

UNITED STATES BANKRUPTCY COURT **FILED** WESTERN DISTRICT OF WISCONSIN

IN RE:

IN BANKRUPTCY NO.:

JOHN W. AND RACHEL J. DOLEZALEK, **MAY 13 1991**

EM13-91-00184

Debtors.

CLERK, U.S. BANKRUPTCY COURT
CASE NO.

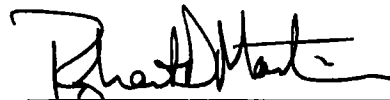
STATEMENT OF REASONS:

On January 23, 1991 the debtors, John W. and Rachel J. Dolezalek, filed a chapter 13 bankruptcy petition. At the May 6, 1991 hearing on confirmation of the debtors' plan the trustee, William A. Chatterton, objected to the Dolezaleks' eligibility to be debtors under chapter 13. With respect to eligibility under chapter 13, 11 USC § 109(e) provides:

Only an individual with regular income that owes, on the date of the filing of the petition, noncontingent, liquidated, unsecured debts of less than \$100,000 and noncontingent, liquidated, secured debts of less than \$350,000, or an individual with regular income and such individual's spouse, except a stockbroker or a commodity broker, that owe, on the date of the filing of the petition, noncontingent, liquidated, unsecured debts that aggregate less than \$100,000 and noncontingent, liquidated, secured debts of less than \$350,000 may be a debtor under chapter 13 of this title.

Mr. Dolezalek represented at the confirmation hearing that the U.S. District Court for this district had relieved him of the obligation to pay to the Internal Revenue Service a sum in excess of \$119,000; however, a review of the District Court's file disclosed no order supporting Mr. Dolezalek's contention. The trustee's objection to the Dolezaleks' eligibility under chapter 13 has not been rebutted, and their chapter 13 petition must accordingly be dismissed.

Dated May 13, 1991.



ROBERT D. MARTIN
UNITED STATES BANKRUPTCY JUDGE



UNITED STATES BANKRUPTCY COURT

WESTERN DISTRICT OF WISCONSIN

IN RE:

FILED

IN BANKRUPTCY NO.:

JOHN W. AND RACHEL J. DOLEZALEK,

EM13-91-00184

Debtors.

ORDER:

MAY 13 1991

CLERK, U.S.
BANKRUPTCY COURT
CASE NO.

The court having this day entered its Statement of Reasons in the above-entitled matter,

IT IS HEREBY ORDERED that the debtors' chapter 13 petition is dismissed.

Dated May 13, 1991.



ROBERT D. MARTIN
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT

WESTERN DISTRICT OF WISCONSIN

IN RE:

IN BANKRUPTCY NO.:

JOHN W. AND RACHEL J. DOLEZALEK,

EM13-91-00184

Debtors.

STATEMENT OF REASONS AND ORDER:

Copies of this Statement of Reasons and Order were mailed to the following parties on May 13, 1991:

John W. & Rachel J. Dolezalek
534 Lake Street
Rib Lake, Wisconsin 54470

William A. Chatterton
Post Office Box 631
Madison, Wisconsin 53701