

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

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In Re BANKRUPTCY NO. WF7-81-01381

DUANE L. OSNESS, a/k/a  
Finner Osness

Debtor

JUDITH OSNESS

ADVERSARY NO. 81-0254

Plaintiff

vs.

DUANE L. OSNESS

Defendant.

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FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

The plaintiff having filed a complaint to determine dischargeability in the above matter arising out of a certain divorce decree granted on May 5, 1980, in the Circuit Court of Lincoln County, Wisconsin, and a further order dated May 26, 1981, relative to a determination of the lien thereon, and claiming that the obligations due said plaintiff are non-dischargeable under 11 U.S.C. 523(a)(5), and that the amount due said plaintiff is in excess of \$37,173.06 and for judgment in said amount, or returning the matter for clarification to the Circuit Court of Lincoln County, Wisconsin; and defendant having filed an answer herein, and a pre-trial having been held on the 18th day of February, 1982; Thomas G. Sazama appearing for the plaintiff and Henry R. Schultz of the firm of Rogers & Runyon appearing for the defendant; and the Court having heard the statements of counsel and the respective positions of the parties and having taken the matter under advisement, and subsequent to said hearing being furnished by counsel with certified copies of the divorce proceedings, and being fully advised in the premises, FINDS:

1. That said action is one to determine the dischargeability as to whether the items owed to the plaintiff are support money, alimony or property settlement payments.

2. That the matters were originally tried in the Circuit Court of Lincoln County, Wisconsin, and orders and judgment with lien thereon duly entered.

3. That for a full determination of the dischargeability under the Bankruptcy Code the matter should be referred back to the Circuit Court of Lincoln County for specific determination as to which items of the amount due the plaintiff are for support money for the plaintiff or minor children, alimony, if any, and property settlement.

4. That this Court reserves any ruling in said matter until such determination is made.

5. That this Court is referring the matter back rather than permitting the collateral attack to the judgment of the State Court and absents from the determination of said matter.

CONCLUSIONS OF LAW

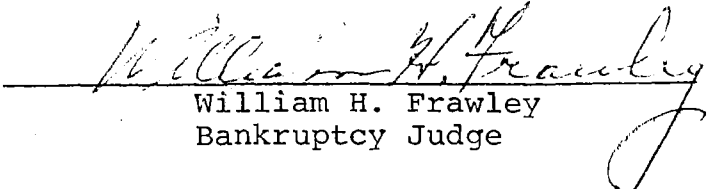
That an order be entered referring said matter back to the Circuit Court of Lincoln County, Wisconsin, for the purposes outlined in this order.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the above matter be and the same is hereby referred back to the Circuit Court of Lincoln County, Wisconsin, for determination as to the items of support for plaintiff's children, alimony, if any, and property settlement.

Dated: March 9, 1982.

BY THE COURT:

  
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William H. Frawley  
Bankruptcy Judge