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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN

FILED  
MAR 25 1985  
CLERK  
U.S. BANKRUPTCY COURT

In re: Case Number:  
LARRY J. SCHAEFER WF7-84-02273  
BONNIE J. SCHAEFER,  
Debtors.

FINDINGS OF FACT, CONCLUSION OF LAW  
AND  
ORDER DENYING OBJECTION TO LIEN AVOIDANCE

Thorp Finance Corporation, by Attorney Ann E. Stevning-Roe, having filed an Objection to motion for lien avoidance; and a hearing having been held; and Thorp Finance appearing by counsel; and Debtors Larry J. and Bonnie J. Schaefer appearing by Attorney Richard J. Bisbee; the Court, being fully advised in the premises, FINDS THAT:

1. On November 29, 1984, the Debtors filed for relief under Chapter 7 of the Bankruptcy Code.
2. Included in their schedules was a Statement of Intentions regarding their secured consumer debts (reproduced as an Appendix to this Decision). See 11 U.S.C. sec. 521(2)(A) (statement required).
3. Thorp objects to the Debtors' motion on the ground that it detrimentally relied upon the Statement of Intentions.
4. Assuming that a creditor may rely upon a debtor's statement of intent, see Fed.R.Bankr.P. 1009 (petition may be amended

at any time), Thorp was not justified in relying upon the ambiguous placement of the "X" on the Debtors' Statement of Intentions and has not shown any detriment accruing from its unreasonable reliance.

CONCLUSION OF LAW

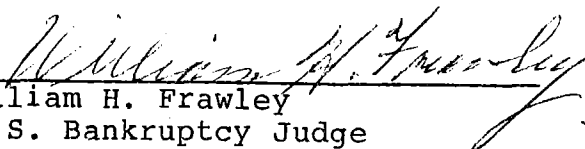
Thorp's Objection must be denied.

ORDER

IT IS ORDERED THAT the Objection of Thorp Finance Corporation to the Debtors' motion for lien avoidance be, and the same hereby is, DENIED.

Dated: March 25, 1985.

BY THE COURT:

  
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William H. Frawley  
U. S. Bankruptcy Judge

cc: Attorney Richard J. Bisbee  
Attorney Ann E. Stevning-Roe

In re **Larry J. Schaefer** 396-60-6534  
**Bonnie J. Schaefer** 388-46-7200 Debtor\*  
 Soc. Sec. No. Debtor's Employer's Tax Id. No.

**STATEMENT OF INTENTION  
 RE: SECURED CONSUMER DEBTS**

*(If this form is used by joint debtors wherever the question requires separate answers for Husband (H), Wife (W) or Joint (J) insert the appropriate symbol in column 3. H, W or J. If the word "debtor" or words referring to debtor are used they shall be read as if in the plural.)*

**Consumer Debts Which Are Secured By Property of the Estate\*\***

(1) Name of creditor and complete mailing address including zip code	(2) Description of security and date when obtained by creditor	(3) H W or J	(4) Amount of claim without deduction of value of security	(5) Debtor's intention with respect to the retention or surrender of such property
Fingerhut P.O. Box 1100 St. Cloud, MN 56396	3 piece living room set, lounge chair & ottoman 6/5/84	J	\$ 278.28	<input type="checkbox"/> Surrender <input checked="" type="checkbox"/> Retention <input type="checkbox"/> Property claimed as exempt <input type="checkbox"/> Debtor to redeem property <input checked="" type="checkbox"/> Debtor to reaffirm debts secured by property for value of collateral
M&I Bank 101 W. 4th Street Marshfield, WI 54449	Color TV 10/83	J	1400.00	<input checked="" type="checkbox"/> Surrender <input type="checkbox"/> Retention <input type="checkbox"/> Property claimed as exempt <input type="checkbox"/> Debtor to redeem property <input type="checkbox"/> Debtor to reaffirm debts secured by property
Thorp 1110 N. Central Marshfield, WI	bedroom furniture color TV, CB, stereo, 1970 Ford 1/81	J	2636.52	<input checked="" type="checkbox"/> Surrender <input type="checkbox"/> Retention <input type="checkbox"/> Property claimed as exempt <input type="checkbox"/> Debtor to redeem property <input type="checkbox"/> Debtor to reaffirm debts secured by property
				<input type="checkbox"/> Surrender <input type="checkbox"/> Retention <input type="checkbox"/> Property claimed as exempt <input type="checkbox"/> Debtor to redeem property <input type="checkbox"/> Debtor to reaffirm debts secured by property
				<input type="checkbox"/> Surrender <input type="checkbox"/> Retention <input type="checkbox"/> Property claimed as exempt <input type="checkbox"/> Debtor to redeem property <input type="checkbox"/> Debtor to reaffirm debts secured by property
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APPENDIX