

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

In Re:

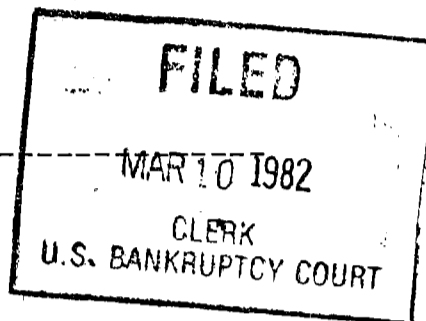
DENJAN, INC.,
d/b/a Eldredge's

Debtor.

BANKRUPTCY NO.

WF11-81-01289

FINDINGS OF FACT,
CONCLUSIONS OF LAW and ORDER



The debtor in the above entitled matter having filed an application for rejection of an unexpired lease with Arden J. Emmerich, the landlord of said property described in said application, on the basis that the same is burdensome to the debtor, and that to have a successful plan of reorganization it would be impossible for this debtor to continue the burdensome rental and utility payments; and the matter having been noticed for hearing on the 18th day of February, 1982, and having come on for hearing at said time; the debtor appearing by Arthur L. Eberlein, its attorney, and Arden J. Emmerich appearing in person; and the Court having heard the arguments of counsel and the request of the landlord for a delay in granting the application because of hardship to him; and the Court having considered all of the matters and the memorandums submitted by the parties, and being fully advised in the premises, FINDS:

1. That the lease entered into between the debtor and Arden J. Emmerich on the 24th day of November, 1980, and described in the application for rejection under the Bankruptcy Code is burdensome to the debtor.

2. That in order to have a successful plan of reorganization it is practically impossible for the debtor to continue the burdensome rental and utility payments.

3. That an order be entered rejecting the unexpired lease as of the date of surrender of the premises, to-wit: on the 28th day of February, 1982

4. That the Court realizes the landlord, Arden J. Emmerich, will have problems arising out of the cancellation and rejection of said lease but there is no basis for granting him a ninety day grace period for terminating said lease.

CONCLUSIONS OF LAW

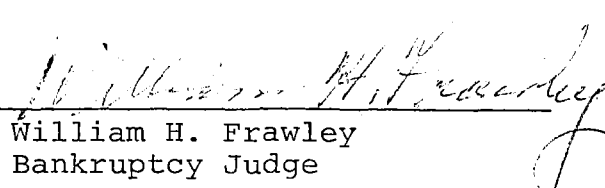
That an order be entered granting the application for rejection of the unexpired lease described in said application as of the 28th day of February, 1982.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the lease for the premises described therein entered into between the debtor and Arden J. Emmerich on the 24th day of November, 1980, be and the same is hereby rejected and cancelled as of the 28th day of February, 1982.

Dated: March 10, 1982.

BY THE COURT:



William H. Frawley
Bankruptcy Judge