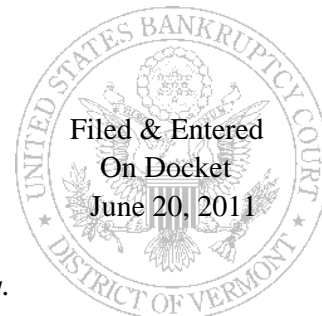


UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT



**In re:**

**Joanne T. Greene,  
Debtor.**

**Chapter 7 Case  
# 10-10801**

*Appearances:* Jennifer Emens-Butler, Esq.  
Raymond J. Obuchowski, Esq.  
Bethel, Vermont  
for the Chapter 7 Trustee

John D. Toscano, Esq.  
Bennington, Vermont  
for the Debtor

**ORDER**  
**GRANTING THE DEBTOR'S MOTION FOR SUMMARY JUDGMENT,**  
**DENYING THE TRUSTEE'S MOTION FOR SUMMARY JUDGMENT, AND**  
**OVERRULING THE TRUSTEE'S OBJECTION TO THE DEBTOR'S CLAIM OF EXEMPTION**


Based upon the analysis set forth in a memorandum of decision of even date, this Court declares that the test for determining whether, pursuant to 27 V.S.A. § 101, cash may be exempt under the Vermont homestead exemption statute is twofold: the debtor must demonstrate that the cash is derived from the sale of real property that qualified as a Vermont homestead at the time of sale and that the debtor does not hold an interest in any other homestead property on the date of the bankruptcy petition. Applying this test to the undisputed material facts presented, the Court determines that the Debtor has established her right to exempt from the bankruptcy estate the funds she is collecting under a promissory note that the Debtor received in consideration of her conveyance of her Vermont homestead property.

Accordingly, IT IS HEREBY ORDERED that:

1. the Trustee's motion for summary judgment (doc. # 44) is DENIED;
2. the Debtor's motion for summary judgment (doc. # 43) is GRANTED;
3. the Objection to Debtor's motion for summary judgment filed by Mr. Morton D. Stern, Trustee for Susan C. & Morton D. Stern Trust (doc. # 50) is OVERRULED; and
4. the Trustee's Objections to the Debtor's Claim of Exemptions in Homestead (docs. ## 15 and 17) are OVERRULED.

SO ORDERED.

Dated: June 20, 2011  
Burlington, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge