

United States Bankruptcy Court

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

JUN 04 1992

For the NORTHERN District of IOWA

IN RE: BRIAN HOFFMAN, Debtor.

Chapter 7 **BARBARA A. EVERLY, CLERK**

Case No. X91-02225S

DONALD H. MOLSTAD, Trustee } Plaintiff
v. }

STYLECRAFT, INC. SALARY } Defendant
SAVINGS AND RETIREMENT PLAN }
AND ARENDS ASSOCIATES, INC., }

Adversary Proceeding No. X92-0080S

JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable
WILLIAM L. EDMONDS, 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
WILLIAM L. EDMONDS, United States Bankruptcy Judge, and a decision
having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED:

that Arends Associates, Inc. shall turn over to the trustee all
interests of Brian Hoffman under the Stylecraft, Inc. Salary
Savings and Retirement Plan as of December 9, 1991, to the extent
it possesses such assets.

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copies mailed with order
on 6/4/92, *LS*



BARBARA A. EVERLY
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 6-4-92

By: *Larry Slagle*
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

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U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

JUN 04 1992

BARBARA A. EVERLY, CLERK

IN RE:

BRIAN HOFFMAN,)	Chapter 7
)	
Debtor.)	Bankruptcy No. X91-02225S
-----)	
DONALD H. MOLSTAD, Trustee,)	
)	
Plaintiff,)	Adversary No. X92-0080S
)	
vs.)	
)	
STYLECRAFT, INC. SALARY)	
SAVINGS AND RETIREMENT PLAN)	
AND ARENDS ASSOCIATES, INC.,)	
)	
Defendant.)	

ORDER RE: PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

On March 30, 1992, Donald H. Molstad, trustee in the bankruptcy of Brian Hoffman, filed his complaint against defendant Stylecraft, Inc. Salary Savings and Retirement Plan and Arends Associates, Inc. as the "defendant." The complaint alleges that Arends Associates, Inc. is the administrator of the Stylecraft, Inc. Salary Savings and Retirement Plan. Plaintiff alleges that Arends Associates, Inc. administers the plan and that the debtor is one of the beneficiaries of the plan. Trustee further alleges that the property is non-exempt, and trustee seeks turnover of the plan benefits from the administrator.

Trustee's complaint is somewhat confusing as it joins two defendants, Stylecraft, Inc. Salary Savings & Retirement Plan and Arends Associates, Inc., the administrator. He describes

them as "defendant." The complaint asks for relief against the defendant. In paragraph 4 of the complaint, trustee asks that the administrator turn over the funds. Therefore, the court will treat the complaint as one against Arends Associates, Inc., the administrator of the plan.

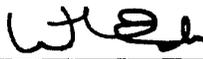
The complaint was served upon Arends Associates, Inc. on April 7, 1992, at 201 East Clark, P. O. Box 1206, Albert Lea, MN 56007. The time for answer or responsive motion has passed, and the defendant has failed to file either an answer or responsive motion. The trustee has filed an affidavit of identity which avers that the defendant is not and has not been in the military service within the last 60 days and that defendant is not an infant or incompetent person.

The court finds that Arends Associates, Inc. is in default and that the trustee's motion should be granted. Accordingly,

IT IS ORDERED that trustee's motion for default judgment is granted.

IT IS FURTHER ORDERED that judgment shall enter that Arends Associates, Inc. shall turn over to the trustee all interests of Brian Hoffman under the Stylecraft, Inc. Salary Savings and Retirement Plan as of December 9, 1991, to the extent it possesses such assets.

SO ORDERED ON THIS 4th DAY OF JUNE, 1992.



William L. Edmonds, Bankruptcy Judge

I certify that on 6-4-92 copies of this order were sent by U. S. mail to: Donald H. Molstad, Stylecraft, Inc., Arends Associates, Inc., Debtor, Maynard Mohn and U. S. Trustee *LS*