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030827 11:45
RECEIVED
CLERK OF COURT

5 Attorney for C. Barry Zimmerman,
Chapter 7 Bankruptcy Trustee
6

7 UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO
8

9 IN RE:

CASE NO. 02-20218

10 FRANK L. CHAPIN and
11 SYDNEY L. GUTIERREZ-CHAPIN,

**OBJECTION TO MOTION OF DR.
FREDERICK LEAF FOR ORDER
CLARIFYING INAPPLICABILITY
OF AUTOMATIC STAY**

12
13 Debtors.
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15 COMES NOW, C. Barry Zimmerman, Chapter 7 Trustee, by and
16 through H. James Magnuson, his attorney, and objects to the Motion
17 of Dr. Frederick Leaf for Order Clarifying Inapplicability of
Automatic Stay.

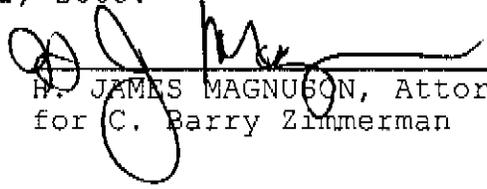
18 This objection is made on the grounds that Dr. Frederick
19 Leaf, in *Frederick A. Leaf v. Financial Management Services, et*
20 *al.*, Bonner County Case No. CV-02-01655, is attempting to pursue
21 a claim against the Debtors by seeking imposition of a
22 constructive trust against certain real property. Some of the
23 property which Plaintiff claims a constructive trust against in
24 the state court action is property of the estate.

25 Debtors admit that real property which S and F, LLC, held
26 legal title to is property of the estate. See *Affidavit of H.*
27 *James Magnuson* filed herewith.
28

1 WHEREFORE, C. Barry Zimmerman, Chapter 7 Trustee, requests
2 that the motion be denied.

3 DATED this 27th day of October, 2003.

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6


H. JAMES MAGNUSON, Attorney
for C. Barry Zimmerman

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CERTIFICATE OF MAILING

8 I hereby certify that a true and exact copy of the foregoing
9 **OBJECTION TO MOTION OF DR. FREDERICK LEAF FOR ORDER CLARIFYING**
10 **INAPPLICABILITY OF AUTOMATIC STAY** was sent by facsimile on the 27th
11 day of October, 2003, to:

10
11

John R. Rizzardi
Cairncross & Hempelmann, P.S.
524 Second Ave., Ste. 500
Seattle, WA 98104-2323

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FAX (206) 587-2308

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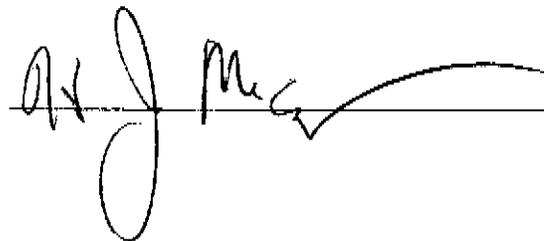
Bruce Anderson
Elsaesser, Jarzabek, Anderson,
Marks & Elliott
1400 Northwood Center Ct.
Coeur d'Alene, ID 83814

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