

JUDGE HERB ROSS (Recalled)

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ALASKA
605 West 4th Avenue, Room 138, Anchorage, AK 99501-2253 — (Website: www.akb.uscourts.gov)
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Filed On
8/30/10

In re
MICHAEL CROPLEY LASHBROOK and
SANDRA JOY LASHBROOK,
Debtor(s)

Case No. A09-00484-HAR
In Chapter 7

CASE MANAGEMENT MEMORANDUM
REGARDING AMENDED EXEMPTIONS

I have two observations concerning case management, both related to the amended claim of exemptions on Schedule C by the Lashbrooks (Docket 99, filed August 11, 2010). They have amended Schedule C to claim the state of Alaska exemptions, instead of the federal exemptions. With respect to the trailer park and trailers the Lashbrooks now claim:

Description of Property	Specify Law Providing Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Net monthly receivables / earnings from Highland Mobile Park space and mobile-home rentals, . . .	(Wife) AS § 09.38.030 (Husb) AS § 09.38.030	100% of park rents indefinitely from 7/14/09 100% of park rents indefinitely from 7/14/09	\$1,820 per mth, net. \$1,820 per mth, net.

1- **THE APPEAL MAY BE MOOT**- If the debtors are now claiming a state law exemption (assuming that the debtor is allowed to make the change), then the debtors *may* have mooted the issue in the appeal currently pending in the U.S. District Court, in Lashbrook v Barstow, Case No. 3:10-cv-00166-HRH. The Lashbrooks now claim an exemption in the rental proceeds, not the property itself.

If the Lashbrooks have abandoned their claim to a federal exemption for the entire trailer park and trailers, then their appeal *may* be moot. It would be appropriate to advise Judge Holland of the amended exemptions so that he can make the determination of whether the appeal is moot.

1 2- THE VIABILITY OF THE STATE EXEMPTION SHOULD BE RESOLVED

2 EXPEDIOUSLY SO AS NOT TO TIE UP TITLE- If the trustee contests the amended claim of
3 exemptions under state law, the court will hear the matter expeditiously. In a *Memorandum*
4 *Denying Motion Under FRCP 9023* (Docket 97, filed on August 2, 2010), I gave advance notice
5 that a claim of exemptions under AS 09.38.030(b) might not be applicable to the ongoing rental
6 income.

7 While the Lashbrooks are entitled to vigorously assert their legal rights, the court is also
8 entitled to make sure they do not use the system tactically to hinder the trustee in his duty to sell
9 estate assets. With that in mind, I will hear the matter on an expedited calendar when and if the
10 trustee objects to the new claim of exemption.

11 DATED: August 30, 2010

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13 /s/ Herb Ross
14 HERB ROSS
U.S. Bankruptcy Judge

15 Serve:
16 Sandra Lashbrook, *pro se* debtor
17 Michael Lashbrook, *pro se* debtor
18 Willilam Artus, Esq., for William Barstow, trustee
19 William Barstow, trustee
20 Jeff Carney, Esq. (courtesy copy)
21 Kay Hill, Asst. US Trustee
22 Cheryl Rapp, Deputy Clerk

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