

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

OCT 12 1990

BARBARA A. EVERLY, CLERK

United States Bankruptcy Court

For the NORTHERN District of IOWA

H. Vaughn Daman and
Sandra F. Daman,
Debtors.

Case No. L-89-01874W

ROXANNE N. DAMAN,
v.

Plaintiff

H. VAUGHN DAMAN,

Defendant

Adversary Proceeding No. L-90-0042W

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,

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 defendant's obligations to assume the family debts contained in the dissolution of marriage decree between the parties is in the nature of a property settlement and therefore a dischargeable debt. Judgment shall enter accordingly in favor of the plaintiff as to the attorney's fees owed by the defendant to attorney Wallace Parrish in the sum of \$1,100.89. Judgment shall enter in favor of the defendant as to the obligation to assume the family debts of the parties.

Recorded: Vol II
Page 243



[Seal of the U.S. Bankruptcy Court]

Date of issuance: 10-12-90

BARBARA A. EVERLY

Clerk of Bankruptcy Court

By: Michael A. Golay
Deputy Clerk

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

OCT 12 1990

BARBARA A. EVERLY, CLERK
Chapter 7
BANKRUPTCY NO.

IN RE:

H. VAUGHN DAMAN and
SANDRA F. DAMAN,

L-89-01874W

Debtors.

ROXANNE N. DAMAN,

ADVERSARY NO.

Plaintiff,

L-90-0042W

v.

H. VAUGHN DAMAN,

Defendant.

ORDER RE: Trial

The trial in the above case was held on October 10, 1990. Appearing for the plaintiff was attorney Wallace D. Parrish; appearing for the defendant was attorney John Ackerman.

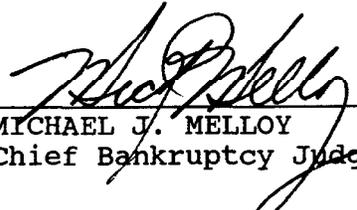
The parties stipulated and agreed that the debt owed by the defendant, H. Vaughn Daman, to attorney Wallace Parrish for attorney's fees in the sum of \$1,100.89, is nondischargeable. The parties then tried the issue of whether the obligation of the defendant, H. Vaughn Daman, to assume all family debts of the parties is a nondischargeable debt.

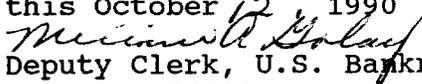
The Court, having heard the evidence and testimony, found that the agreement contained in the stipulation signed by the parties and incorporated into the decree of dissolution of marriage which requires the defendant, H. Vaughn Daman, to assume all family debts with one exception, is in the nature of a property settlement. Accordingly, the plaintiff failed to sustain her burden of showing that the debt was in the nature of child support and alimony which

had rendered the debt nondischargeable pursuant to 11 U.S.C.
§ 523(a)(5).

IT IS THEREFORE ORDERED that the defendant's obligations to assume the family debts contained in the dissolution of marriage decree between the parties is in the nature of a property settlement and therefore a dischargeable debt. Judgment shall enter accordingly in favor of the plaintiff as to the attorney's fees owed by the defendant to attorney Wallace Parrish in the sum of \$1,100.89. Judgment shall enter in favor of the defendant as to the obligation to assume the family debts of the parties.

DONE AND ORDERED this 12th day of October, 1990.


MICHAEL J. MELLODY
Chief Bankruptcy Judge

Copies to: (w/judgment)
Wallace D. Parrish,
Atty for Plaintiff;
John Ackerman,
Atty for Defendant;
U.S. Trustee;
this October 12, 1990

Deputy Clerk, U.S. Bankruptcy Court
P.O. Box 74890
Cedar Rapids, Iowa 52407