

WILLETT
383-00410

ORS 23.240(1)

Held: Homestead exemption not defeated because the homestead property is occupied by the debtor's parents, especially since the debtors have the right to reoccupy the homestead premises at any time.

DDS 4/15/83 2 pages

230 (2)

Opinion Filed

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON
FILED

APR 15 1983

MARION H. CHAMBERLAIN, CLERK
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

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|-----------------------|---|----------------------------|
| In Re: |) | Bankruptcy Case No. |
| |) | 383-00410 |
| ROBERT B. WILLETT and |) | |
| DEBORAH A. WILLETT, |) | ORDER OVERRULING TRUSTEE'S |
| |) | OBJECTION TO CLAIMED |
| Debtors. |) | HOMESTEAD EXEMPTION |

On April 11, 1983, the Court heard the trustee's objection to claimed homestead exemption. The trustee represented himself. Magar E. Magar represented the debtors. The Court heard testimony from Robert Willett.

The debtors' homestead exemption is not defeated because the homestead property is occupied by Mr. Willett's parents. See ORS 23.240(1). In addition, since the debtors in this case have the right to reoccupy the homestead premises at any time, this case is distinguishable from the recently decided case of White v. White, Civil No. 83-120FR (D. Or. March 4, 1983).

IT IS ORDERED that the trustee's objection to the claimed

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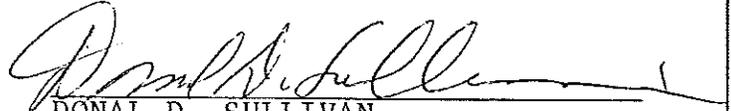
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1 homestead exemption is OVERRULED.

2 DATED this 13th day of April, 1983.

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DONAL D. SULLIVAN
Bankruptcy Judge

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cc: Magar E. Magar
Alexander T. Bishop

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