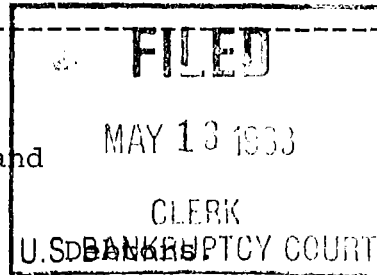


IN THE UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

In Re

JAMES D. ALBEE and
LYNN M. ALBEE



Bankruptcy No.

EF11-83-00552

ORDER DISCONTINUING MILK ASSIGNMENT

The debtors in the above entitled matter having filed an application to discontinue a milk assignment to Production Credit Association of Barron; and the matter having come on for hearing before the court; and the debtors appearing in person and by L. R. Reinstra, their attorney; and Production Credit Association having appeared by Brooks Heathman, its attorney; and the court having heard the testimony taken in open court and the arguments of counsel, and having duly considered the memorandums and briefs submitted by the attorneys, and being fully advised in the premises, FINDS:

1. That the said debtors filed a petition for relief under Chapter 11 on the 11th day of April, 1983.

2. That the debtors made application to discontinue the milk assignment claimed by Production Credit Association for the reason that there was no valid milk assignment perfected prior to said filing of the Chapter 11 proceedings.

3. That no milk assignment was given or signed by the debtors for a deduction from their milk check to be paid to Production Credit Association.

4. That the security agreement of said Production Credit Association does not have a provision in the same for the assignment of dairy products.

5. That the notice or financing statement does have a reference to milk assignment but that alone is not sufficient to create a lien in the milk account. See In Re Robert J. Johnson and Mary T. Johnson, Bankruptcy No. EF11-82-00630, U. S. Bankruptcy Court for the Western District of Wisconsin, and In Re Schrieber, 7 U.C.C. Reporting Service.

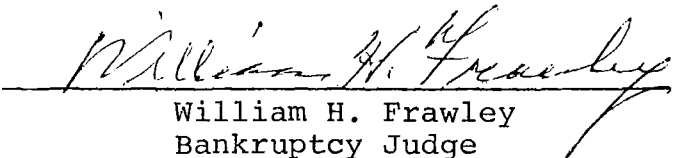
CONCLUSIONS OF LAW

That an order be entered terminating any milk assignment to the Production Credit Association of Barron.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the objection of Production Credit Association to the termination of its alleged milk assignment be and the same is hereby denied, and that the dairy is hereby authorized to pay to the said debtors their milk checks without any deduction payable to Production Credit Association of Barron.

Dated: May 13, 1983.


William H. Frawley
Bankruptcy Judge