

# In the United States Bankruptcy Court

## for the Northern District of Iowa

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MICKY LEONARD GORDEN  
Debtor.

Bankruptcy No. 92-52192XS  
Chapter 7

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### ORDER RE: OBJECTION TO EXEMPTION

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Defiance State Bank (BANK) objected to various claims of exemption in debtor's personal and real property. Debtor amended his Schedule C to delete his claim of exemption to a homestead and to certain personal property. Hearing was held on April 13, 1993, in Sioux City. At the outset of the hearing, Bank withdrew its remaining objections except for its objection to debtor's claim of exemption in a 1971 pickup truck.

The debtor, Micky Gorden, claims a 1988 Celebrity auto as his motor vehicle exemption under Iowa Code 627.6(9)(b). He claims a 1971 Chevy pickup truck exempt as a tool of a non-farm trade under Iowa Code 627.6(10). (In Schedule C, debtor claimed the pickup as exempt under 627.6(11)(a), but in a subsequent telephonic hearing on April 16, 1993, debtor's counsel explained that the intention of a February 5 amendment was to change the basis of the claim to 627.6(10). That section was the basis of the attorneys' arguments at the hearing on April 13.)

The issue before the court is whether a person may claim a motor vehicle exempt under Iowa Code 627.6(10). The court concludes that the debtor may not. A non-farmer's motor vehicle claim is limited to Iowa Code 627.6(9)(b). Matter of Van Pelt, 83 B.R. 617, 619 (Bankr. S.D. Iowa 1987); In re Graettinger, 95 B.R. 632, 634 (Bankr. N.D. Iowa 1988) (dicta). Cf. Matter of Erickson, 76 B.R. 136 (Bankr. S.D. Iowa 1987) (farmer debtors may claim more than one vehicle exempt).

### ORDER

IT IS ORDERED that the objection of Defiance State Bank to Micky Gorden's claim of exemption in a 1971 pickup truck is sustained. Judgment shall enter accordingly.

SO ORDERED ON THIS 16th DAY OF APRIL, 1993.

William L. Edmonds  
Chief Bankruptcy Judge