

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re :

Debtors

Chapter _____
Case no. _____

**ORDER ALLOWING
CLAIMED EXEMPTION**

UPON the Chapter ____ Trustee's Motion Objecting to Claimed Exemption, which challenged the claim of a homestead exemption on a second parcel of land (tax map no. _____) adjoining the Debtors' residence (tax map no. _____) as set forth on the Debtors' Schedule C; and upon the answering Affidavit of the Debtors, _____, attesting to the second parcel's location and use as part of the homestead, and

UPON the matter having been heard on _____, with appearances by _____, Esq., the Chapter ____ Trustee, and _____, the Debtors, and

UPON this court's previous holding in *In re Flatt*, 160 B.R. 497, 29 Collier Bankr. Cas.2d 1253 (N.D.N.Y. 1993), which set forth that separate parcels of land will generally be considered as comprising a single unit only when there is unity of title or ownership, unity of use, and the parcels are contiguous, and

UPON the finding that the Debtors' second parcel of land meets all three of these requirements,

IT IS HEREBY ORDERED THAT the Trustee's Motion is denied, and the Debtors' claim of a homestead exemption on the second parcel of land is allowed.

SO ORDERED.

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