

*Assurance of
Deeds as to title
etc*

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

FILED
MAR 15 1983
CLERK
U.S. BANKRUPTCY COURT
EF7-82-02239

In Re:

WAYNE W. BENCK and
VERLENE C. BENCK

Debtors.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

The debtors having filed an application to avoid
the fixing of liens on the following described property, to-
wit:

Personal Tools	\$ 325.00
Livestock	\$ 6,350.00
8 Cows	\$ 2,133.00
10 Swine	\$ 1,655.00
1 Wagon with box	\$ 300.00
1 John Deere Mower	\$ 25.00
1 Disk-Harrow (Wheel Disk)	\$ 325.00
1 Seeder (Grain Drill)	\$ 50.00
1 Hay Loader (Baler)	\$ 125.00
1 Corn Planter	\$ 200.00
Feed for exempt stock for 1 yr.	\$ 2,723.85
1 Tractor (Oliver Diesel)	\$ 1,500.00
4-Row John Deere Cultivator	\$ 75.00
4-Section Rotary Hoe	\$ 100.00
Sprayer	\$ 335.00
One Year's Provisions for Debtor and Family	\$ 100%

and two of the secured creditors, South Story Bank & Trust
Company and The First National Bank of Maiden Rock, having
filed an objection to said application; and the attorneys having
agreed to an adjournment of the hearing thereon until a decision

is made in the case of Druwe, Bankruptcy No. EF7-82-01622, and a decision having been made therein and on file with the court; and the court being fully advised in the premises, FINDS:

1. That the items of livestock, the eight cows and the ten swine do not come under the provision of "animals" as referred to in Section 522(f), and the farm machinery and feed for said animals likewise do not come under the provisions of Section 522(f) or under Sub-sections A, B or C of said section. That the personal tools of the applicant do come within the provisions of 522(f)(B).

CONCLUSIONS OF LAW

That the court enter an order denying the application to avoid the lien on said livestock, swine, cows and farm machinery excepting as to the personal tools described therein.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the application to avoid the lien on the items above described, cattle, livestock, cows, swine and farm machinery is hereby in all respects denied and dismissed, and the application to lift the lien on the personal tools of the debtors is hereby granted without costs to any of the parties.

Dated: March 15, 1983.

BY THE COURT:

William H. Franby
Bankruptcy Judge