

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

U.S. COURTS
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CLERK

In Re:) Case No. 01-41848-7
)
)
CHAD THOMPSON) TRUSTEE'S MOTION FOR
CAMILLE THOMPSON) ORDER REVOKING ORDER
) DISALLOWING EXEMPTION
)
Debtor(s))

COMES NOW L.D. Fitzgerald, Trustee in the above named proceedings and Motions the Court for an Order Revoking Order Disallowing Claim of Exemptions. Due to what appears to be clerical errors, it is possible the Debtors may not have received, in the mail, the Objection to Exemptions.

THE COURT IS ADVISED AS FOLLOWS:

On November 02, 2001, a 341(a) hearing was conducted. At this hearing, the Debtor advised the Trustee of a new mailing address, 1030 E. 12th, Idaho Falls, Idaho. The Trustee made the notation on the Debtor's file, however, the Clerk for the Trustee entered the new address on the 341 minutes as 1230 12th St., Idaho Falls, Idaho. This is the address picked up by the Clerk of the U.S. Bankruptcy Court and put into their computer systems. This would be standard procedure.

On November 14, 2001, the Trustee filed an Objection to Claim of Exemptions. Trustee mailed the Objection to the Debtors at the correct address of 1030 E. 12th, Idaho Falls, Idaho. Debtors claim they never received the Objection?

The Order Disallowing Claim of Exemptions was forwarded to the Clerk of the Court for issuance when no response was received. Trustee completes the Certificate of Mailing information by providing the address for the Assistance U.S. Trustee, Debtor's Attorney, the Trustee, and the Debtor. The Clerk of the Court then causes the Order to be mailed when it is signed. The correct address for the Debtor is shown on the Certificate of Mailing. However, the Clerk when mailing the Order to the parties, used the address in her computer of 1230 E. 12th, Idaho Falls, Idaho. It is possible the Debtor did not receive this Order. Although, the Debtor does attach a copy of the Order to the Motion to Vacate or Reconsider Order. Said Motion was filed with the Court on January 15, 2002.

On January 11, 2002, the Debtors filed an amended schedule "C" in an effort to correct the exemption issues. The Motion to Vacate was then filed on January 15, 2002.

The Trustee Motions the Court to Vacate the Order Disallowing the Claim of Exemption because of the errors which may not have provided the Debtors with notice. Trustee does not concede the Debtors did not received notice as stated in the Motion to Vacate. Upon receipt of the Order to Revoke, the Trustee will address the amended schedule "C" which is now on file.

Dated: January 22, 2002



L. D. Fitzgerald, Trustee

CERTIFICATE OF MAILING

The undersigned hereby certifies that a copy of the document on which this appears was mailed this date to the named creditor at the address shown, and the same was deposited by me in regular US Post Office in the City of Pocatello.

DATED: January 22, 2002

By:



Cheri Cuio

Pro-Se: Chad & Camille Thompson
1030 E. 12th
Idaho Falls, ID 83404