

**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

**DISCOVER BANK**

**Plaintiff,**

**vs.**

**YOGESH PATEL d/b/a HARPERSVILLE  
MOTEL**

**Defendant.**

**CASE NO.: CV-2010-900709**

**CONTEST TO CLAIM OF EXEMPTIONS**

COMES NOW, Plaintiff, pursuant to Code of Alabama (1975) § 6-10-25, et seq., and for its Contest to the Claim of Exemption filed by Defendant states as follows:

1. Defendant did not file his Claim of Exemption with the Judge of Probate as required by Code of Alabama, (1975) § 6-10-20.
2. The description of property listed in Defendant's purported Claim of Exemption is insufficient as it does not specifically state the items it claims as exempt.
3. Defendant failed to list the value(s) of the property listed in his purported Claim of Exemption.
4. Item 1 of Defendant's purported claim is commercial property, and is therefore not afforded homestead status under Alabama law
5. The value of items 1, 2, 3, and 4 of Defendant's purported claim exceeds the amounts provided under law for claims of exemptions.
6. The affidavit of the undersigned is attached hereto as Exhibit "A" to this Contest of Claim of Exemption, and is incorporated herein by reference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff contests the Claim of Exemption filed



20110301000067930 2/4 \$21.00  
Shelby Cnty Judge of Probate, AL  
03/01/2011 10:34:32 AM FILED/CERT

by Defendant on or about February 23, 2011.

Respectfully submitted,

  
\_\_\_\_\_  
Jason A. Stoves  
Attorney for Plaintiff

OF COUNSEL:

THE STOVES LAW FIRM, P.C.  
300 Vestavia Parkway, Suite 3200  
Birmingham, AL 35216  
(205) 824-8200

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the above upon the following, by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Yogesh Patel  
4941 Hwy 280 East  
Harpersville, AL 35078

This the 1st day of March, 2011.

  
\_\_\_\_\_  
Of Counsel

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**Defendant.**

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**AFFIDAVIT IN SUPPORT OF CONTEST**  
**TO CLAIM OF EXEMPTIONS**

**STATE OF ALABAMA                    )**  
**COUNTY OF JEFFERSON            )**

Before me, the undersigned authority in and for said State and County, personally appeared, Jason A. Stoves, attorney for Discover Bank, who being first duly sworn, on oath, deposes and says as follows:

1. I have reviewed the Claim of Exemption filed by Defendant in the Circuit Court of Shelby County on or about February 23, 2011.
2. Defendant did not file his Claim of Exemption with the Judge of Probate as required by Code of Alabama, (1975) § 6-10-20.
3. The description of property listed in Defendant's purported Claim of Exemption is insufficient as it does not state with specificity the items it claims as exempt.
4. Defendant failed to list the value(s) of the property listed in his purported Claim of Exemption.
5. Item 1 of Defendant's purported claim is commercial property, and is therefore not afforded homestead status under Alabama law

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6. The values of items 1, 2, 3, and 4 of Defendant's purported claim exceed the amounts provided under law for claims of exemptions.

7. Further affiant sayeth not.

  
\_\_\_\_\_  
Jason A. Stoves

Sworn to and Subscribed before me  
this the 1<sup>st</sup> day of March, 2011.

Notary Public   
My Commission Expires: 7/12/11