Bankruptcy Local Rule 4003-1

EXEMPTIONS

(a) **Claim of exemptions**.

The Idaho Code section under which any exemption is claimed, and each item of property claimed as exempt, shall be described with specificity, without reference to other schedules.

(b) **Claim of exemption by joint debtors**.

If joint debtors claim separate exemptions under 11 U.S.C. § 522(m), each debtor must make and file a separate itemization in the manner prescribed by subdivision (a) of this rule.

(c) **Objections to exemptions**.

An objection to a claimed exemption shall state the specific exemption objected to and state the grounds upon which the objection is based. The objection may be sustained and the exemption disallowed without a hearing, unless a hearing is requested and set by the debtor(s), the trustee, or a party in interest.

RELATED AUTHORITY

11 U.S.C. § 522
Idaho Code §§ 11-604, 11-605 and 55-1001, et seq.
Fed. R. Bankr. P. 1007, 4003

Advisory Committee Notes:

This rule addresses the common problem of failure of the debtors to provide sufficient information regarding the exemptions claimed. It also reflects, in subdivision (c), the fact that hearings in many cases are not needed or demanded by debtors after review of the objection. Under Fed. R. Bankr. P. 4003(b), copies of an objection to a claim of exemption must be delivered or mailed to the trustee, the person claiming the exemption, and the attorney for such person. The debtor's right to a hearing is preserved, however. The trustee may also request and set a hearing. This may be necessary, for example, in cases where the debtor amends the claim of exemption but such amendment is itself objectionable or does not fully resolve the original objection.