

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

FILED

JUL 01 1986

CLERK
U.S. BANKRUPTCY COURT

In re:

Case Number:

ROBERT I. JOHNSON

EF11-85-02054

Debtor,

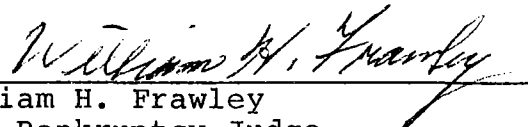
ORDER

The court having this day entered its memorandum opinion,
findings of fact, and conclusions of law;

NOW, THEREFORE, IT IS ORDERED that the motion of the Federal
Land Bank of St. Paul for relief from the 11 U.S.C. § 362
automatic stay is hereby granted.

Dated: July 1, 1986.

BY THE COURT:



William H. Frawley
U.S. Bankruptcy Judge

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MEMORANDUM OPINION,
FINDINGS OF FACT, AND CONCLUSIONS OF LAW

The Federal Land Bank of St. Paul (FLB), by Allan Ohm, has filed this motion pursuant to Bankruptcy Rule 4001 seeking relief from the 11 U.S.C. § 362 automatic stay. The debtor appears by Erwin Steiner and contests the motion. A hearing was held on this matter on June 23, 1986.

The property that is the subject of this motion is the debtor's farm land. The evidence introduced at the July 23, 1986, hearing indicated that there was no equity in the property. 11 U.S.C. § 362(d)(2)(A). The debtor conceded the equity issue at the hearing.

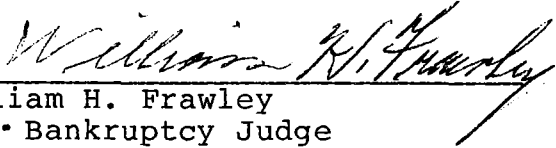
The only issue remaining for determination is whether the property is necessary for an effective reorganization. 11 U.S.C. § 362(d)(2)(B). The debtor carries the burden of proof on this issue. 11 U.S.C. § 362(g). To carry this burden the debtor must present some evidence indicating that an effective reorganization is possible. "In order to succeed in resisting the relief sought by the plaintiff, the debtor must offer some evidence that an

effective reorganization is, in fact, a realistic possibility." In re Discount Wallpaper Center, 19 B.R. 221, 222 (Bankr. M.D. Fla. 1982). The debtor was not able to present any evidence that an effective reorganization was possible. The court may not presume that a debtor is able to effectively reorganize. It is the conclusion of the court that the debtor was not able to sustain his burden of proof on this issue.

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

Dated: July 1, 1986.

BY THE COURT:



William H. Frawley
U.S. Bankruptcy Judge