

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

---

In Re

GERALD E. CLOYD and  
ARLENE M. CLOYD

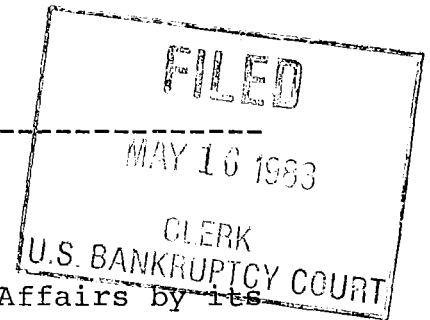
Debtors.

In Bankruptcy

No. WF7-83-00579

---

ORDER DENYING LIFTING OF STAY



The Wisconsin Department of Veterans Affairs by its attorney Robert F. Johnson, having filed an application to lift the stay in the above matter, and the same coming on for hearing by telephone conference; and the debtors appearing by John T. Manning, their attorney, and Robert F. Johnson appearing on behalf of the applicant; and the court having heard the general facts in the case and the arguments of counsel, and having considered the entire record, and being fully advised in the premises, FINDS:

1. That the debtors filed their petition for Chapter 7 relief on the 14th day of April, 1983.
2. That the first meeting of creditors has been held and the trustee thereafter filed his written report of no asset.
3. That on or about January 25, 1978, the debtors executed and delivered to the Wisconsin Department of Veterans

Affairs a certain mortgage note and purchase money real estate mortgage, which was duly perfected by recording in the Office of the Register of Deeds for Wood County, Wisconsin.

4. That the debtors failed to comply with the terms of said note and mortgage and that an action for foreclosure was commenced on March 14, 1983.

5. That the approximate amount due the Department of Veterans Affairs as of April 30, 1983, was the sum of \$12,682.16.

6. That said Department has an appraisal of \$17,000.00 as the value of the property.

7. That the Wood County National Bank has a second mortgage on said property in the sum of \$7,000.00.

8. That the allegation of the applicant that the debtors do not have any equity in the property subject to the mortgage note to the Department is not supported by the evidence as above stated, and that as to the Department's interest in the property it appears to be fully secured with a surplus of approximately \$5,000.00.

9. That the interest of the Wood County National Bank is not an issue at this time as to any equity affecting the Department's right to have said stay lifted.

10. That the last day for filing objections to discharge is July 11, 1983.

11. That the automatic stay will automatically be lifted shortly after that date in the event that no objections are filed.

CONCLUSIONS OF LAW

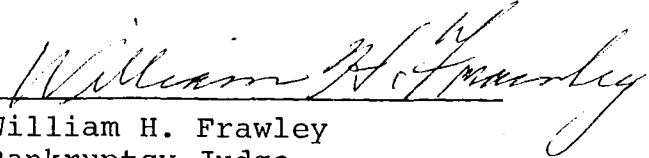
That an order be entered denying the application of the Wisconsin Department of Veterans Affairs to lift the stay at this time.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the application of the State of Wisconsin, Department of Veterans Affairs to lift the automatic stay in these proceedings to allow it to proceed on its foreclosure action in the state court be and the same is hereby denied at this time without costs to any of the parties.

Dated: May 16, 1983.

BY THE COURT:

  
\_\_\_\_\_  
William H. Frawley  
Bankruptcy Judge