

United States Bankruptcy Court

SEP - 6 1991

For the NORTHERN District of IOWA

BARBARA A. EVERLY, CLERK

IN RE:
McMURRIN CONSTRUCTION, INC.
Debtor.
GENERAL MOTORS ACCEPTANCE Plaintiff
CORPORATION,
v.
McMURRIN CONSTRUCTION, INC.
Defendant

Chapter 11
Case No. L90-02040C

Adversary Proceeding No. L91-0074C

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 debts of McMurrin Construction,
to General Motors Acceptance Corporation in the amount of \$5,695.12
is determined to be nondischargeable.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that General Motors
Acceptance Corporation have judgment for \$5,695.12 against McMurrin
Construction, Inc. together with interest from the date of this
judgment.

Recorded: Vol. III
Page 49



BARBARA A. EVERLY
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: September 6, 1991

By: Mission A. Lohay
Deputy Clerk

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP 06 1991

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY CLERK

IN RE:)	
)	
McMURRIN CONSTRUCTION, INC.)	Chapter 11
)	BANKRUPTCY
Debtor.)	
_____)	L-90-02040C
)	
GENERAL MOTORS ACCEPTANCE)	Adversary No. L91-0074C
CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	
)	
McMURRIN CONSTRUCTION, INC.,)	
)	
Defendant.)	

JUDGMENT DETERMINING DEBT TO BE NONDISCHARGEABLE

This adversary proceeding comes before the court following the filing of an affidavit by counsel for GMAC regarding debtor's failure to comply with the Stipulation Regarding Complaint Objecting to Discharge.

In accordance with the party's Stipulation Regarding Complaint Objecting to Discharge filed herein on August 7, 1991 and this court's Order of August 14, 1991 the court finds that the debt owed GMAC by debtor, McMurrin Construction, Inc., in the amount of \$5,695.12 is nondischargeable.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the debt of McMurrin Construction, Inc. to General Motors

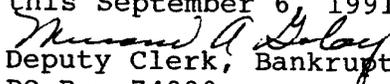
Acceptance Corporation in the amount of \$5,695.12 is determined to be nondischargeable.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that General Motors Acceptance Corporation have judgment for \$5,695.12 against McMurrin Construction, Inc. together with interest from the date of this judgment.

Done and ordered this 6th day of September, 1991.



Michael J. Melloy
Chief Bankruptcy Judge

Copy to: (w/judgment)
Terry Abernathy,
Alan Uetz,
U.S. Trustee;
this September 6, 1991

Deputy Clerk, Bankruptcy Court
PO Box 74890
Cedar Rapids, IA 52407

Copy handed to
filing attorney
on date filed



United States Bankruptcy Court

NORTHERN District of IOWA

In re

Bankruptcy Case No. L-90-02040C

McMURRIN CONSTRUCTION, INC.,

Debtor

GENERAL MOTORS ACCEPTANCE CORPORATION,

Plaintiff

Adversary Proceeding No. L91-0074C

v.
McMURRIN CONSTRUCTION, INC.,

Defendant

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor
General Motors Acceptance Corporation
4201 Westown Parkway, Suite 211
West Des Moines, IA 50322

Amount of Judgment: \$ 5,695.12

Clerk's Fee: \$.

Other Costs: \$

vs.

Name and Address of Judgment Debtor
McMurrin Construction Company
4502 Twin Pines Drive N.E.
Cedar Rapids, IA 52404

Interest From: \$

Costs of this writ: \$

TO THE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA :

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

10-28-91
Date

Barbara A. Everly
Clerk of the Bankruptcy Court
Barbara A. Everly

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____
(date) (date)

United States Marshal

By: _____
Deputy Marshal

Recorded:
Vol. III
page 49

(Show's signature)
Original to County Attorney 10-28-91 may

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
NOV 19 1991
KARLA EVERLY, CLERK

QUESTIONS TO BE ANSWERED BY THE GARNISHEE AS REQUIRED BY PROVISIONS OF CHAPTER 642, CODE OF IOWA:

Is the defendant employed ~~by you~~ at this time? Yes _____ No ✓

1. Are you in any manner indebted to the defendant in this suit, no, or do you owe him money or property which is not yet due? If so, state particulars: _____

2. Have you in your possession or under your control any property, rights or credits of the said defendant? If so, what is the value of same? checking account is overdrawn.

3. Do you know of any debts owing the said defendant, whether due or not due, or any property, rights or credits belonging to him and now in the possession or under control of others? If so, state particulars: no

4. Do you compensate the defendant in this suit for any personal services whether denominated as wages, salary, commission, bonus or otherwise, including periodic payments pursuant to a pension or retirement program? If so, state the amount of the compensation reasonably anticipated to be paid defendant during the calendar year: no

I do solemnly swear/affirm under penalty of perjury, that I have made full and true answers to the above questions touching the matter wherein I have been attached as garnishee.

Garnishee FIRSTAR BANK CEDAR RAPIDS, IA By: Charles R. Heinrich
CEDAR RAPIDS, IOWA

Subscribed and sworn to before me this _____ day of _____ 19 ____.

By: _____
UNITED STATES MARSHAL DEPUTY

NOTE: After completing this form retain Copy Number 4 for your records.

Return Copy Number 1 along with any funds to:

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

Return Copies 2 and 3 in the enclosed envelope to:

U. S. Marshals Service
101 First Street, SE
Cedar Rapids, IA 52401

Vol. III
Recorded: Page 49

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF GENERAL MOTORS ACCEPTANCE CORPORATION	COURT CASE NUMBER Bankruptcy #L-90-02040C Adversary #L91-0074C
DEFENDANT McMURRIN CONSTRUCTION, INC.	TYPE OF PROCESS Garnishment

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SERVE → **AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO BE SERVED
Firststar Bank Cedar Rapids, N.A.

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
222 Second Avenue S.E.
Cedar Rapids, IA 52406-3013

NOV 22 1991

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Terry J. Abernathy Pickens, Barnes & Abernathy P.O. Box 74170 Cedar Rapids, IA 52407-4170	Number of process to be served with this Form - 285	BARBARA BEVELLY, CLERK
CEDAR RAPIDS HDQTRS OFFICE NORTHERN DISTRICT OF IOWA NOV 21 1991	Number of parties to be served in this case	1
WILLIAM J. KANAK, Clerk	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please garnish Firststar Bank Cedar Rapids, N.A. for all funds held in the name of McMurrin Construction, Inc., including those held in account number 794-50002.

Service by mail is acceptable.

Signature of Attorney or other Originator requesting service on behalf of: *Terry J. Abernathy*

PLAINTIFF
 DEFENDANT

TELEPHONE NUMBER: (319) 366-7621

DATE: 10/18/91

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk <i>SHH</i>	Date 11-18-91
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I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above): *CHUCK Hamilton, Cashier*

Address (complete only if different than shown above):

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service: 11-18-91
Time: 4:00 pm

Signature of U.S. Marshal or Deputy: *Eric Repentien, DPM*

Service Fee \$40.00	Total Mileage Charges (including endeavors) -	Forwarding Fee -	Total Charges \$40.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
------------------------	--	---------------------	--------------------------	------------------	--------------------------------	------------------

REMARKS:

Recorded: Vol-III
page 49

United States Bankruptcy Court

NORTHERN District of IOWA

In re

McMURRIN CONSTRUCTION, INC.,

Debtor

GENERAL MOTORS ACCEPTANCE CORPORATION,

Plaintiff

v.
McMURRIN CONSTRUCTION, INC.,

Defendant

Bankruptcy Case No. L-90-02040C

Adversary Proceeding No. L91-0074C

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor
General Motors Acceptance Corporation
4201 Westown Parkway, Suite 211
West Des Moines, IA 50322

Amount of Judgment:
\$ 5,695.12

Clerk's Fee:
\$ _____

Other Costs:
\$ _____

Interest From: _____
\$ _____

Costs of this writ:
\$ _____

vs.

Name and Address of Judgment Debtor
McMurrin Construction Company
4502 Twin Pines Drive N.E.
Cedar Rapids, IA 52404

TO THE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

10-28-91

Date

Clerk of the Bankruptcy Court
Barbara A. Everly

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____
(date) (date)

United States Marshal

By: _____
Deputy Marshal

UNITED STATES MARSHALS SERVICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
DIVISION

General Motors Acceptance)
Plaintiff, Corp.)
vs.)
McMurrin Construction Inc.)
Defendant(s).)

BKY NO. L-90-02040C

NOTICE OF GARNISHMENT
AND INTERROGATORIES

TO Firstar Bank Cedar Rapids, N.A.

as garnishee herein and as supposed debtor of McMurrin
Construction Inc.

YOU ARE HEREBY NOTIFIED, that you are attached as garnishee, in the above-entitled action, by virtue of a Writ of Execution to me directed by the Clerk of said Bankruptcy Court for the sum of \$ 5695.12 judgment, plus costs and interest from date of said judgment, and that you are required not to pay any non-exempt funds due or hereinafter to become due, by you to said defendant, subject to the provisions of Chapter 642, Code of Iowa any amendments thereto; and Section 1672 and 1673 of Title 15, U.S.Code and that you must remand possession of all non-exempt funds of said defendant(s) now or hereafter being in your custody or under your control, to the Clerk, U.S. Bankruptcy Court, Northern District of Iowa, P.O. Box 74890 Cedar Rapids, Iowa 52407, Phone: (319) 362-9696.

SEE ATTACHED INSTRUCTIONS TO GARNISHEE FOR ADDITIONAL INFORMATION.

And you are further notified and requested to file full sworn answers to below questions with the Clerk of the U.S. Bankruptcy Court, within 14 days from the date of service, or you may be liable to pay entire judgment which said plaintiff may obtain against said defendant.

For your information the
Attorney for Plaintiff is
Terry J. Abernathy
P.O. Box 74170
Cedar Rapids, Iowa
52407
319-366-7621


UNITED STATES MARSHAL
101 First Street, SE
Cedar Rapids, IA 52401
Phone: (319) 362-4411

By: _____