

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

In re:

**Dennis P. and Jean A. Leahy**  
**Debtors.**

**Chapter 7 Case**  
**# 06-10574**

*Appearances:*      *Thomas Niksa, Esq.*  
                              *St. Albans, VT*  
                              *Attorney for Debtors*

*Raymond J. Obuchowski, Esq.*  
*Bethel, VT*  
*Attorney for Trustee*

**ORDER**  
**OVERRULING TRUSTEE'S OBJECTIONS TO DEBTORS' CLAIM OF EXEMPTION IN 403(B) PLAN**  
**AND DENYING TRUSTEE'S TURNOVER DEMAND**

For the reasons set forth in the Memorandum of Decision of even date, IT IS HEREBY ORDERED that the Debtor's 403(b) retirement plan is not property of the estate, the Trustee's objections to the Debtors' exemption are overruled, and the Trustee's demand for turnover is denied.

**SO ORDERED.**

July 3, 2007  
Rutland, Vermont

  
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Colleen A. Brown  
United States Bankruptcy Judge

