

FILED

SEP 29 1986

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

CLERK, U.S.
BANKRUPTCY COURT
CASE NO.

In re:

Case Number:

ROBERT S. ALTENBURG
LYNETTE B. ALTENBURG

WF7-83-01088

Debtors.

MERRILL IRON AND STEEL, INC.,
and ELROY ZOCHER,

Plaintiffs,

Adversary Number:

v.

86-0131-7

ROBERT S. ALTENBURG,

Defendant.

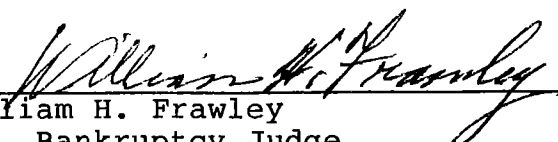
ORDER

The court having this day entered its memorandum opinion,
findings of fact, and conclusions of law;

NOW, THEREFORE, IT IS ORDERED that the debtor's motion to
dismiss the complaint is hereby denied.

Dated: September 29, 1986.

BY THE COURT:


William H. Frawley
U.S. Bankruptcy Judge

cc: Attorney William J. Rameker
Attorney Terrence J. Byrne

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MEMORANDUM OPINION,
FINDINGS OF FACT, AND CONCLUSIONS OF LAW

Merrill Iron and Steel, Inc., and Elroy Zocher, by Terrence J. Byrne, have filed a complaint alleging that the debtor, Robert S. Altenburg, has concealed property from creditors in his bankruptcy case. The debtor appears by William J. Rameker and contests the complaint. The debtor motions the court to dismiss the complaint and requests the imposition of reasonable attorney fees against the plaintiffs.

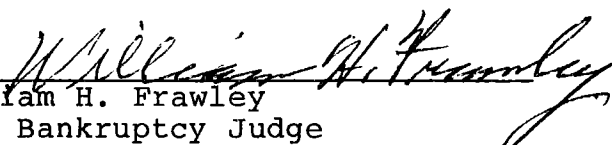
The plaintiffs' allegations against the debtor are of a very serious nature. The attorney for the plaintiffs alleges by written affidavit of September 17, 1986, that: "... the Plaintiffs

have discovered that in fact the Debtor, Robert S. Altenburg, still has possession of substantial amounts of personal property which the Debtors claim are personal assets, although the corporate records reflect that such assets are shown on the records of the corporation." If the plaintiffs can in fact prove that these allegations are true, the debtor may be denied a discharge. 11 U.S.C. § 727(a)2 and 4. The court notes that it would be required to revoke a discharge granted to the debtor if it were found that the debtor had in fact committed the alleged acts. 11 U.S.C. § 727(d) It is the conclusion of the court that this matter should be set for trial in order to allow the plaintiffs to attempt to substantiate their allegations.

This opinion shall constitute findings of fact and conclusions of law in accordance with Bankruptcy Rule 7052.

Dated: September 29, 1986.

BY THE COURT:


William H. Frawley
U.S. Bankruptcy Judge