

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:

DAWN MARY KNEBEL
Debtor

CRAIG J. KNEBEL
Plaintiff

CHAPTER 7
Case No.

96-60619KW

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

DEC 11 1996

GEORGE D. PRENTICE, II
CLERK

v.

DAWN MARY KNEBEL
Defendant

Adversary Proceeding No.
96-6105KW

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable Paul J. Kilburg, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: Defendant is hereby denied a discharge for the debt owed to Sears Credit in the amount of \$3,390.

IT IS FURTHER ORDERED; That judgment is entered against defendant in the amount of \$200 for attorney's fees as allowed under the State of Iowa and for costs herein.

GEORGE D. PRENTICE, II
Clerk of Bankruptcy Court

By: *Melissa A. Solay*
Deputy Clerk

VACATED

[Seal of the U.S. Bankruptcy Court]
Date of Issuance: December 11, 1996

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VACATED

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF IOWA

IN RE:)
DAWN MARY KNEBEL,)
Debtor.)
CRAIG J. KNEBEL,)
Plaintiff,)
V.)
DAWN MARY KNEBEL,)
Defendant.)

CASE NO. 96-60619KW
ADVERSARY NO. 96-6105KW

ORDER

FILED
U. S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

DEC 11 1996

GEORGE D. PRENTICE, II, CLERK

NOW ON THIS 11 day of December, 1996, this
cause comes before the Court and the Court being duly advised,
FINDS:

1. That a Complaint Objecting to Discharge of Debtor
was filed by Craig J. Knebel in the above-entitled matter and
amended on June 25, 1996.

2. That certification of service has been placed on
file showing service was made in the above-entitled matter on
September 19, 1996.

3. No answer has been placed on file by the Debtor.

4. That default is hereby entered.

IT IS THEREFORE ORDERED as follows:

1. That Defendant Dawn Mary Knebel is hereby denied a
discharge in the bankruptcy proceeding for the debt owed to Sears
Credit in the amount of \$3,390.

VACATED

2. That judgment is entered against Defendant in the amount of \$200 for attorney's fees as allowed under the State of Iowa and for costs herein.



JUDGE

Order submitted by James T. Peters 481-66-5535, Attorney for Plaintiff.

Notice sent to: *w/ Judgment*

James T. Peters
PO Box 774
Independence, IA 50644

Dawn Knebel
902 East End Avenue
Evansdale, IA 50707

US Trustee - CR
Law Building Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

12-11-96
reg

The Defendant moves the Court as follows:

1. To vacate the Order of Default as against the Defendant for lack of proper service.
2. To Order that the Defendant be properly served in the accordance with the Rules of Civil Procedure.
3. To Order the Plaintiff to pay attorney's fees incurred by the Defendant herein.

TYLER & LESYSHEN

By *Donna Lesyshen*

Donna Lesyshen BLOOO7617

531 Commercial Street, Suite 500

Waterloo, IA 50701

(319) 291-7202

Attorneys for DAWN MARY KNEBEL

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on Dec. 20, 1996

By: U.S. Mail FAX
 Hand Delivered UPS
 Federal Express Other

Signature *Donna Lesyshen*

UNITED STATES BANKRUPTCY COURT -- NORTHERN DISTRICT OF IOWA
PROCEEDING MEMO AND ORDER

Date: January 29, 1997 Chapter 7 Bankr. No. 96-60619KW

IN RE: DAWN MARIE KNEBEL Adv. No. 96-6105KW

CRAIG J. KNEBEL
v.
DAWN MARY KNEBEL

APPEARANCES: Attorney(s) for Plaintiff(s): James Peters

Attorney(s) for Defendant(s): Donna Lesyshen

U.S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: XX In Court _____ Telephonic
____ Trial _____ Motion for Summary Judgment
____ Status Conference _____ Motion to Compel Discovery
____ Pretrial Conference XX Other Motion to Set Aside Default

OUTCOME OF PROCEEDING:
____ The matter having been submitted,
____ Having been informed that the matter is settled,
____ And findings of fact and conclusions of law having been orally stated,

IT IS ORDERED THAT:
____ The matter is taken under advisement. Briefs due _____
____ Settlement documents are to be submitted within 30 days or the matter will be dismissed pursuant to Local Rule 13(D).
____ JUDGMENT is entered as follows pursuant to Fed.R.Bankr.P. 9021.
XX (Other)

Pursuant to the record made, the Motion to Set Aside Default is unresisted.
WHEREFORE, the Motion to Set Aside Default is GRANTED and the default previously entered is set aside.
FURTHER, this matter shall proceed to disposition pursuant to the Bankruptcy Code and Rules.

SO ORDERED: 
U. S. Bankruptcy Judge

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Notice sent to:

James T. Peters
PO Box 774
Independence, IA 50644

Donna P. Lesyshen
531 Commercial Street
Suite 500
Waterloo, IA 50701

US Trustee - CR
Law Building Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

1-30-97

hca