

## Property can be saved from bankruptcy sale

by Charles C. Lewis Associate Law Professor Campbell University

When you think of a person going into bankruptcy, you probably picture all his property being taken from him and sold in order to pay his creditors.

To a certain extent, this picture bis accurate, but the Bankruptcy Code allows the debtor in a bankruptcy proceeding to exempt some of his property from sale by the bankruptcy trustee.

In the same section in which the Bankruptcy Code lists what property the debtor can keep away from the bankruptcy trustee, it provides that any state may preempt the Bankruptcy Code's exemption provision and provide

its own exemption provision. North Carolina is one state

#### Law For Laypersons

among several which has decided to preempt the federal Bankruptcy Code and which sets out for North Carolinians exactly what property they may exempt from sale in a liquidation case. North Carolina's exemption sec-

tion may be found in General Statutes section 1C-1601. As an illustration of the type of property exempted from sale in bankruptcy, this exemption provision exempts the debtor's interest, not to exceed \$7,500 in value, in real property or personal property that the debtor or a dependent of the debtor uses

as a residence. The debtor's interest in \$1,000 in value in one motor vehicle is also exempt, as well as is \$2,500 in

value for the debtor plus \$500 for each dependent of the debtor, not to exceed \$2,000 for dependents, in household furnishings, household goods, wearing apparel, ap-pliances, books, animals, crops or musical instruments that are held primarily for the personal, family or household use of the debtor or dependent of the debtor.

Some other things exempt are the debtor's interest, not to exceed \$500 in value in any implements, professional books or tools of a trade of the debtor.

The property listed above, and additional property mentioned in General Statutes section 1C-1601, may be kept by the debtor and not included in the property which the debtor must give to the trustee for

The policy behind the exemption

provision is to provide the debtor with a certain minimum amount of property with which he can begin anew to establish his financial security. Taking every penny away from the debtor might make financial security too difficult to regain.

by Lucien Coleman

Texans. The subject matter of a

One thing you learn very quickly

Thus, the debtor is allowed to keep his exempt property for his own use, and no creditor can require that it be sold to pay his debts.

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#### Things That Matter

piece suits, football fans hootin' and hollerin' at an annual Texas-Oklahoma game -- it makes no difference. One and all, they'll tell you they live in God's country.

Texans often disguise the truth by wrapping it in humor. For instance, there's the old joke about two millionaire oil men walking into an automobile agency and pick-ing out three Cadillacs apiece. Then one of them says, pulling out his wallet, "I'll buy today." Funny, because it seems exaggerated out of proportion, the story could happen any day of the year in a state where 100,000-acre ranches are not uncommon and a single oil man can pump thousands of barrels a day from his wells. (There are 12,000 millionaires in Dallas alone -- "Big D" where the fabled Neiman-Marcus store sells bags of diamonds as Christmas gifts to customers who can afford the \$50,000 to \$250,000 price tag).

Another obvious characteristic of Texas is the ever-present Mexican influence. Not only do Texans consume more Mexican food than all the other states put together, the very language is laden with Spanish terms. Words like ''lariat,'' ''hoosegow,'' "calaboose," and "chaps" all come from Mexican lingo. In border cities, like Laredo, you are as likely to hear transactions in local stores conducted in Spanish as in English.

I don't think I'll join the ranks of the millionaires. But I don't see how I can keep from picking up a little Spanish. And, of course, I'll need to learn how to wear jeans, Stetson hats, and cowboy boots.

Just one problem, though. I keep getting into conversations where I can't tell where they're talking about the Dallas Cowboys or the Twelve Apostles.



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### Farmers are pros

The farmer deserves the image of a professional, college educated, business person with high dollar value assets and capital needs.

The saying, "if you can't find work, you can always be a farmer' no longer applies. To operate complicated machinery, use agricultural chemicals properly, use the Board of Trade effectively, and introduce computer technology into animal nutrition, marketing and genetics requires a broad range of skills and background.

A young person who wants to be a farmer or rancher today must have a family operation to join or at least a relative or neighbor with land to rent .. The dollar needs for

# Letters To The Editor

### Puppy Creek Philosopher

#### Dear editor:

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Human nature is still one of the funniest subjects to study, even if Russia has tried to abolish it and Congress has never mastered it. For example, people got all ex-

cited and the newspapers and Stelevision networks went wild over a baseball player's sticky bat, yet

nobody pays much attention any more to a politician's sticky fingers. Ain't no umpire's rule on pine tar there.

Speaking of politicians, five Presidential candidates are already running hard and raising money but not a one of them, if elected, has a ranch to fly to on weekends. They expect Air Force One to sit around Washington on weekends getting rusty?

Or take bridges. A national

survey claims thousands and thousands of bridges in this country are badly in need of repairs, some of them even unsafe.

Have you considered what a problem this can be to politicians? How are they going to be able to say, when asked a question they don't want to answer, "I'll cross that bridge when I come to it, when they can't cross it even then?

I've spent hours trying to figure out how anybody can cross a

bridge before he gets to it, but have given up and put it down as un-solvable, like the Mideast, Central America, the national deficit and the nuclear arms race.

Speaking of the arms race, one trouble with a nuclear weapons freeze is, how do we know, if an international freeze is agreed on, Russia won't come up with an automatic defroster?

> Yours faithfully J.A.



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equipment and animals plus inputs to plant a crop demand the initial investment of several hundred thousand dollars. It is not unusual to find a young family that will be paying a lifetime for the initial in-vestment needed to farm.

The families living on the nation's farms and ranches are there today because they want the type of lifestyle and independence that living in the country offers.

Despite the complex risks of modern agriculture, farmers still retain an intensely positive attitude toward their occupation. According to a scientific study made a year or so ago, ninety-five percent of the farmers queried say that if given a free choice they would continue in their present work compared with only 60 percent of the general public asked the same qudstion in a previous survey.

The report pointed to the optimism among respondents that farming will remain the focus of their family tradition.





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