

FILED U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA

United States Bankruptcy Court

JUL - 5 1988

For the NORTHERN District of IOWA

BARBARA A. EVERLY, CLERK L-88-00279C

BARRY R. WILSON, Debtor

Case No. _____

MARILYNN F. SPEISER,

Plaintiff

v.

BARRY R. WILSON,

Defendant

Adversary Proceeding No. L-88-0134C

JUDGMENT

[] This proceeding having come on for trial or hearing before the court, the Honorable Michael J. Melloy, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

[x] The issues of this proceeding having been duly considered by the Honorable Michael J. Melloy, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED:

Judgment is granted in favor of Marilynn F. Speiser, Plaintiff and against Barry R. Wilson, Defendant in the amount of \$1,500.00.

RECORDED: Vol. II Page 82



[Seal of the U.S. Bankruptcy Court]

Date of issuance: July 5, 1988

BARBARA A. EVERLY

Clerk of Bankruptcy Court

By: Verlene K. Cannon, Deputy Clerk

Set aside - per 8/26/88 Order

JUL 5 - 1988

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

BARBARA A. EVERLY, CLERK

IN RE:)	
BARRY R. WILSON,)	BANKRUPTCY NO. L-88-00279-C
)	
Debtor.)	ADVERSARY NO. L-88-0134C
_____)	
MARILYNN F. SPEISER,)	
)	
Plaintiff,)	
)	
vs.)	ENROLLED ORDER
)	
BARRY R. WILSON,)	
)	
Defendant.)	

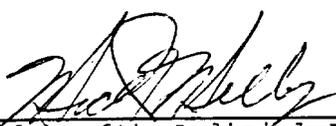
AND NOW on this 5 day of July, 1988, default having been entered against the Defendant, BARRY R. WILSON

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. That the debt due and owing to this Plaintiff in the amount of \$1,253.51 is declared nondischargeable and judgment is entered for said sum in favor of the Plaintiff and against the Defendant.

2. That the debt due and owing to this Plaintiff in the amount of \$7,000.00 is declared nondischargeable and judgment is entered for said sum in favor of the Plaintiff and against the Defendant.

3. That the debt due and owing to this Plaintiff in the amount of \$1,500.00 is declared nondischargeable and judgment is entered for said sum in favor of the Plaintiff and against the Defendant.



 Judge, 6th Judicial District
 U.S. Bankruptcy Court

Copy (w/copy of Judgment)
 mailed 7/11/88 to U.S. Trustee and
 Barry Wilson,
 Jeffrey Berg, Atty for Defendant and
 Stephen B. Jackson, Atty for Plaintiff;
 P O Box 74890, Cedar Rapids, IA 52407

AUG 26 1988

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:
BARRY R. WILSON

CHAPTER 7
BANKRUPTCY NO.
L88-00279C

Debtor.

MARILYNN F. SPEISER

ADVERSARY NO.
L88-0134C

Plaintiff,

v.

BARRY R. WILSON

Defendant.

ORDER Re: Motion to
Set Aside Default Judgment

A Motion to Set Aside Default Judgment came on for hearing before the Court on August 25, 1988. Appearing for the Plaintiff was Attorney Stephen B. Jackson; appearing for the Defendant was Attorney R. L. Sole.

The attorney for Plaintiff resisted the motion to set aside default judgment. Based upon this Court's review of the file, motion to set aside default and resistance thereto, the following Order is entered.

IT IS HEREWITH ORDERED that good cause is shown to set aside the default judgment to the extent that the default judgment found at the \$7,000.00 lump sum payment was in the nature of alimony or support and to the extent that the default judgment found the \$1,500.00 award for attorney's fees to be in the nature of alimony

or support. This Court will set a trial on the issue of whether those amounts constitute alimony and support, and thus, are nondischargeable by separate notice.

IT IS FURTHER ORDERED that the default judgment which found that \$1,253.51 of unpaid temporary support to be in the nature of alimony and support, and thus, nondischargeable and shall not be set aside and shall remain in full force and effect.

ORDERED August 26, 1988


MICHAEL J. MELLOTT
Bankruptcy Judge

copies mailed to:
Stephen B. Jackson,
Atty for Plaintiff;
R. L. Sole,
Atty for Debtor/Movant;
Jeffrey P. Berg,
Atty for Defendant;
U.S. Trustee;
this August 24, 1988


Deputy Clerk
P.O. Box 74890
Cedar Rapids, IA 52407