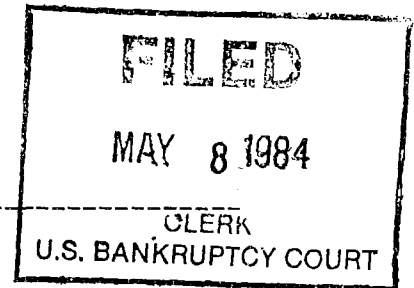


UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN



In re:

Case Number:

BUCHNER PLACE PARTNERS,

LF11-83-02116

Debtor.

ORDER GRANTING MOTION TO
DECLARE PROPERTY NOT PART
OF THE DEBTOR'S ESTATE

Dale A. Wernecke, being represented by the law firm of Bosshard, Sundet & Associates, having moved to have the Court declare property not a part of the estate of the above captioned Debtor or, in the alternative, to abandon said property; and an adjourned hearing having been held; and the Movant having appeared in person and by counsel; and the Debtor having appeared by general partner Reginald A. Gassen and by its attorney, Donald J. Harman, to oppose said Motion; and the Court having considered the arguments of counsel and all filings and proceedings herein; and it appearing that:

1. The parties have agreed to submit this matter upon the facts and argument presented in this proceeding and the relevant facts and arguments presented in regard to identical Motions in related proceedings, e.g., In re Rapids Partners, LF11-83-02113 (Bankr.W.D.Wis. March 29, 1984), appeal filed, 84-C-306-S (W.D.Wis.).

2. The Movant was not required to make service on Key Partners. See

Bankruptcy Rule 9013. Nor was the Movant required to join Key Partners. See generally Bankruptcy Rules 7019 & 9014.

3. Whether the claimed interest of the estate is in real estate per se or, as the Debtor argues, only in land contracts relating to real estate, does not affect the determination of the issue before this Court today.

4. There was no agreement between the Debtors and the Movant regarding an extension of the redemption period beyond January 15, 1984. Accordingly, whether such an agreement--if made--would be binding, is not before the Court.

5. To the extent that the alleged deceit of the Movant, if any, resulted in the Debtor forbearing from filing for bankruptcy between December 1 and December 28, 1983, said alleged deceit resulted in the Debtor benefiting from extended protection under 11 U.S.C. sec. 108(b)(2). See generally Order Denying Motion (to set aside) (April 3, 1984) in this proceeding.

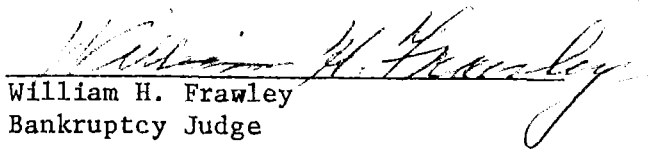
6. As the redemption period sub judice expired on January 15, 1984, and as the Debtor did not redeem said real estate before 60 days after the order for relief, said real estate is no longer property of the bankruptcy estate. See 11 U.S.C. sec. 108; In re Rapids Partners, supra; In re Cosmos Trust, EF11-84-00339 (Bankr.W.D.Wis. April 24, 1984), appeal filed, 84-C-___-___ (W.D.Wis.). See generally In re Marcott, 30 B.R. 633, 635 (Bankr.W.D.Wis. 1983).

ORDER

IT IS ORDERED THAT the Motion of Dale A. Wernecke to declare .
property not part of the estate of the above captioned Debtor be, and
the same hereby is, GRANTED, without costs.

Dated: May 8, 1984.

BY THE COURT:



William H. Frawley
Bankruptcy Judge