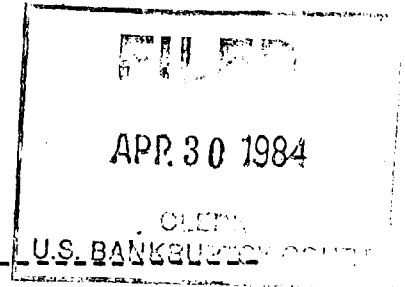


UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN



In re:

Case Number:

PHOENIX PARTNERS,

LF11-84-00493

Debtor.

FINDINGS OF FACT, CONCLUSION OF LAW
AND
ORDER DENYING MOTION FOR CHANGE OF VENUE

Creditors Patricia F. and Dale A. Wernecke, by Attorneys Bosshard, Sundet & Associates, having moved for change of venue based upon 28 U.S.C. sec. 1472; and the matter coming on for hearing; and the Movants appearing by counsel; and the Debtor appearing by general partner R. A. Gassen and by Attorney Donald J. Harman; the Court, having considered the arguments of counsel and all filings and proceedings herein, FINDS THAT:

1. The Debtor is a Hawaiian limited partnership with principal (i.e., executive) offices in LaCrosse, Wisconsin, and the principal assets in Arizona.

2. Bankruptcy Rule 1014(a)(2) provides the procedure for deciding a transfer motion pursuant to 28 U.S.C. sec. 1472. See

28 U.S.C. sec. 1477.

3. To trigger the forum non conveniens provisions of B.R. 1014(a)(2) it must first appear that current venue is improper--i.e., that the Debtor's domicile, residence, principal place of business and principal assets are outside of the Western District of Wisconsin, see 28 U.S.C. sec. 1472.

4. The Debtor is domiciled in Hawaii. See In re Landmark Capital Co., 19 B.R. 342, 346 (Bankr. S.D.N.Y. 1982), aff'd, 20 B.R. 220 (S.D.N.Y. 1982).

5. The Debtor resides in, inter alia, the Western District of Wisconsin. See Penrod Drilling Co. v. Johnson, 414 F.2d 1217, 1224 (5th Cir. 1969) (under 28 U.S.C. 1391: partnership resides where it is "doing business"), cert. denied, 396 U.S. 1003 (1970) and Sheldon Steel Corp. v. Standard Fruit Co., 219 F.Supp. 521 (D.Del. 1963) (operation of principal office is "doing business").

6. The Debtor's principal place of business is in the Western District of Wisconsin. See In re Landmark Capital Co., supra paragraph 4, 19 B.R. at 346-347 (at 347: "where the debtor makes its major business decisions").

7. Venue is proper in the Western District of Wisconsin. See 28 U.S.C. sec. 1472. See generally In re Boca Development Association, 18 B.R. 648, 651-652 (Bankr. S.D.N.Y. 1982).

CONCLUSION OF LAW

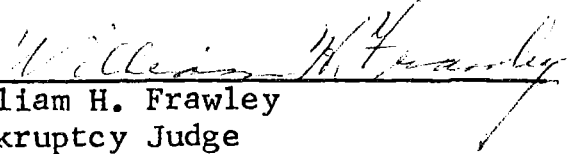
As venue is proper, the Court may not transfer this case under Bankruptcy Rule 1014(a)(2).

ORDER

IT IS ORDERED THAT the Motion of Patricia F. and Dale A. Wernecke for change of venue be, and the same hereby is, DENIED without costs.

Dated: April 30, 1983.

BY THE COURT:


William H. Frawley
Bankruptcy Judge