

1/30/81

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

In the Matter of

IN BANKRUPTCY

KURTZ-JOHNSON FORD

No. 80-00874 Vol.
Chapter 11

Debtor

KURTZ-JOHNSON FORD

Plaintiff

ADVERSARY PROCEEDINGS
Case No. 80-00874

vs.

WISCONSIN DEPARTMENT
OF REVENUE

Defendant.

FILED
JAN 30 1981
CLERK
U.S. BANKRUPTCY COURT

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

At Eau Claire, in said district, this 30th day of
January, 1981.

The debtor above named, having duly filed a complaint
in the above entitled matter on the 4th day of November, 1980,
praying for a temporary restraining order and injunction re-
straining said defendant from revoking plaintiff's seller's per-
mit, and in the alternative, for a mandatory temporary restraining
order and injunction requiring the defendant to reinstate said
seller's permit if it is revoked; and in addition, restraining
the defendant from collecting taxes which may become due and
owing before the plaintiff's Chapter 11 plan is completed or
dismissed; and the matter having been duly set for hearing before
the Court; and the debtor appearing by Van Metre, Hanson, Clarke
& Schnitzler, by Mr. Meyer; and the defendant, Wisconsin Depart-
ment of Revenue, appearing by Mr. Leroy J. Hagemann; and the
defendant having orally objected to the granting of said temporary
restraining orders and injunctions; and the Court having heard the
arguments of counsel and having directed brief to be filed; and
plaintiff having filed its memorandum brief in support thereof,

and defendant having filed its brief in opposition thereto;
and the plaintiff having been granted five days as of December
19, 1980, in which to file a reply brief; and no further briefs
having been filed with the Court; and the Court having duly con-
sidered all of the record, arguments and briefs of counsel, and
being fully advised in the premises, FINDS:

1. That the necessary grounds for granting a temporary
injunction have not been proven or established.

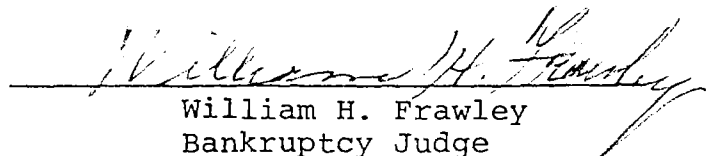
CONCLUSIONS OF LAW

That an order be entered dismissing plaintiff's complaint
without costs to either party.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the plaintiff's
complaint in the above entitled action be and the same is dismissed
without costs to either party.

BY THE COURT:


William H. Frawley
Bankruptcy Judge