

8/28/81

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

RICHARD A. HILDEBRANDT and  
JUDITH A. HILDEBRANDT, d/b/a  
Hildebrandt Building & Designing

Bankruptcy No. 80-00965

Debtors

TERRANCE KUCZYNSKI

Plaintiff

vs.

Adv. Pro. No. 80-0163

RICHARD A. HILDEBRANDT

Defendant.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW and ORDER

The above named plaintiff having filed a complaint herein to determine a certain debt owed to it by the above named defendant to be nondischargeable; and defendant having filed an answer denying that the funds received from the plaintiff were trust funds or that he was acting in a fiduciary capacity, and alleging that the failure to pay the sum due to the subcontractor was caused by economic conditions and denying any fraudulent defalcation or embezzlement under the Bankruptcy Code; and a trial having been held, and the Court having heard the witnesses who were sworn in open Court, and having heard the arguments of counsel, and being fully advised in the premises, FINDS:

1. That the plaintiff paid to the defendant the sum of \$936.00 for payment to one Lloyd Crotteau, a plumbing subcontractor, for work done on plaintiff's home.

2. That on the 27th day of December, 1979, the plaintiff obtained a judgment in the amount of \$950.50 against the defendant in the Small Claims Branch of the Wood County Circuit Court, Wood County, Wisconsin.

FILED  
AUG 28 1981  
CLERK  
U.S. BANKRUPTCY COURT

3. That on July 7, 1980, the defendant filed a petition for relief herein.

4. That defendant obtained said funds which were paid to him from the plaintiff and did not pay the subcontractor therefor.

5. That said debt is not dischargeable under 18 U.S.C.A. § 523(a)(4).

CONCLUSIONS OF LAW

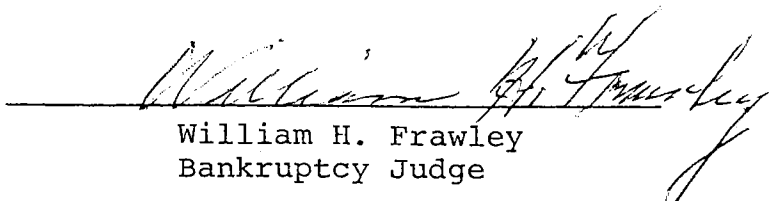
That an order be entered determining said judgment in the sum of \$950.50 to be nondischargeable.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the judgment of the plaintiff above described in the sum of \$950.50 is found to be nondischargeable under the Bankruptcy Code.

Dated: August 28, 1981.

BY THE COURT:

  
\_\_\_\_\_  
William H. Frawley  
Bankruptcy Judge