

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF UTAH

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In re)	Bankruptcy Case No. 82C-00408
)	
ORSON BUDD PEAD, aka)	
ORSON PEAD dba ORSON)	
PEAD MASONRY,)	
)	
DONNA PEAD, aka)	Chapter 7
DONNA M. J. PEAD,)	
DONNA M. PEAD, DONNA J.)	
PEAD, DONNA MARIE JOHNSON)	
PEAD,)	
)	
Debtors.)	O R D E R

Pursuant to Rule 25, Local Rules of Practice, Anna W. Drake, Trustee herein, filed a timely objection to exemptions claimed by the debtors, Orson Budd Pead and Donna Marie Pead. Debtors' schedule B-4 claims an exemption in the amount of \$1,500 for an automobile under Utah Code Ann. § 78-23-8 (2). The Trustee contends that at the meeting of creditors "the debtor testified that other vehicles could be provided for him in his employment."

Even if this statement may be accepted as evidence without certification of the transcript of the meeting of creditors, a question not necessary for the Court to determine at this time, it does not provide a sufficient basis for an objection to the claimed exemption. The Utah statute speaks in terms of use of a motor vehicle in the claimant's business or profession, not in terms of necessity of the vehicle in light of available substitute vehicles. Section 78-23-8 (2) Utah Code Ann. (1953, as amended 1981).

IT IS THEREFORE ORDERED that the Trustee's objection filed on April 13, 1982, is hereby overruled.

DATED this 20 day of September, 1982.

Glen E. Clark

 Glen E. Clark
 United States Bankruptcy Judge

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