

JUDGE-ADV

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(Rev. 8/83)

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

AUG 29 1988

# United States Bankruptcy Court

For the NORTHERN District of IOWA

BARBARA A. EVERLY, CLERK

IN RE:

BARRY R. WILSON, Debtor

MARILYNN F. SPEISER

v.

BARRY R. WILSON,

Plaintiff

Defendant

Case No. L88-00279C

Adversary Proceeding No. L88-0134C

## 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]

The issues of this proceeding having been duly considered by the Honorable \_\_\_\_\_, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: that Default Judgment is entered in favor of Marilynn F. Speiser and against defendant/debtor Barry R. Wilson in the sum of \$1,253.51 pursuant to the order of August 26, 1988.

RECORDED: Vol II  
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Copies mailed to  
Stephen B. Jackson,  
R. L. Sole,  
Jeffrey Berg, & U.S. Trustee;  
8/29/88 mg



[Seal of the U.S. Bankruptcy Court]

Date of issuance: 8-29-88

BARBARA A. EVERLY

Clerk of Bankruptcy Court

By: Miriam A. Dolay  
Deputy Clerk

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.

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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