You need to locate recent Nebraska Bankruptcy Court rulings about concealed assets, but you can't find any published cases. Where can you turn for help? The complete opinions of the local bankruptcy courts, including those not in Westlaw or Bankruptcy Reporter, are available through a unique publication offered by Legal Information Services.

**Nebraska Bankruptcy Service** provides monthly full-text copies of all local, Eighth Circuit, and U.S. Supreme Court bankruptcy opinions, along with a quarterly index of statutes, rules, topics, and case tables. Another option provided to subscribers is **Nebraska Bankruptcy Court Report**, with summaries of all opinions. These convenient services supply the only access to all opinions of the local bankruptcy courts.
Computerized research in Westlaw, Lexis, Dialog, and many other sources is a specialty of L.I.S. From a wide range of databank suppliers, the company provides efficient, thorough research, and locates hard-to-find documents through the most cost-effective means available supplementing the staff work of many law offices. In addition to legal research, L.I.S. frequently provides clients information from news, business, medical, scientific and public records sources. Recent projects range from obtaining a copy of an 1821 Pottawattamie Indian treaty to locating articles about “huffing”, the practice of inhaling fumes of household substances. L.I.S. Alert monitors any news, legislative, or court sources on topics of interest to the client.

Carol Gendler and Sandy Lundholm, who formerly managed the Douglas County Law Library, founded the company in 1992 and have continued to expand their operations to now serve several hundred clients throughout Nebraska and beyond. While at the library Gendler developed a program offering fee-for-service computerized research for attorneys, which the women transferred to their company. The explosion of on-line information means that many law firms, companies, and individuals turn to the expertise of these search professionals for help obtaining information from what can be a confusing and expensive maze of documents and systems. L.I.S. gives rapid service with results usually faxed the same day.

Also available from L.I.S. is Nebraska Federal Court Report, with bi-weekly summaries of all opinions issued by the federal district court, as well as a cumulative index to these opinions. Another L.I.S. publication, Eighth Circuit Weekly, provides immediate summaries of the rulings of the appeals court. The company also furnishes to subscribers copies of all workers’ compensation rulings from the Nebraska Supreme Court or Court of Appeals.

For more information, contact Carol Gendler or Sandy Lundholm at 11222 Davenport Street, Omaha, Nebraska, 68154-5627, (402) 330-8123.

---

THE TRUSTEE PROUDLY INTRODUCES . . .

Debbie V
Legal Secretary

Have you met our legal secretary named Debbie, She is known to be industrious and steady.
Five years she's been here and Without her I fear For court we would never been ready.

DID YOU KNOW

Good news! This year sixty-seven percent (67%) of Nebraska Chapter 13 debtors are completing their plans. This represents a 7% increase from the previously reported statistic of sixty percent (60%).
3. In a joint bankruptcy case, one spouse may claim the homestead exemption and the other may claim the in-lieu-of-homestead exemption. The maximum which may be claimed is $12,500.00


5. In a joint bankruptcy case, both spouses may claim equipment/tools valued at $1,500.00 for each spouse.

6. The in-lieu-of homestead exemption is not available to the spouse eligible to claim homestead, even when the homestead is mortgaged to full value.

7. The date of conversion to Chapter 7, not the date of the original filing of the Chapter 13 petition, determines the exemptions which may be claimed in the converted case.

8. Debtor may amend schedules, including schedule containing claimed exemptions, at any time as matter of course until case is closed.
This newsletter is being published to facilitate communication between the Chapter 13 Trustee's Office and the many people we serve. The information is not meant to constitute legal advice or recommendations to individuals. If you would like to contribute an article, conference or program information, law review article, book review, comment, or question for further feedback from others, please call me directly or mail your item to:

Kathleen A. Laughlin
P.O. Box 37544
Omaha, NE 68137-0544

editor's comment

This newsletter is being published to facilitate communication between the Chapter 13 Trustee's Office and the many people we serve. The information is not meant to constitute legal advice or recommendations to individuals. If you would like to contribute an article, conference or program information, law review article, book review, comment, or question for further feedback from others, please call me directly or mail your item to:

Kathleen A. Laughlin
P.O. Box 37544
Omaha, NE 68137-0544

ANSWERS


4. FALSE. See Neb. Rev. Stat. § 25-1556. See also In Re Dahlberg, Case No. 75-0-1356 (Bankr. D. Neb. June 27, 1979) (Judge David L. Crawford). Vehicle could not be claimed, in this case, as “equipment or tools used by the debtor or his family...” While a truck has been held to be exempt as a “tool” when used by a painter in his business, In Re Bailey, 172 F.Supp. 925, not every vehicle used by a debtor is exempt as a “tool.” The vehicle must be related to the debtor’s occupation. Here the debtors simply used the vehicle to commute to work....A vehicle is not sufficiently immediate or personal to qualify for exemption as an “immediate personal possession of the debtor and his family.”

See also Goosy v. McDonald State Bank (In Re Goosy), 10 B.R. 285 (Bankr. D. Neb. 1981) (Judge David L. Crawford). Debtor insurance salesman used his automobile approximately 90 percent for business purposes, specifically to sell insurance, obtain property photographs and accomplish on-farm inventories as to clients living in areas of greater Nebraska not served by public transportation. “Use” and “necessity” are the test for whether an item, at least a vehicle, qualifies as a tool of the trade. “Actual use” and “necessity to present employment” were present here. The car was a necessary adjunct to the debtor’s trade as an insurance salesman and qualified as an exempt tool. The case was decided under 11 U.S.C. § 522(d)(6) but presumably would be relevant to Neb. Rev. Stat. § 25-1556.

5. TRUE. See Neb. Rev. Stat. § 25-1556, In Re Keller, 50 B.R. 23 (Bankr. D. Neb. 1985) (Judge David L. Crawford). See also In Re Nachtigal, 82 B.R. 533 (Bankr. D. Neb. 1988) (Judge John C. Minahan, Jr.). In a joint case, both spouses may claim equipment/tools valued at $1,500.00 for each spouse. This exemption is not limited to the spouse actually using the equipment/tools. So long as the family uses the equipment “for their own support,” a spouse claiming the exemption need not personally use the equipment.


7. TRUE. See In Re Lindberg, 735 F.2d 1087 (8th Cir.), cert. denied, 469 U.S. 1073 (1984). North Dakota debtors converted their Chapter 13 case to Chapter 7. They were permitted to file an amended schedule changing their homestead exemption upon conversion. The date of conversion to Chapter 7, not the date of the original filing of the Chapter 13 petition, determines the exemptions which may be claimed in the converted case. There was no showing in this case that the debtors’ change of residence had been fraudulent.