

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

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RUSSELL JOSEPH THUMS and  
BARBARA ELLEN THUMS,

Debtors

Bankruptcy No.  
WF7-82-01887

RUSSELL JOSEPH THUMS and  
BARBARA ELLEN THUMS

Plaintiffs

vs.

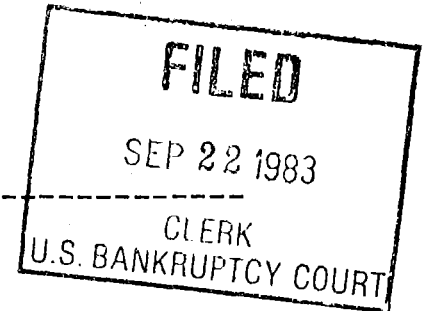
Adversary No. 83-0051

BOOTZINS, INC., MEDFORD  
STATE BANK and CONSOLIDATED  
BADGER COOPERATIVE

Defendants.

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ORDER DENYING PREFERENCE



The above named plaintiffs having filed a complaint against the defendant, Consolidated Badger Cooperative, claiming a preference in the sum of \$500.00 for delivery of milk to the defendant; and defendant having filed an answer denying the preference; and the parties having stipulated to the facts; and counsel having stated their relative positions and having filed briefs and memorandums; and the court being fully advised in the premises, FINDS:

1. That on or about the 16th day of August, 1982, the defendant, Consolidated Badger Cooperative, advanced to the plaintiffs and debtors the sum of \$1,500.00 for milk to

be delivered to said defendant by the plaintiffs during the months of August, September and October, 1982.

2. That plaintiffs delivered said milk as agreed upon during said period of time, fully paying up said advance.

3. That plaintiffs-debtors filed a voluntary petition in bankruptcy on October 22, 1982, and quit delivering milk to the defendant one day later.

4. That it was the practice in the Shawano County, Wisconsin area for dairies to advance money for milk to be delivered in the regular course of dealings with their customers.

5. That the payments to said defendant did not constitute preferences under Section 547(c) of the Bankruptcy Code.

CONCLUSIONS OF LAW

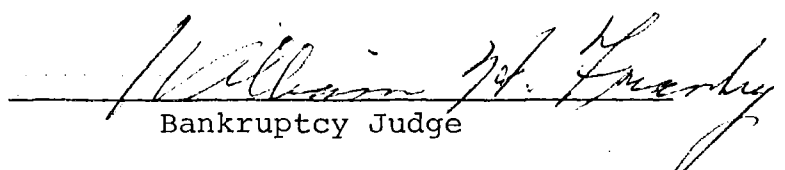
That an order be entered dismissing plaintiffs' complaint as to the defendant, Consolidated Badger Cooperative, without costs to either of the parties.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the above entitled action be and the same is hereby dismissed as to the defendant, Consolidated Badger Cooperative, without costs to either of the parties.

Dated: September 22, 1983.

BY THE COURT:

  
Bankruptcy Judge