

4/4/79

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

In the Matter of

IN BANKRUPTCY

SPOONER COOPERATIVE
CREAMERY COMPANY

No. 78-00224

Bankrupt.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND JUDGMENT

The Trustee, Robert ZumBrunnen, having duly filed a Petition, and an Order to Show Cause having been issued as to why the Johnson Stainless Steel Fabricating, Inc. should not release or satisfy the mechanics lien filed in the office of the Clerk of Circuit Court of Washburn County, Wisconsin, on the 15th day of September, 1977, in Book 2 of Liens, Page 156; and said matter coming on for hearing before the Court on the 8th day of January, 1979; and the Trustee appearing in person, and the claimant appearing by Robert J. Richardson, its attorney, and witnesses having been sworn and testimony duly taken, and counsel having stated orally their positions and having filed briefs herein, and the Court being fully advised in the premises, FINDS:

1. That said claimant furnished certain work, labor and materials alleged in its lien on certain equipment of the bankrupt at the Spooner Cooperative Creamery building and that the reasonable charge for the work performed, including material, was \$13,744.50, and that the total of said claim was \$16,294.50.
2. That \$2,550.00 should be deducted from the total claim for work performed in the shop and not on the building premises.
3. That certain materials were fabricated at said shop and should be delivered to the Trustee.

CONCLUSIONS OF LAW

That an Order be entered directing the Trustee to pay to said claimant the sum of \$13,744.50, and directing that the claimant deliver the fabricated items to the Trustee herein.

O R D E R

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED:

1. That there is due on the mechanics lien above stated the sum of \$13,744.50, and Trustee is directed to pay the same forthwith.
2. That the claimant deliver to the Trustee the fabricated material now in its hands.
3. That upon payment by Trustee to said claimant and the delivery of said fabricated items to the Trustee that claimant satisfy its mechanics lien above described.
4. That said claimant shall have thirty days from the date of this Order in which to file a claim as an unsecured creditor for the sum of \$2,550.00 disallowed on said lien claim.

Dated: April 4, 1979.

BY THE COURT:

Bankruptcy Judge