



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



In re: Steven R. Drummond and Mary A. Drummond,
U.S. Bankruptcy Court for the District of Arizona
(Order Certifying Question)
Case no. CV-23-0009-CQ

PARTIES:

Plaintiff/Trustee: Lawrence J. Warfield

Defendants/Debtors: Steven R. Drummond and Mary A. Drummond

FACTS:

Steven and Mary Drummond (“Drummonds”) filed a Chapter 7 bankruptcy in the District of Arizona on March 24, 2022. At the time of their bankruptcy filing, the Drummonds owned and resided in a 2017 Allegro motor home (“Motor Home”) which they purchased in September 2017, while they were Nevada residents.

On May 3, 2018, the Drummonds purchased a membership from Colorado River Adventures (the “Membership”). The Membership allowed the Drummonds access to several different RV parks in Arizona and California including, but not limited to, the Ridgeview RV Resort in Bullhead City, Arizona. Upon acquiring the Membership, the Drummonds became full time residents of the Ridgeview RV Resort. From February of 2019 into October of 2019, the Drummonds traveled across the United States in the RV, eventually returning to the Ridgeview RV Resort on or about October 7, 2019, and they have remained there since that date.

In their bankruptcy filings, the Drummonds asserted a homestead exemption in the Motor Home pursuant to A.R.S. §33-1101(A), and Chapter 7 Trustee Warfield objected to the Drummonds’ claimed homestead asserting that a motor home does not qualify for a homestead exemption pursuant to A.R.S. §33-1101(A)(3). Judge Paul Sala of the U.S. Bankruptcy Court for the District of Arizona entered an Order Certifying a Question to the Supreme Court of Arizona.

CERTIFIED QUESTION:

Whether a motor home in which a person over 18 years of age resides qualifies as a mobile home for the purpose of claiming an Arizona homestead exemption pursuant to A.R.S. § 33-1101(A)(3)?

PERTINENT STATUTE:

The bankruptcy court cites A.R.S. §33-1101(A) in effect as of when the bankruptcy was filed:

- A. Any person eighteen years of age or over, married or single, who resides within this state may hold as a homestead exempt from execution and forced sale, not exceeding \$250,000 in value, any one of the following:
1. The person's interest in real property in one compact body on which exists a dwelling house in which the person resides.
 2. The person's interest in one condominium or cooperative in which the person resides.
 3. A mobile home in which the person resides.
 4. A mobile home in which the person resides plus the land on which that mobile home is located.

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