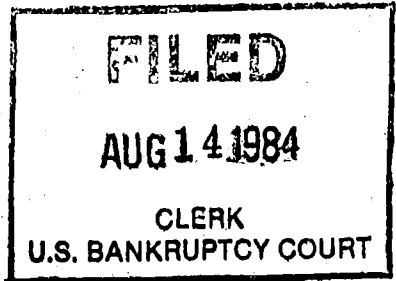


UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN



In re:

Case Number:

HAROLD F. HAGEN
ADRIENNE A. HAGEN,

EF11-84-00469

Debtors.

FINDINGS OF FACT, CONCLUSION OF LAW
AND
ORDER STAYING STATE COURT JUDGMENT UNDER 11 U.S.C. SEC. 362

The Bank of Melrose, by Attorney Gene B. Radcliffe, having filed a motion for determination of the applicability of automatic stay; and a hearing having been held; and the Movant appearing by counsel; and Debtors Harold F. and Adrienne A. Hagen appearing by Attorney Alan D. Moeller; and Creditor Farmers State Bank appearing by Attorney John E. Flynn; the Court, having considered the argument and briefs of counsel, and the complete record and file herein, and being fully advised in the premises, FINDS THAT:

1. On March 15, 1983, the Bank of Melrose (Bank) was granted a state court Judgment of Foreclosure and Sale of a real estate mortgage with Debtors Adrienne A. and Harold F. Hagen. Said Judgment was entered on April 20, 1983.

2. Although neither party has filed a copy of said Judgment with this Court, it appears from the record that said Judgment provides, in part:

- (1) Unless the Debtors redeemed within 12 months of the Judgment, a sheriff's sale be held. See Wis. Stats. sec. 846.10(2).
- (2) Upon the Debtors' failure to redeem within the 12 month period, they would be foreclosed of all interest or equity of redemption except the statutory right of redemption before sale. See Wis. Stats. sec. 846.13.

3. On March 15, 1984, without having redeemed, the Debtors filed a petition in this Court for relief under Chapter 11 of the Bankruptcy Code.

4. The Judgment specifically preserves the Debtors' statutory right to redeem at any time prior to the confirmation of the sheriff's sale. Said right is "property of the estate" under 11 U.S.C. sec. 541. In re Clark, ___ F2d ___, ___, Bankr.L.Rep.(CCH) para. 69,929, page 85,393 (7th Cir. 1984).

5. Accordingly, this Court need not decide whether the automatic termination of other Debtor interests in the real estate after the running of the 12 month period would determine the Bankruptcy estate's interest in the property.

CONCLUSION OF LAW

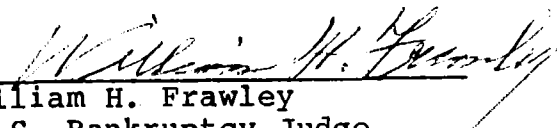
The automatic stay applies to the Judgment of the Bank of Melrose. In re Lynch, 12 B.R. 533 (Bankr.W.D.Wis. 1981).

ORDER

IT IS ORDERED THAT the Bank of Melrose Judgement of Foreclosure and Sale be, and the same hereby is, STAYED pursuant to 11 U.S.C. sec. 362(a).

Dated: August 14, 1984.

BY THE COURT:


William H. Frawley
U. S. Bankruptcy Judge