

Case No. 4,293.

IN RE EDWARDS.

[2 N. B. R. 349 (Quarto, 109).]¹

District Court, D. Virginia.

1868.

BANKRUPTCY—SETTING APART REAL ESTATE AS A PORTION OF BANKRUPT'S EXEMPTION.

Real estate may be set apart as a portion of the bankrupt's exemption where it will not injure the sale of other real estate, or work adversely to the interest of the creditors.

The bankrupt [Leroy T. Edwards] filed his petition in bankruptcy on the 25th day of March, 1868, and on the 26th day of March he was adjudicated a bankrupt. E. R. Turnbull was appointed assignee of the bankrupt's estate on the 12th day of June, 1868, and on the 5th day of September the assignee made a report to the register of the property designated and set apart to the bankrupt, which report included the bankrupt's interest in two hundred and forty-five acres of land. On the 13th of November the assignee filed a written request of the register, asking that the real estate included in his report, designating the property set apart as exempt to the bankrupt, be disallowed, upon the ground that the assignee was not authorized by law to set it aside as exempted property.

UNDERWOOD, District Judge. The opinion of the court is in accordance with its previous decisions, that real estate may, in some cases, be set apart as a portion of the bankrupt's exemption, but only in cases where it will not injure the sale of other real estate, or work adversely to the interest of the creditors.

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