

# United States Bankruptcy Court

MAR 16 1990

IN RE: For the NORTHERN District of IOWA

JAMES ALLEN HOSTLER, aka Jim  
SALLY ANN HOSTLER  
Debtors

BARBARA A. EVERLY, CLERK

Case No. L-86-01642C

THOMAS G. McCUSKEY, Trustee Plaintiff  
v.

JAMES ALLEN HOSTLER, aka Jim  
SALLY ANN HOSTLER Defendants

Adversary Proceeding No. L-89-0193C

## 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 Michael J. Melloy, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: that the discharge of the Debtors are hereby revoked and that a judgment is hereby entered against both Defendants in the amount of \$271.50 representing \$121.50 in costs and attorney fees in the amount of \$150.00.

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BARBARA A. EVERLY

Clerk of Bankruptcy Court

Copy to:  
Atty. for Plaintiff  
~~Atty. for Defendants~~  
MAR 19 1990

[Seal of the U.S. Bankruptcy Court]

Date of issuance: March 16, 1990

By: Patricia M. Singer  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAR - 1 1990

IN RE: \*

JAMES ALLEN HOSTLER \*  
aka: JIM HOSTLER \*  
SALLY ANN HOSTLER \* Chapter 7

Debtors \* BANKRUPTCY NO.  
L 86-01642-C  
\*

THOMAS G. McCUSKEY \* ADVERSARY NO.  
Trustee \* L 89-0193-C  
\*

Plaintiff \*  
v. \* ORDER ENTERING DEFAULT  
\* JUDGMENT

JAMES ALLEN HOSTLER \*  
aka: JIM HOSTLER \*  
SALLY ANN HOSTLER \*

Defendants \*

\*

Motion for Entry of Default Judgment revoking the discharge of the Debtors and entering judgment for costs being presently before the Court, and this Court having fully reviewed same, finds and orders as follows:

FINDINGS OF FACT

1. The Debtors filed for relief pursuant to Chapter 7 of the United States Bankruptcy Code on July 28, 1986.
2. On November 2, 1989, the Plaintiff/Trustee filed an adversary complaint seeking to revoke the discharge of

these Debtors and recover costs based upon the Defendants' failure to pay or surrender property to the trustee in violation of 11 U.S.C. §727 of the United States Bankruptcy Code.

3. Two copies of the Summons and Notice of the present adversary complaint were mailed to the Debtors' address last shown in the Petition for Relief pursuant to Rule 7004(b)(9) of the Bankruptcy Rules. Despite this fact, however, the notice, summons and attached complaints were returned to the Plaintiff. This mailing does constitute valid service pursuant to the Bankruptcy Rules.

4. The Debtors have each failed to answer or appear within 30 days of service as required by Rule 7012 of the Bankruptcy Rules.

5. Based upon the foregoing, the Plaintiff/Trustee filed the present Motion for Entry of Default Judgment against the Debtors on January 19, 1990.

#### CONCLUSIONS OF LAW

IT IS ADJUDGED AND DECREED that pursuant to Rule 55 of the Federal Rules of Civil Procedure as made applicable to this case by Rule 7055 of the Bankruptcy Rules, the Trustee is entitled to the entry of a default judgment against the Defendants for the relief prayed for in the complaint to revoke the discharge and recover costs.

IT IS FURTHER ORDERED that the discharge of the

Debtors are hereby revoked and that a judgment is hereby entered against both Defendants in the amount of \$271.50 representing \$121.50 in costs and attorney fees in the amount of \$150.00.

ALL DONE AND ORDERED this 1st day of March, 1990.

  
\_\_\_\_\_  
Michael J. Melloy  
CHIEF BANKRUPTCY JUDGE FOR  
THE NORTHERN DISTRICT OF IOWA

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