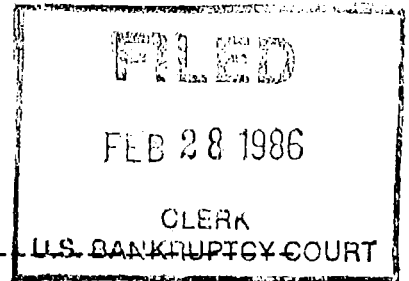


UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN



In re:

Case Number:

ROBERT L. WINN  
AUDREY Y. WINN

EF7-85-01013

Debtor.

OPINION AND ORDER

The debtor filed for relief under Chapter 7 of the Bankruptcy Code on May 4, 1985. A no-asset report was subsequently filed on July 9, 1985. River Falls State Bank (Bank), by Edward Vlack, filed this motion for relief from the 11 U.S.C. § 362 automatic stay on July 17, 1985. The debtors appear by L. J. Webster. A consolidated hearing was held on this motion and on a related application of the debtor for discharge of certain judgment and mortgage liens on January 23, 1986. The debtors' application was denied in an opinion and order of this court dated February 3, 1986. This latter matter having been decided, the Bank's motion seeking relief from the automatic stay is now ready for determination.

The property that is the subject of this relief from stay motion is a farm. This farm has approximately 180 acres of land and includes a house and various other farm buildings. The debtor testified that he believed the value of this property to be between \$110,000 and \$150,000. The debtors' petition listed

the value of the farm to be \$130,000. The Bank called Dennis R. Schultz, a qualified appraiser, to testify. Mr. Schultz testified that he did an appraisal on this property on November 27, 1984. This appraisal found the farm to have a fair market value of \$115,000. Mr. Schultz also testified that this value had probably declined to under \$100,000 by the time of the hearing.

The property at issue is subject to four mortgages. The first mortgage is held by the bank and amounted to \$96,700 at the date of the hearing. The second mortgage is held by Crownhart Trust and amounted to approximately \$9,000 including interest by the time of the hearing. The third mortgage involved the issue decided in the February 3, 1986, opinion and order, and amounted to \$34,642 at the time of hearing. The fourth mortgage is held by Thorp Finance and amounts to \$4,085. There are also back taxes due and owing on this property in a substantial amount.

Even if the court uses the debtors' optimistic appraisal value for the property of \$130,000, it is apparent that the debtors do not have any equity in the property. The mortgages alone, excluding back taxes, amount to in excess of \$144,000. The debtors believe that they can realize a larger amount of money for their creditors by selling the property themselves rather than letting it be sold at a foreclosure sale. However, the debtors have attempted to sell the land for a significant period of time and they still have not received any written offers. It is the belief of the court that the debtors have had

sufficient time to field such offers. It is the conclusion of the court that since this is a Chapter 7 case and the debtors do not have any equity in the property, the Bank should be granted relief from stay.

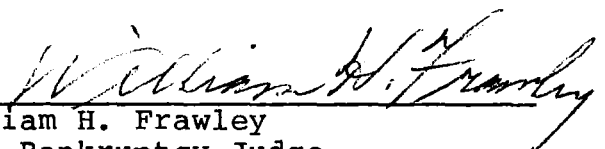
This opinion shall constitute findings of fact and conclusions of law in accordance with Bankruptcy Rule 7052.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT the motion of River Falls State Bank asking for relief from the 11 U.S.C. § 362 automatic stay is hereby granted.

Dated: February 28, 1986.

BY THE COURT

  
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William H. Frawley  
U.S. Bankruptcy Judge

cc: Attorney Edward Vlack  
Attorney L. J. Webster