

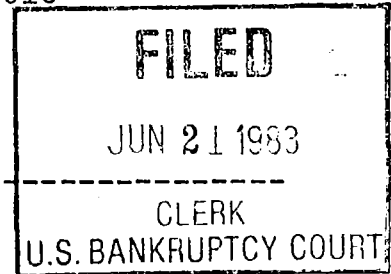
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

In Re:

Bankruptcy No.
EF7-82-00618

BERNARD G. GOETTL
and SOPHIE GOETTL

Debtors.



FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

The above named debtors having filed their schedules in the above proceedings, claiming the real estate at 126 McKnight Street, Stanley, Wisconsin, as homestead property; and the trustee having objected to said claim on the basis that said debtors were not occupying said premises at the time of the filing of their petition for relief herein; and the parties having stipulated as to the facts, which stipulation is on file herein; and the court being fully advised in the premises, FINDS:

1. That said debtors filed a petition for relief on the 13th day of April, 1982.

2. That on Schedule B-4 the debtors claim the premises located at 126 McKnight Street, Stanley, Wisconsin, as their residence and homestead.

3. That without reciting all of the facts as stipulated, the evidence clearly shows that the debtors intended to occupy the said property as their homestead at the time of purchasing the same, but were delayed because of the inability to remove the tenants that were occupying the property.

4. That debtors finally obtained possession of said property on the 29th day of May, 1982.

5. That the objection of the trustee is not well taken in that the decisions of the State of Wisconsin do not clearly state that a homestead must be occupied by the owner or it cannot be considered exempt as claimed by the trustee. The case of Schwitzke v. American National Bank, 242 Wis. 521, is authority for the proposition that a bona fide intention of acquiring premises for a homestead, and evidenced by overt acts such as the stipulated facts in this case show, is sufficient to claim a homestead in the property.

CONCLUSIONS OF LAW

That the court enter an order determining that the home located at 126 McKnight Street, Stanley, Wisconsin, constitutes the residence and homestead of said debtors, Bernard G. Goettl and Sophie Goettl

O R D E R

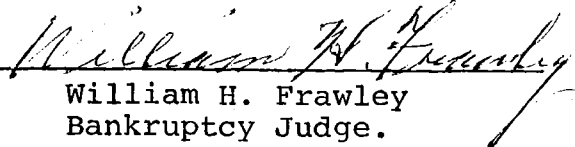
NOW, THEREFORE, IT IS ORDERED:

That the home located at 126 McKnight Street, Stanley,

Wisconsin, be and the same is hereby determined to be the residence and homestead of Bernard G. Goettl and Sophie Goettl, the debtors herein.

Dated: June 21, 1983.

BY THE COURT:



William H. Frawley
Bankruptcy Judge.