

**In re: Nicholas Joseph Lapi and Lisa Michelle Lapi, Debtors.**

**Case No.: 04-35831**

The Court held an evidentiary hearing on the Trustee's Objection to Claimed Exemptions and Application for Turnover. The Debtor filed a Chapter 7 petition on December 22, 2004. At his Rule 2004 examination, the Debtor testified that he received a \$20,000.00 bonus from his employer on January 27, 2005. The Debtor claimed the bonus was exempt from becoming property of the estate because it was earned post-petition. The Trustee argued that the bonus was awarded for the Debtor's pre-petition service to his employer, and, therefore, was property of the estate. The Debtor's employer appeared at the hearing and testified that the Debtor received the bonus not based on the Debtor's performance in 2004, but as an incentive for the coming work year. The Debtor's employer also testified that the Debtor would not have received the bonus had he quit or been fired prior to the bonus being distributed. Accordingly, the Court found that the bonus was not property of the estate because it was awarded to the Debtor based on his post-petition performance and continued employment with his employer.