

United States Bankruptcy Court

For the NORTHERN District of IOWA

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

FEB 01 1993

IN RE: CRAIG ALAN CEILLEY, d/b/a Ceilley & Co.
Insulation; d/b/a Mobile Power, Washing,
Debtor.

BARBARA A. EVERLY, CLERK

Case No. L92-00832W

AMERICAN ROCKWOOL, INC., Plaintiff

v.

CRAIG ALAN CEILLEY, Defendant

Adversary Proceeding No. 92-6144LW

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.

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[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*, upon stipulation of the parties,

IT IS ORDERED AND ADJUDGED: that \$15,067.50 of defendant's debt to plaintiff is held non-dischargeable under 11 U.S.C. § 523(a)(2)(A), and judgment is entered in favor of plaintiff and against defendant for this amount plus interest at the rate of 10% per annum from the date of judgment and costs of \$120.00.

IT IS FURTHER ORDERED AND ADJUDGED that this judgment may be satisfied in full if defendant pays the plaintiff \$313.91 per month beginning on the 1st day of February, 1993 and continuing on the 1st day of each month through the 1st day of January, 1997, and execution shall not issue on the judgment provided defendant pays these installments. However, if the defendant is more than five days delinquent in paying an installment and plaintiff thereafter provides defendant with a 10-day notice to cure the delinquency, and defendant does not cure the delinquency, plaintiff shall be entitled to the issuance of an execution for the full amount of its judgment including accrued interest and costs less payments received upon the filing of an affidavit indicating that defendant has not timely cured a delinquency and is therefore in default. A notice to cure delinquency shall be deemed to have been given to defendant upon mailing by first-class mail to his business address at 124 E. 18th Street, Cedar Falls, Iowa 50613, or at such successor address and he shall have provided in writing to the plaintiff at P.O. Box C, Nolanville, TX 76559. A delinquency shall be deemed cured when payment is mailed by first-class mail to plaintiff, provided it is received by plaintiff no later than three business days thereafter. In the event that any check for an installment is returned by defendant's bank unpaid due to insufficient funds and is not paid on redeposit, the defendant will be automatically BARBARA A. EVERLY



deemed to be in default and execution BARBARA A. EVERLY
Clerk of Bankruptcy Court

may issue in the same manner and for the same amount as if a delinquency had not [Seal of the U.S. Bankruptcy Court] been timely cured.

Date of issuance: 2-1-93

By: Lauri Slay
Deputy Clerk

copies mailed with order on 2/1/93, LS

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA

IN RE:)
)
CRAIG ALAN CEILLEY,)
)
dba Ceilley & Co. Insulation)
)
dba Mobile Power Washing,)
)
Debtor.)

CHAPTER 7
NO. L-92-00832-W

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA
FEB 01 1993
BARBARA A. EVERLY, CLERK

AMERICAN ROCKWOOL, INC.,)
)
Plaintiff,)
)
vs.)
)
CRAIG ALAN CEILLEY,)
)
Defendant.)

ADVERSARY NO. 92-6144LW

ORDER AND JUDGMENT

This matter has come on before the Court on the stipulation of the parties. Having reviewed the file and being duly advised by counsel for both parties, the Court FINDS:

1. This a core proceeding and the Court has jurisdiction of the parties and subject matter.
2. Defendant tendered checks totalling \$15,067.50 in return for the delivery from plaintiff of building materials having this exact value at a time he was on a "cash-on-delivery" basis with plaintiff.
3. Defendant obtained said building materials under false pretenses, false representations or actual fraud.
4. \$15,067.50 of defendant's debt to plaintiff is non-dischargeable under 11 USC §523(a)(2)(A).

5. The parties have entered into a settlement to provide that judgment shall enter for this amount plus interest and costs but that defendant may satisfy this judgment without paying interest and costs if he pays the nondischargeable amount in 48 equal monthly installments of \$313.91, provided that if he becomes delinquent execution may issue for the full amount plus accrued interest and costs less payments received.

6. No other party is adversely affected by this settlement and it can be approved and judgment entered without notice and hearing.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that \$15,067.50 of defendant's debt to plaintiff is held non-dischargeable under 11 USC §523(a)(2)(A), and judgment is entered in favor of plaintiff and against defendant for this amount plus interest at the rate of 10% per annum from the date of judgment and costs of \$120.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this judgment may be satisfied in full if defendant pays the plaintiff \$313.91 per month beginning on the 1st day of February 1993 and continuing on the 1st day of each month through the 1st day of January 1997, and execution shall not issue on the judgment provided defendant pays these installments. However, if the defendant is more than five days delinquent in paying an installment and plaintiff thereafter provides defendant with a 10-day notice to cure the delinquency, and defendant does not cure the delinquency, plaintiff shall be entitled to the issuance of an

execution for the full amount of its judgment including accrued interest and costs less payments received upon the filing of an affidavit indicating that defendant has not timely cured a delinquency and is therefore in default. A notice to cure delinquency shall be deemed to have been given to defendant upon mailing by first-class mail to his business address at 124 E. 18th Street, Cedar Falls, Iowa 50613, or at such successor address and he shall have provided in writing to the plaintiff at P.O. Box C, Nolanville, TX 76559. A delinquency shall be deemed cured when payment is mailed by first-class mail to plaintiff, provided it is received by plaintiff no later than three business days thereafter. In the event that any check for an installment is returned by defendant's bank unpaid due to insufficient funds and is not paid on redeposit, then defendant will be automatically deemed to be in default and execution may issue in the same manner and for the same amount as if a delinquency had not been timely cured.

DONE and ORDERED on this 30th day of January, 1993.



WILLIAM L. EDMONDS
U.S. Bankruptcy Judge

Approved:



Richard R. Morris 3854
620 Lafayette Street
P.O. Box 178
Waterloo, Iowa 50704
(319) 234-1766
Attorney for Plaintiff



Stephen J. Rapp 4474
610 Waterloo Building
P.O. Box 1491
Waterloo, Iowa 50704
(319) 236-2323
Attorney for Defendant

I certify that I mailed a copy of this order and a judgment by U.S. mail to: Richard Morris, Stephen Rapp and U.S. Trustee, on 2/ 1/93, S