

7/23/80

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

In re

ADVERSARY NO. 80-0064

JAMES LEROY ERICKSON, f/d/b/a
James L. Erickson General
Construction Co. and
ANDREA MARION ERICKSON

Debtors

TOWER ASPHALT

Plaintiff

vs.

JAMES LEROY ERICKSON and
ANDREA MARION ERICKSON

Defendants

*Same order in
Eugene F. Grove, d/b/a
Birchwood Plumbing
Plaintiff*

FINDINGS OF FACT,
CONCLUSIONS OF LAW
and ORDER

The plaintiff having duly filed its complaint herein claiming that the debt due it is not dischargeable; and the defendants having duly filed a motion to dismiss said action and complaint in that said complaint does not state a claim against the defendants upon which relief can be granted; and the parties having duly filed briefs relative thereto; and the attorneys having presented their arguments to the Court; and the Court having considered the record and briefs and arguments of counsel, and being fully advised in the premises, FINDS:

1. That the plaintiff duly filed a complaint to determine the debt due it as non-dischargeable.
2. That the defendants duly filed their motion to dismiss, as above stated.
3. That it appears from the arguments of counsel and the briefs submitted that there are disputes as to the liability of the defendants to the plaintiff as to the debts involved in said action, and that the Court cannot determine the issues involved because of said disputed facts, and that the motion of defendants should be dismissed and said matter set for trial.

CONCLUSIONS OF LAW

That an order denying the motion of the defendants be entered and directing that the case be set for trial.

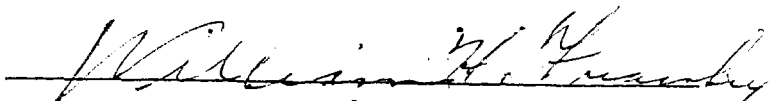
O R D E R

NOW, THEREFORE, IT IS ORDERED:

1. That the motion of the defendants to dismiss said action be and the same is hereby denied.
2. That the defendants have twenty days to file their answer herein.
3. That said case then be set for trial by the Clerk of this Court.

Dated: July 23, 1980.

BY THE COURT:


Bankruptcy Judge