

Objection to Debtor's Claim of Exemptions

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Objection to Debtor's Claim of Exemptions
 - Bankruptcy > Trustee/U.S. Trustee > Objection to Debtor's Claim of Exemptions
-

Negative Notice: Chapter 7 cases only.

Accompanying Orders: N/A

Code and Rule References:

[Fla. Const. art. X, § 4](#)

[Fla. Const. art. II § 10](#)

[Fla. Stat. 222.25](#)

[11 U.S.C. § 522](#)

[Fed. R. Bankr. P. 4003](#)

[Local Rule 2002-4](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 9/9/2020 10:36:04 AM

Description

The Bankruptcy Code allows a debtor to exempt property from administration by the trustee for the benefit of the estate. A debtor may use the exemptions listed in the Bankruptcy Code or exemptions available under Florida law. The debtor is required to list all property claimed as exempt on Schedule C.

If the debtor fails to timely claim his or her exemptions or file his or her schedules, a dependent of the debtor may file the list within 30 days of the expiration of the original deadline.

The trustee, a creditor, or other party in interest may file an objection to the list of property claimed as exempt within 30 days of the conclusion of the Section 341 meeting or within 30 days of the filing of an amendment to Schedule C. The trustee may file an objection to property claimed as exempt at any time during the immediate 12 months after a case is closed if the debtor fraudulently asserted a claim of exemptions.

The Court may extend the time for filing an objection to the debtor's claim of exemptions if a motion is filed within 30 days of the conclusion of the Section 341 meeting or within 30 days of the filing of an amendment to Schedule C.

Filing Checklist

Review the objection to determine if it:

- Is signed;

- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Includes the following required language: If the Court [sustains the objection/grants the motion], Debtor may contact the Trustee to discuss purchasing the estate's interest in the pertinent asset; and
- Is filed with negative notice that contains the correct language and is located on the first page (for Chapter 7 cases only)
 - ❖ **Note:** Response period if 21 days (plus an additional three days for service if any party was served by U.S. Mail).

Review the proposed order to determine if it:

- Follows the Court's Style Guide and format for submission of proposed orders; and
- Includes the following **required** language: "If the Court [sustains the objection/ grants the motion], Debtor may contact the Trustee to discuss purchasing the estate's interest in the pertinent asset."

Forms

[Order Sustaining Objection to Exemptions](#)