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

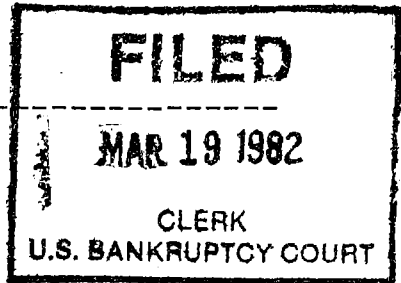
In Re:

H. JOSEPH SLATER, d/b/a
St. Croix Wood, Wind & Sun, Inc.

BANKRUPTCY NO.

EF11-81-02168

Debtor.



FINDINGS OF FACT,
CONCLUSIONS OF LAW and ORDER

The above named debtor having filed a motion to find the First National Bank of River Falls and its attorney, Stuart J. Krueger, in violation of the automatic stay in these proceedings; and the matter having come on for hearing on the 16th day of February, 1982; and the Court having heard the arguments of counsel, and having considered the memorandums submitted by counsel, and having taken the matter under advisement, FINDS:

1. That the application of the debtor to find the First National Bank of River Falls and its attorney, Stuart J. Krueger, in contempt or in violation of the automatic stay is based on a telephone call by the debtor, who personally represented himself in said matter, advising that he was going to file a Chapter 11 proceedings. This call was made about the 11th day of December, 1981.

2. That thereafter the attorney for said bank advised Mr. Slater, the debtor, that his proposal was unsatisfactory.

3. That said petition for a Chapter 11 proceedings filed on the 16th day of December, 1981, was made personally by the debtor without an attorney.

4. That the debtor did not take any further action to advise the bank and its attorney that said petition had been filed.

5. That on the 21st day of December, 1981, after proper notice, the Circuit Court of St. Croix County granted a judgment of foreclosure on a mortgage covering the homestead of the debtor, H. Joseph Slater.

6. That said foreclosure action had been stayed from May 26, 1981, by virtue of a Chapter 13 proceedings previously filed by Mr. Slater and his attorney and later dismissed.

7. That said foreclosure judgment became effective at the time of its rendition and pronouncement by the Court. See Zahorka v. Geith, 129 Wis. 498, 107 N.W. 552 (1906).

8. That notice of the filing and of the automatic stay was sent out by the Court on December 28, 1981.

9. That on the 30th day of December, 1981, the date on which said notice was received by the First National Bank of River Falls, counsel had submitted the findings of fact, conclusions of law and judgment to the Circuit Judge of St. Croix County and the judgment was duly entered on the 4th day of January, 1982, and that at such time the Court was not aware of the automatic stay.

10. That said attorney did not receive notice from the bank until some time in January of 1982.

11. That lack of knowledge by the Judge of the stay order does not invalidate the granting of the judgment on December 21, 1981, and that said action on or about the 4th day of January, 1982, was an administrative completion of said judgment granted on December 21, 1981.

12. That the First National Bank of River Falls and Stuart J. Krueger, its attorney, are not guilty of violation of the automatic stay or in contempt of said Court.

13. That on or about January 13, 1982, Mart W. Swenson was retained by the debtor to represent him in this Chapter 11 proceedings.

14. That the debtor individually and personally without counsel had also moved the Circuit Court of St. Croix County to vacate said judgment and a hearing was about to be held on January 29, 1982.

15. That on January 29, 1982, the debtor appeared in person and by his attorney, Mart W. Swenson, in the Circuit Court of St. Croix County and requested Circuit Judge John G. Bartholomew to vacate the judgment which was entered on December 21, 1981, because of the violation of the automatic stay.

16. That Judge Bartholomew deferred the decision to the Bankruptcy Court.

17. That said judgment should not be set aside because of said automatic stay; however, said judgment should not become effective and the time of redemption should not begin to run until the further order of this Court following a hearing for an order to lift the automatic stay which is now set for March 22, 1982.

CONCLUSIONS OF LAW

1. That the Court enter an order dismissing debtor's application for a contempt order against the First National Bank of River Falls and its attorney, Stuart J. Krueger, for violation of the automatic stay order herein.

2. That the application of the debtor for an order vacating the judgment granted on December 21, 1981, and entered on January 4, 1982, in the office of the Clerk of Court of St. Croix County, Wisconsin, should be dismissed.

3. That the time of redemption of said judgment should not begin to run until the further order of this Court following the hearing on the application to lift the stay set for March 22, 1982.

O R D E R

NOW, THEREFORE, IT IS ORDERED:

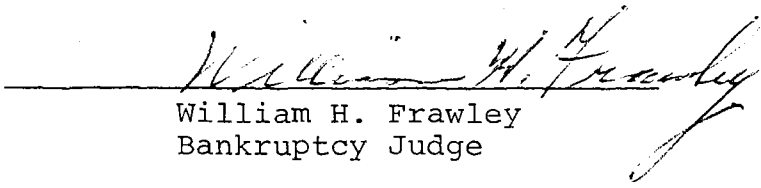
1. That the application of the debtor for a contempt order against the First National Bank of River Falls and Stuart J. Krueger, its attorney, be and the same is hereby denied and dismissed.

2. That the application of the debtor to vacate the judgment entered in the Circuit Court of St. Croix County, Wisconsin, on the 21st day of December, 1981, is hereby denied and dismissed.

3. That the time of redemption under said judgment shall not begin to run until the further order of the Court following a hearing on the application to lift said stay to be heard by this Court on March 22, 1982.

Dated: March 19, 1982.

BY THE COURT:



William H. Frawley
Bankruptcy Judge