

In re Dale Maier
September 27, 1983
Judge Folger Johnson

ORS 23.160(k)

The debtor used his full statutory exemption under ORS 23.160(d) to claim a vehicle and such exemption was allowed by the trustee. He tried, however, to claim an additional vehicle exempt by the use of ORS 23.160(k). Based on Judge Luckey's opinion in In re Langley, 22 B.R. 137 (Bankr. D. Or. 1982) the court did not permit the exemption of an additional automobile. ORS 23.160(k) may be used for any personal property where the type of such property is not covered in any specific exemptions under Oregon Law.

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re)	
)	Case No. 383-01638
DALE S. MAIER,)	
)	FINDINGS AND CONCLUSIONS
Debtor.)	

The above case was filed after the Oregon legislature chose to "opt out" and deny the use of the federal exemptions to debtors in bankruptcy proceedings. The debtor used his full statutory exemption under ORS 23.160(d) to claim a vehicle and such exemption was allowed by the trustee. He tried, however, to claim an additional vehicle exempt by the use of ORS 23.160(k) which reads: "The debtor's interest, not to exceed \$400 in value, in any personal property. However, this exemption may not be used to increase the amount of any other exemption."

While this \$400.00 exemption may have been instigated by the existence of a \$400.00 exemption in the federal exemptions provided in § 522 of the Bankruptcy Code, the Oregon legislature chose to make it more restrictive and it seems to have been

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re)	
)	Case No. 383-01638
DALE S. MAIER,)	
)	ORDER SUSTAINING
Debtor.)	OBJECTION TO EXEMPTION

Based on the courts findings and conclusions herein,
IT IS ORDERED that the trustee's objection to debtor's
claim to exempt a 1971 Ford pick up to the extent of \$400.00
under ORS 23.160(k) is hereby sustained and said exemption is
denied.

ENTERED this 27th day of September, 1983.

Folger Johnson
FOLGER JOHNSON
Bankruptcy Judge

cc: Barry O. Lane
Ronald A. Watson