

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

In Re:

JAMES R. YANTA,

Debtor

PRIME LEASING, INC.

Plaintiff

vs.

JAMES R. YANTA

Defendant.

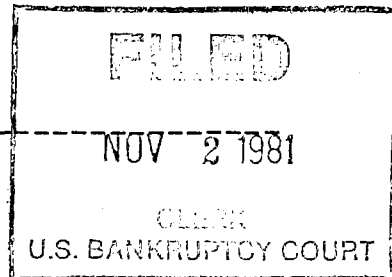
IN BANKRUPTCY

No. 81-00791

Adversary Proceeding

No. 81-0160

FINDINGS OF FACT,
CONCLUSIONS OF LAW and ORDER



The plaintiff having filed a complaint herein to have the Court determine that the debt owed to it on a state court judgment be nondischargeable; and defendant having moved to dismiss the plaintiff's complaint on the grounds that said complaint fails to state a cause of action for which relief can be granted; and a hearing having been held on said motion; and counsel having filed their briefs and having advised the Court of their respective positions; and the Court being fully advised in the premises, FINDS:

1. That the grounds for objecting to the discharge of the defendant were not raised in the state court.
2. That the case is controlled by the decision of Brown v. Felsen, 442 US 127, 60 L ED 2d 767, 99 S Ct 2205.
3. That the claim that plaintiff is estopped from alleging fraud in these proceedings because of the failure to allege it in the state court cannot be sustained.

CONCLUSIONS OF LAW

That the Court enter an order denying the defendant's motion.

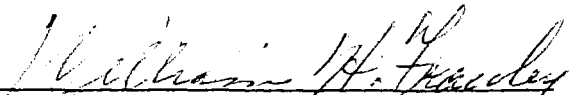
O R D E R

NOW, THEREFORE, IT IS ORDERED: That the motion of the defendant to dismiss the plaintiff's complaint be and the same is hereby denied without costs.

IT IS FURTHER ORDERED: That the defendant shall have twenty days in which to answer the plaintiff's complaint.

Dated: November 2, 1981.

BY THE COURT:



William H. Frawley
Bankruptcy Judge