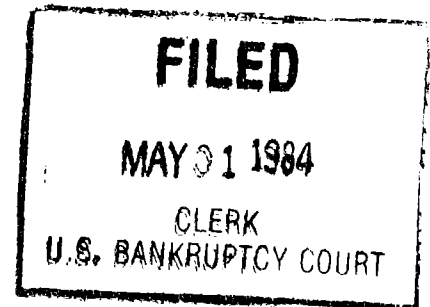


UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN



In re:

Case Number:

BUCHNER PLACE PARTNERS,

LF11-83-02116

Debtor.

ORDER RE APPOINTMENT OF TRUSTEE
AND STATE RECEIVER'S RIGHTS

Dale A. Wernecke, by his attorneys Bosshard, Sundet & Associates, having on April 19, 1983, commenced an Application for Appointment of a Trustee in the above entitled matter, by filing the same with the Sheriff of LaCrosse County, Wisconsin, for service, and which was served on said day, setting the 25th day of April, 1984, at 10:30 o'clock a.m. for hearing at the LaCrosse County Courthouse before the Court; and the matter of hearing said application coming on before the Court at said time; and the respective parties having appeared by counsel; and the Court having determined to hold the matter open because of the shortness of time due to the Easter holiday weekend; and on April 30, 1984, the Court having been advised that an emergency had come up relative to the collection of checks and rents for the properties alleged

to be involved in said proceedings; and a telephone conference having been duly arranged and held by the Court with the appearances being Attorney Donald J. Harman for the Debtor, and John Bosshard, John Schwab and William Hanson for Mr. Wernecke; and the Court having been fully advised in the premises, FINDS THAT:

1. Said petition for the appointment of a trustee was duly filed.

2. Debtor contends that the Court does not have jurisdiction regarding the matter because of the Key purchase land contract.

3. Creditor Dale Wernecke contends that the property involved in the Key or Buchner matter is not properly an asset of the Buchner proceedings or estate for the reason that the time of redemption of a foreclosure judgment had expired.

4. The application of Mr. Wernecke is based on 11 U.S.C. sec. 1106(a).

5. The application for the appointment of a trustee is based upon allegations of mismanagement and failing to properly run the property and failing to meet land contract obligations, etc.

6. Based upon the respective positions contended by the parties, namely, that the property is not part of the bankruptcy estate because of the foreclosure completion and the sale under the

Key land contract, the Court concludes that the State Receiver as duly appointed by the Circuit Court of LaCrosse County, should continue in office until the further order of the Court under 11 U.S.C. sec. 543(d). In re WPAS, Inc., 6 B.R. 40 (Bankr. M.D. Fla. 1980) See 28 U.S.C. sec. 1471(d).

7. It appears to the Court that the parties would be better served by having the State Court Receiver continue in possession, custody and control of said property.

CONCLUSION OF LAW

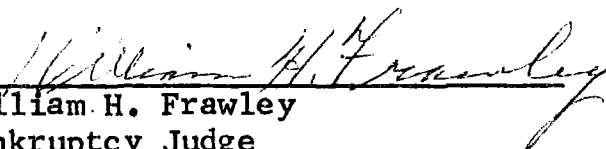
That an order be entered directing the State Court Receiver to continue in possession, custody and control of said property.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT the Receiver appointed by the Circuit Court of LaCrosse County involving the property herein referred to be, and he is, directed to continue in possession, custody and control of said property during this Chapter 11 proceedings until the further order of this Court, and to make the collection of the rents coming due.

Dated: May 1, 1984.

BY THE COURT:


William H. Frawley
Bankruptcy Judge