

ORS 23.160(1)(c)

In re Stewart 383-03855
Feb 16, 1984 HLH

The trustee objected to the debtor's claim of exemption for 2 rifles, 2 pistols and a shotgun under ORS 23.160(1)(c) as tools of the trade.

HELD: All the weapons sought to be exempted are reasonably necessary for the debtor's usual occupation as a law enforcement officer, except for one rifle which the debtor admitted he had not used in police work. Exemption statutes are remedial and are to be liberally construed. Although it would be possible for the debtor to obtain employment without ownership of all the weapons, the debtor testified that having them constitutes an asset for employment.

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

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| In Re |) | |
| |) | |
| RICK EUGENE STEWART |) | Case No. <u>383-03855</u> |
| DAWNJILI STEWART |) | |
| |) | MEMORANDUM OPINION |
| |) | |
| Debtor(s). |) | |

The debtors herein claim exempt an AR 15 rifle, a 444 rifle, a 12 gauge sawed off shotgun, a 357 Magnum pistol, and a Colt .45 pistol, under ORS 23.160 (1)(c) as tools of the trade.

The debtor husband testified that he was employed by the Sheriff of Umatilla County, Oregon as a law enforcement officer for four years. At the present time the debtor is unemployed but is a member of the Stanfield Police Reserves. He has applied for employment as a police officer at the Oregon State Prison and with several city police departments. The Colt .45 pistol, the 357 Magnum pistol, the sawed off shotgun and the AR 15 rifle are used by him in

1 police work. He stated that he has not used the 444 rifle
2 in police work. All five of the weapons have a value of
3 less than \$750.

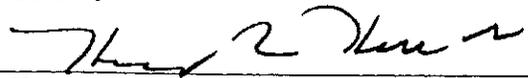
4 ORS 23.160(1)(c) provides an exemption up to the
5 value of \$750 of tools of the trade "necessary to enable the
6 judgment debtor to carry on the trade, occupation or pro-
7 fession by which the judgment debtor habitually earns a
8 living."

9 The debtor testified that while it would be
10 possible for him to obtain employment as a police officer
11 without ownership of all of the weapons claimed exempt,
12 having such weapons would constitute an asset for
13 employment.

14 The exemption statute is remedial in character and
15 is to be liberally construed in favor of the debtor.

16 It appears that all of the weapons sought to be
17 exempted are reasonably necessary to the usual occupation of
18 the debtor, with the exception of the 444 rifle.

19 DATED February 16, 1984.



Henry L. Hess, Jr.
Bankruptcy Judge

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25 cc: Robert E. Ridgway
26 Donald D. Yokom