

**FILED**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN

JAN 29 1985

CLERK, U.S.  
BANKRUPTCY COURT  
~~CASE NO.~~

In re:

Case Number:

DENTON WEST PARTNERS,  
a Hawaiian Limited Partnership

LF11-84-01686

Debtor.

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND  
ORDER TERMINATING AUTOMATIC STAY

Dale, Patricia, Arlie and Jeanette Wernecke, by Michael J. Colgan, having filed a motion for abstention or relief from stay; and a hearing having been held; and the Werneckes appearing by counsel; and Debtor Denton West Partners appearing by Attorney Donald J. Harman; and the matter being submitted on briefs; and a brief being received from the Werneckes within the time set by the Court; the Court, being fully advised in the premises, FINDS THAT:

1. On or about July 24, 1984, the Werneckes commenced a strict foreclosure action in La Crosse County, Wisconsin, Circuit Court against Debtor Denton West Partners and others.

2. On September 7, 1984, Debtor Denton West Partners filed for relief under Chapter 11 of the Bankruptcy Code.

3. The Debtor's schedules show that the Werneckes, who held a land contract vendor's interest in the Debtor's principal asset, are the Debtor's only secured creditor and hold 72% of the Debtor's obligations (another 13.5% is held by the Debtor's

general partners and by other partnerships with the same general partners).

CONCLUSIONS OF LAW

1. Because there is no foreclosure proceeding in this Court, the provisions of 11 U.S.C. sec. 1334(c) do not apply.

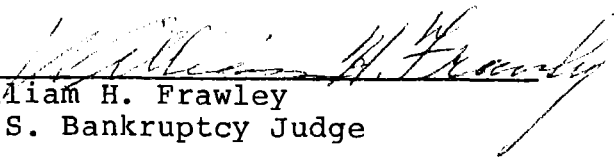
2. There is cause to grant the Werneckes relief from the automatic stay. In re BBT, 11 B.R. 224, 235, 7 B.C.D. 769, 775 (Bankr.D.Nev. 1981).

ORDER

IT IS ORDERED THAT the 11 U.S.C. sec. 362 automatic stay be, and the same hereby is, TERMINATED to permit Dale, Patricia, Arlie and Jeanette Wernecke to prosecute their state foreclosure proceedings against Denton West Partners.

Dated: January 29, 1985.

BY THE COURT:

  
\_\_\_\_\_  
William H. Frawley  
U. S. Bankruptcy Judge

cc: Attorney Donald J. Harman  
Attorney Michael J. Colgan *ca*