 and -1556 which are in excess of \$2,500 per debtor. Her objection is based on language contained in footnote 2 of Judge Minahan's November 8, 2000, decision in In re Stephen & Judy Miller (Case No. BK00-40469, Fil. #111). The Debtor asserts that the Trustee's position is an incorrect interpretation of the statutory language.

The amount of the personal property exemptions permitted under §§ 25-1552 and -1556 was not at issue in the Miller case. It is precisely the issue in the present case. After considering the parties' arguments and reviewing their exhibits, particularly the legislative history of the 1997 amendments to the statutes, I agree with the Debtor. Upon reading a transcript of the legislature's floor debate regarding the statutory amendments, it is clear to me that the provision was not intended to unduly limit available exemptions. The language was added in the context of amendment to expand the exemptions, and appears to be an explanation of how to claim the exemption rather than a limitation on the amount of the exemption.

IT IS ORDERED the Trustee's Objection to Debtor's Claim of Exemption (Fil. #16) is overruled.

DATED this 8th day of February, 2001.

BY THE COURT:

Timothy J. Mahoney  
Chief Judge

Copies faxed by the Court to:

Copies mailed by the Court to:

United States Trustee

(\*) Kathleen Laughlin, Chp. 13 Trustee

Paul Rea, Atty. For Debtor, 941 O St., #728, Lincoln, NE 68508

Movant (\*) is responsible for giving notice of this journal entry to all other parties not listed above if required by rule or statute.