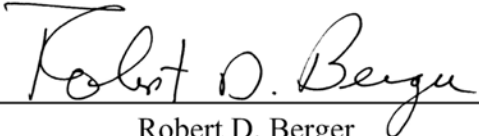


The relief described hereinbelow is **SO ORDERED**.

SIGNED this 17th day of June, 2022.




Robert D. Berger
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

In re:

**CHARLES ELWOOD ALEXANDER and
CHRISTINE MARIE ALEXANDER,**

Debtors.

Case No. 22-20132

Chapter 7

ORDER OVERRULING TRUSTEE'S OBJECTION TO EXEMPTIONS

This matter comes before the Court on the issue of whether a husband and wife in Kansas may stack their \$20,000 vehicle exemptions in a single truck; the answer is yes.

Debtors Charles and Christine Alexander own a 2016 Ram 1500 Crew Cab truck worth \$31,449.¹ Citing Kan. Stat. Ann. § 60-2304(c), which permits each of them to exempt “[s]uch

¹ This order assumes without deciding that \$31,449 (the amount listed on the Alexanders’ Schedule A/B) is the correct value.

person's interest, not to exceed \$20,000 in value, in one means of conveyance," the Alexanders listed the entire truck as exempt on their Schedule C. The Chapter 7 trustee objects, arguing that "this exemption by the Debtors is more than the allowed exemption amount of \$20,000.00."² While the trustee acknowledges that the Alexanders are each entitled to a \$20,000 exemption,³ such that Charles would be allowed to exempt one \$20,000 vehicle and Christine another, the trustee argues that they cannot exempt more than \$20,000 of equity per vehicle. The Court will overrule the trustee's objection because nothing in the language of § 60-2304(c) requires that conclusion.

This case is similar to *Jones v. Boyd (In re Jones)*, 134 B.R. 431 (D.N.M. 1991), where a district court examined a New Mexico statute allowing individual debtors to exempt "one motor vehicle in the amount of [\$4,000]."⁴ In that case, the court held that the Joneses, a married couple, could "aggregate" (or "stack") their \$4,000 exemptions in a single \$7,800 station wagon.⁵ The court reasoned:

The plain language of the statute permits each debtor to exempt \$4,000.00 worth of equity in a single motor vehicle. The only apparent limiting language, other than the maximum \$4,000.00 exemption, is that a debtor is precluded from exempting equity in more than one car. Nothing in the statute prevents the Appellants from stacking their motor vehicle exemptions in the same vehicle.⁶

² ECF 18 at 3.

³ See 11 U.S.C. § 522(m) ("Subject to the limitation in subsection (b), this section shall apply separately with respect to each debtor in a joint case."). This is not a case in which state law limits a married couple to a combined exemption less than double the individual amount. Cf. *Granger v. Watson (In re Granger)*, 754 F.2d 1490 (9th Cir. 1985) (addressing Oregon homestead exemption that allowed single debtor to exempt \$15,000 but limited married couples to \$20,000 combined).

⁴ *In re Jones*, 134 B.R. at 432 (quoting N.M. Stat. Ann. § 42-10-1).

⁵ *Id.* at 433 (reversing order denying exemptions).

⁶ *Id.* at 432.

This Court agrees with the reasoning of *Jones*. Nothing in the language of § 60-2304(c) prohibits the Alexanders from stacking their exemptions in the same vehicle, or requires Charles to exempt the same interest in the vehicle as Christine.⁷ Therefore, and because “exemption laws are to be construed liberally in favor of exemption,”⁸ the Court holds that the Alexanders may stack their exemptions under § 60-2304(c) in the same vehicle.

For these reasons, the trustee’s objection to exemptions is hereby overruled subject to valuation of \$40,000 or less.

IT IS SO ORDERED.

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⁷ In other words, nothing in § 60-2304(c) requires Charles to exempt the same portion of equity in the truck as Christine; Charles may exempt the first \$20,000 of equity and Christine the next \$20,000 (or vice versa).

⁸ *Lampe v. Williamson (In re Lampe)*, 331 F.3d 750, 754 (10th Cir. 2003) (quoting *In re Ginther*, 282 B.R. 16, 19 (Bankr. D. Kan. 2002)).