

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN THE MATTER OF: §  
JIMMY SISSOM, §  
DEBTOR § BANKRUPTCY CASE NO.  
§ 06-31917-H4-7

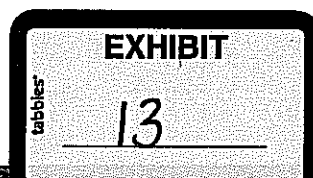
**DEBTOR'S RESPONSE TO TRUSTEE'S AMENDED OBJECTION TO  
HOMESTEAD AND PERSONAL PROPERTY EXEMPTIONS UNDER 11  
U.S.C. § 522(O) AND THE TEXAS PROPERTY CODE.  
MOTION TO STRIKE RELIEF SOUGHT  
AND REQUEST FOR HEARING**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, JIMMY SISSOM ("Mr. Sissom" or "Debtor ") and files this Response to Trustee's Amended Objection to Homestead and Personal Property Exemptions under 11 U.S.C. § 522(O) and The Texas Property Code (the "Objection to Exemptions"), Motion to Strike Relief Sought and Request for Hearing, and would respectfully answer as follows:

**RESPONSE**

1. Debtor denies the allegations in paragraph 1 of the Objection to Exemptions. Debtor denies the Trustee is entitled to recover any amounts from the homestead of the Debtor and/or Mrs. Sissom.
2. Debtor admits the allegations in paragraph 2 of the Objection to Exemptions with respect to the Debtor only.
3. Debtor admits the allegations in paragraph 3 of the Objection to Exemptions but only to the extent that the Trustee is seeking recovery of property of the Bankruptcy Estate or determining the exemptions of the Debtor.



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4. Debtor admits the allegations in paragraph 4 of the Objection to Exemptions.
5. Debtor admits the allegations in paragraph 5 of the Objection to Exemptions.
6. Debtor admits the allegations in paragraph 6 of the Objection to Exemptions.
7. Debtor admits the allegations in paragraph 7 of the Objection to Exemptions.
8. Debtor denies the allegations in paragraph 8 of the Objection to Exemptions.
9. Debtor admits the allegations in paragraph 9 of the Objection to Exemptions.
10. Debtor admits the allegations in paragraph 10 of the Objection to Exemptions.
11. Debtor denies the allegations in paragraph 11 of the Objection to Exemptions.
12. Debtor admits the allegations in paragraph 12 of the Objection to Exemptions.
13. Debtor admits the allegations in paragraph 13 of the Objection to Exemptions.
14. Debtor admits the allegations in paragraph 14 of the Objection to Exemptions except for the footnote 3.
15. Debtor admits the allegations set forth in paragraph 15 but would show the Court that the BMW was returned. Furthermore, the 2002 Suburban was the subject of a

prior objection to exemption by the Trustee, and the Debtor and the Trustee entered into an agreed order whereby the Suburban was turned over to the Trustee.

16. Debtor admits the allegations set forth in paragraph 16 of the Objection to Exemptions but would show that the sale of the homestead in Missouri City occurred on or about April 23, 2006, prior to the purchase of the homestead in Bastrop on or after April 24, 2006.

17. Debtor admits the allegations set forth in paragraph 17 of the Objection to Exemptions except that the Debtor disclosed and, in fact, provided the Trustee with an affidavit from the BMW's owner to whom the BMW was returned.

18. Debtor admits the allegations set forth in paragraph 18 of the Objection to Exemptions.

19. Debtor admits the allegations set forth in paragraph 19 of the Objection to Exemptions except that the Debtor denies that the purchase occurred on April 21, 2006. The purchase occurred on or after April 24, 2006.

20. Debtor admits the allegations set forth in paragraph 20 of the Objection to Exemptions.

21. Debtor admits the allegations set forth in first and second sentences of paragraph 21 of the Objection to Exemptions but denies the allegations set forth in the remainder of such paragraph – including the footnote 5.

22. Debtor admits the allegations set forth in the first and second sentences of paragraph 22 of the Objection to Exemptions but denies the allegations set forth in the remainder of such paragraph.

23. Debtor admits the allegations set forth in paragraph 23 of the Objection to Exemptions.

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24. Debtor admits the allegations set forth in paragraph 24 of the Objection to Exemptions.

25. Debtor admits the allegations set forth in paragraph 25 of the Objection to Exemptions.

26. Debtor admits the allegations set forth in paragraph 26 of the Objection to Exemptions.

27. Debtor admits the allegations in paragraph 27 of the Objection to Exemptions.

28. Debtor denies the allegations in paragraph 28 of the Objection to Exemptions.

29. Debtor admits the allegations in paragraph 29 of the Objection to Exemptions.

30. Debtor admits the allegations in paragraph 30 of the Objection to Exemptions except the characterization.

31. Debtor denies the allegations in paragraph 31 of the Objection to Exemptions.

32. Debtor admits the allegations in paragraph 32 of the Objection to Exemptions.

33. Debtor denies the allegations in paragraph 33 of the Objection to Exemptions.

34. Debtor admits the allegations in paragraph 34 of the Objection to Exemptions.

35. Debtor denies the allegations in paragraph 35 of the Objection to Exemptions.

36. Debtor admits the allegations in paragraph 36 of the Objection to Exemptions.

37. Debtor admits the allegations in paragraph 37 of the Objection to Exemptions.

38. Debtor admits the allegations in paragraph 38 of the Objection to Exemptions.

39. Debtor admits the allegations in paragraph 39 of the Objection to Exemptions.

40. Debtor admits the allegations in paragraph 40 of the Objection to Exemptions.

41. Debtor admits the allegations in paragraph 41 of the Objection to Exemptions.

42. Debtor admits the allegations in paragraph 42 of the Objection to Exemptions.

43. Debtor admits the allegations in paragraph 43 of the Objection to Exemptions.

44. Debtor admits the allegations in paragraph 44 of the Objection to Exemptions.

45. Debtor admits the allegations in paragraph 45 of the Objection to Exemptions.

46. Debtor admits the allegations in paragraph 46 of the Objection to Exemptions.

47. Debtor admits the allegations in paragraph 47 of the Objection to Exemptions.

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48. Debtor admits the allegations in paragraph 48 of the Objection to Exemptions.

49. Debtor admits the allegations in paragraph 49 of the Objection to Exemptions.

50. Debtor denies the allegations in paragraph 50 of the Objection to Exemptions.

51. Debtor denies the allegations in paragraph 51 of the Objection to Exemptions.

52. Debtor admits the allegations in paragraph 52 of the Objection to Exemptions.

53. Debtor admits the allegations in paragraph 53 of the Objection to Exemptions except for the date alleged. The date of the purchase of the Bastrop homestead was on or after April 24, 2006.

54. No response is required for paragraph 54 of the Objection to Exemptions.

55. Debtor denies the allegations and conclusions in paragraph 55 of the Objection to Exemptions.

56. Debtor denies the allegations as well as the conclusions in paragraph 56 of the Objection to Exemptions.

57. Debtor denies the allegations in paragraph 57 of the Objection to Exemptions or the characterization as the homestead as a "Non-Exempt Homestead Interest". The Bastrop homestead is exempt pursuant to Texas law.

58. No response is required for paragraph 58 of the Objection to Exemptions.

59. Debtor admits the allegations in paragraph 59 of the Objection to Exemptions.

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60. Debtor admits the allegations in paragraph 60 of the Objection to Exemptions.

61. Debtor admits the allegations in paragraph 61 of the Objection to Exemptions.

62. Debtor admits the allegations in paragraph 62 of the Objection to Exemptions.

63. Debtor denies the allegations and conclusions in paragraph 63 of the Objection to Exemptions. The Consumer Goods were purchased with credit, the Debtor agreed that such debt was non-dischargeable, and the Debtor has furthermore waived his discharge. The Consumer Goods were personal property used by the Debtor and/or his dependents and are exempt assets not available for the Trustee's administration of the Bankruptcy Estate.

64. Debtor denies the allegations as well as the conclusions in paragraph 64 of the Objection to Exemptions.

**MOTION TO STRIKE RELIEF SOUGHT**

65. The Trustee prays in his Objection to Exemptions for an order against the Debtor and/or Mrs. Sissom to turnover the property described in such Objection to Exemptions or the value thereof. Such relief, if available to the Trustee, must be filed as an adversary proceeding pursuant to Bankruptcy Rule 7001 (1) and/or (2). The Trustee's attempt to use the motion practice procedure of Bankruptcy Rules 9013 or 9014 is inappropriate for the relief sought by the Trustee of a turnover of property or its value or relief against Mrs. Sissom, a non-party.

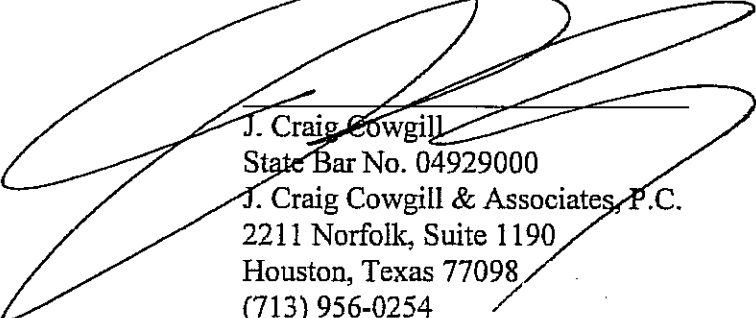
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**REQUEST FOR HEARING**

66. Debtor requests a hearing on the Trustee's Objection to Exemptions and on the Debtor's Motion to Strike Relief Sought.

WHEREFORE, PREMISES CONSIDERED, JIMMY SISSOM, Debtor herein, prays that the Trustee's Objection to Exemptions be denied, that the Debtor's Motion to Strike Relief Sought be granted and for such other and further relief, at law or in equity, as this Court deems just.

Respectfully submitted,



J. Craig Cowgill  
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J. Craig Cowgill & Associates, P.C.  
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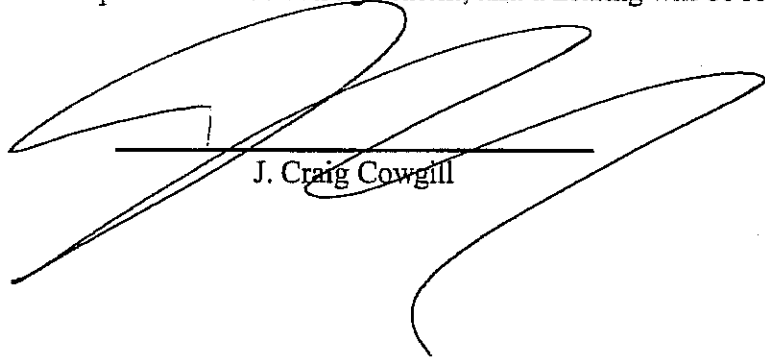
Attorney for Debtor/Debtor,  
Jimmy Sissom

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**CERTIFICATE OF CONFERENCE**

I certify that on 6th of December, 2006, I conferred by telephone with the attorney for Ron Sommers, the Chapter 7 Trustee in this proceeding, regarding the foregoing Debtor's Response to Trustee's Amended Objection to Exemptions, Motion to Strike Relief Sought and Request for Hearing in an effort to resolve the dispute. We were unable to resolve the dispute or to reach an agreement, and a hearing will be required.



A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a solid horizontal line.

J. Craig Cowgill

**CERTIFICATE OF SERVICE**

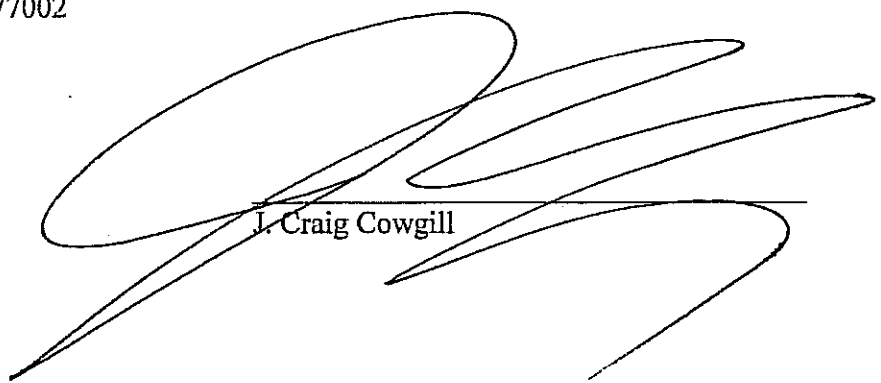
I certify that a true and correct copy of this Debtor, Jimmy Sissom, Response to Trustee's Objection to Exemptions, Motion to Strike Relief Sought and Request for Hearing has been served on all parties listed below as set forth on the 6th day of December 2006:

Jennifer L. Haluptzok  
Nathan Sommers Jacobs  
2800 Post Oak Blvd., 61<sup>st</sup> Floor  
Houston, Texas 77056

Ronald J. Sommers, Trustee  
Nathan Sommers Jacobs  
2800 Post Oak Blvd., 61<sup>st</sup> Floor  
Houston, Texas 77056

Craig Denum  
c/o Storey & Denum, P.C.  
11757 Katy Freeway  
Suite 1010  
Houston, Texas 77079

U.S. Trustee  
Attention: Steve Statham  
515 Rusk, Suite 3516  
Houston, Texas 77002



J. Craig Cowgill

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