

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In Re: ) Case No. 04-38032  
)  
Rebecca Elaine James, ) Chapter 7  
)  
Debtor. )  
) JUDGE MARY ANN WHIPPLE

**ORDER REGARDING OBJECTION TO EXEMPTIONS**

This case came before the court for hearing on the Trustee's Objection to Exemptions [Doc. # 9] and Debtor's reply [Doc. # 15]. The Trustee objects to Debtor's claimed exemptions in a mobile home located in Titusville, Florida. For the following reasons, the Trustee's objections will be sustained in part and overruled in part.

The Trustee first objects to Debtor's claimed exemption in the mobile home under Ohio Rev. Code § 2329.66(A)(1)(b). That section provides for a \$5,000 exemption "in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence." *Id.* At the hearing, Debtor acknowledged that she is not using the mobile home as a residence and, as such, does not contest the Trustee's objection. The Trustee's objection to Debtor's claimed homestead exemption is, therefore, sustained.

Next, the Trustee objects to Debtor's claimed exemption in the mobile home under Ohio Rev. Code § 2329.66(a)(2). That section provides a \$1,000 exemption in one motor vehicle. The Trustee does not dispute that the property at issue is in fact a mobile home. She argues, however, that because the mobile home does not have a motor, it is not a "motor vehicle" and Debtor is not entitled to this exemption. This argument has no merit.

"Motor vehicle" is defined as "any vehicle, *including mobile homes* and recreational vehicles, that is propelled *or drawn by* power other than muscular power or power collected from overhead electric trolley wires." Ohio Rev. Code § 4501.01(B) (emphasis added). Initially, the court notes that the statute specifically includes mobile homes in the definition of a motor vehicle. The definition includes is no

requirement that a motor vehicle be self-propelled so as to require its own motor. In

addition, the definition of “mobile home” includes no such requirement.<sup>1</sup> It is enough if it is capable of being *drawn by* the power of another vehicle. That a “motor vehicle” does not require an actual motor becomes abundantly clear when considering the definition of a “recreational vehicle,” which is also expressly included in the definition of “motor vehicle.” A “recreational vehicle” is defined to include both nonself-propelled recreational vehicles, such as travel trailers and truck campers, and self-propelled vehicles, such as motor homes. Ohio Rev. Code § 4501.01(Q)(6). Furthermore, the Florida Division of Motor Vehicles issued a certificate of title for the mobile home describing the mobile home as a motor vehicle. Thus, the court finds that the mobile home at issue is a motor vehicle as contemplated under Ohio’s exemption statute and that Debtor is entitled to the claimed exemption under § 2329.66(A)(2). Accordingly, the Trustee’s objection to this exemption will be overruled.

**THEREFORE**, for the foregoing reasons, good cause appearing

**IT IS ORDERED** that the Trustee’s Objection to Exemptions be, and hereby is, **SUSTAINED** with respect to Debtor’s exemption claimed under Ohio Revised Code § 2329.66(A)(1), and **OVERRULED** with respect to Debtor’s exemption claimed under Ohio Revised Code § 2329.66(A)(2).

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Mary Ann Whipple  
United States Bankruptcy Judge

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<sup>1</sup> “Mobile home” is defined as “a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.” Ohio Rev. Code § 4501.01(O).