

INDEX OF DECISIONS OF
THE HONORABLE WILLIAM L. EDMONDS
Chief Judge, United States Bankruptcy Court for the Northern District of Iowa
September 1, 1987 to December 31, 1994
Prepared by Jannette Domayer, Law Clerk

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In re Cochran, No. 92-12082LC (March 30, 1993) (assumption of executory contract; payment of balance of real estate contract in full not a modification in violation of § 365).

In re Smith, No. X92-00204F (March 2, 1993) (compromise of claim).

Network Communications v. U.S. Sprint (In re Network Communications), Adv. No. X91-00085S (Jan. 2, 1992) (recoupment defense to collection of account).

In re VanDuzer, No. X88-01144M (March 15, 1991) (proposed sale to debtor's attorney).

In re Fort Dodge Creamery, No. X88-01550F (Dec. 27, 1990 & Feb. 22, 1991) (trustee's motion to compromise).

In re Cargo, Inc., No. X90-00200S (Jan. 10, 1991) (trustee's motion to compromise).

In re Hove Truck Line, No. Y82-03064 (June 8, 1990) (unauthorized purchase of account receivable of debtor).

In re Fort Dodge Creamery, No. X88-01550F (Jan. 22, 1990) (turnover of work product of debtor's pre-bankruptcy counsel, § 542(e)).

In re Attrill, No. X88-01808S (Oct. 6, 1989) (trustee's motion to compromise claim).

In re Tulp, 108 B.R. 214 (Aug. 8, 1989) (trustee's assumption of unexpired lease).

Molstad v. Bartlett (In re Hugg), Adv. No. X89-0044S (June 8, 1989) (effect of rejection of crop lease on trustee's avoidance powers).

In re Fort Dodge Creamery, No. X88-01550F (June 5, 1989) (abandonment of dangerous building).

Samore v. Olson, 100 B.R. 458 (April 27, 1989) (abandonment of estate property not a sale or exchange triggering tax liability).

Dunbar v. Goodnow (In re Richardson), Adv. No. X87-0293M (April 20, 1989) (compromise of claim re funds either partnership property or asset of individual debtor).

Dunbar v. Assoc. in Surgery (In re Richardson), Adv. No. X87-0240M (March 8, 1989) (valuation of debtor's shares in professional corporation).

Lesyshen v. Heidemann (In re Heidemann), Adv. No. X87-0264W (Jan. 24, 1989) (compromise of claim to avoid fraudulent transfer; interest & views of largest unsecured creditor).

Molstad v. Schultz (In re Schultz), Adv. No. X88-0162S (Oct. 7, 1988) (turnover of funds in checking account).

In re McGowan, 95 B.R. 104 (Oct. 4, 1988) (trustee's abandonment not taxable event).

In re Johnston, No. X88-00898S (Aug. 15, 1988) (Chapter 13 debtor's motion to reject executory contract).

In re Tibbitts, No. 86-02398W (May 26, 1988) (effect of reopening case).

IX. Dismissal, Chapter 7

In re McInroy, No. 92-11929LC (April 20, 1993) (substantial abuse not proved).

In re Van Leuven, No. 92-32200XF (Feb. 16, 1993) (debtor's motion).

In re Towner, No. X90-01539S (Jan. 22, 1991) (debtor's motion).

In re Stone, No. X88-00385S (July 18, 1988) (debtor's motion).

In re Titus, No. 87-01706F (Dec. 18, 1987) (debtor's motion).

In re Reents, No. 87-00362W (Oct. 5, 1987) (debtor's motion).

X. Professionals

In re Knoll, No. 93-30124XF (Aug. 15, 1994) (motion for immediate payment of auctioneer's fee).

In re Network Communications, Inc., No. X90-02242S (July 13, 1993) (Chapter 11 debtor's attorney fee application).

In re Yuba Westgold, Inc., 157 B.R. 869 (June 7, 1993) (disinterestedness requirement in Chapter 11).

In re Peters, No. L92-00314C (Feb. 16, 1993) (attorney fees for pre-petition non-bankruptcy work for debtor).

In re Smeby, No. X88-0159M (April 20, 1992) (Chapter 11 debtors' attorney fee application).

In re Courson, 138 B.R. 928 (Feb. 28, 1992) (fee application of attorney for Chapter 7 trustee).

In re Wagner, No. X90-00310M (Jan. 31, 1992) (Chapter 11 debtors' attorney fee application).

In re Cargo, Inc., No. X90-0200S (Jan. 24, 1992) (Chapter 7 debtor's attorney fee application).

In re Barnett, 133 B.R. 487 (Sept. 10, 1991) (Chapter 7 trustee fees; constructive disbursement).

In re Indvik, No. X88-01247M (Sept. 27, 1990 & June 24, 1991) (§§ 328, 329, reasonableness of retainer of attorneys for Chapter 7 debtors).

In re Fort Dodge Creamery Co., No. X88-01550F (March 9, 1990) (Chapter 7 trustee application to employ co-counsel; fee sharing).

In re R.M. Harrison Co., No. X85-02011M (March 8, 1990) (retroactive appointment of attorney for Chapter 11 debtor; application for fees).

In re Fairbanks, 111 B.R. 809 (Feb. 2, 1990) (fee application of attorney for Chapter 7

trustee).

In re Fort Dodge Creamery, No. X88-01550F (Jan. 22, 1990) (turnover of work product of debtor's pre-bankruptcy counsel, § 542(e)).

In re Lemley, No. Y82-03341 (June 22, 1989) (fee application of attorney for Chapter 7 trustee).

In re Elling, No. X84-05066 (May 4, 1989) (fee application by Chapter 11 debtor's attorney, work on disclaimer of debtor's inheritance).

In re Williams, No. 87-00547F (Sept. 8, 1988) (nunc pro tunc appointment of attorney for Chapter 12 debtor; application for fees).

In re Fibre Body, Inc., No. X87-02522F (July 1, 1988) (Chapter 11 debtor's application to employ officer or director).

Hampton State Bank v. Elling (In re Elling), Adv. No. 86-0363M (May 27, 1988) (attorney who would be called as a witness, and attorney's firm, were disqualified).

In re Burmester, No. 86-00710M (Dec. 11, 1987) (Chapter 7 debtors' attorney fees reduced pursuant to § 329).

XI. Chapter 11

In re Jansma, No. 93-51290XS (Oct. 28, 1994) (dismissal of farmers' case for cause; motion to convert to Chapter 12 denied).

In re Tott, No. X92-01019S (Aug. 29, 1994) (conversion of confirmed case).

In re Henke Mfg. Co., No. L92-00873W (Dec. 22, 1993) (assumption of union contract).

In re Henke Mfg. Co., No. L92-00873W (Dec. 4, 1992) (cash collateral).

In re Jansma, No. 93-51290XS (Oct. 12, 1993) (appointment of trustee; pre-filing fraud).

In re Pauling Auto Supply, Inc., 158 B.R. 789 (Aug. 16, 1993) (estate after confirmation, administrative claims after conversion to Chapter 7).

In re Trains Unlimited, Inc., No. L91-00098W (July 16, 1993) (claim of "insider," entitled to no distribution per plan).

In re Churdan-Harcourt Swine, No. X91-01767M (Dec. 6, 1991 & Jan. 29, 1992) (cash collateral).

In re Pierce Terminal Warehouse, 133 B.R. 639 (April 3, 1991) (motion to reject collective bargaining agreement).

In re Smeby, No. X88-00159M (July 13, 1990) (creditor's motion to dismiss).

In re Corey, No. X88-01902S (May 21, 1990) (cram down interest rates, fairness of discrimination among classes).

In re Smeby, No. X88-00159M (April 25, 1990) (liquidation analysis; absolute priority rule, new value exception).

In re Bryant, No. X85-02501S (Nov. 9, 1989) (claim for legal fees as part of secured claim).

In re Smeby, No. X88-00159 (May 4, 1989) (relevant date for valuation of collateral).

In re Cory, No. X87-00352F (March 8, 1989) (amended plan and disclosure statement filed for sole purpose of delay; sanctions).

In re Fibre Body, Inc., No. X87-02522F (July 1, 1988) (debtor's application to employ officer or director).

In re Reid, No. Y88-00212W (June 28, 1988) (individuals' eligibility for Chapter 11).

XII. Chapter 12

In re Westerberg, No. X86-02743M (Dec. 19, 1994) (sale of real estate free and clear of liens; effect of confirmation; motion to require formal mortgage release denied).

In re Holst, No. X91-02043F (March 25, 1994) (procedure upon trustee's receipt of insufficient amount from debtors to make plan payments).

In re Jackson, No. 93-40139XM (Jan. 12, 1994) (adequate protection of liens).

In re Cochran, No. 92-12082LC (March 30, 1993) (debtor's authority to sell property).

In re Fell, No. X88-00772S (Jan. 10, March 18 & May 21, 1992) (post-confirmation modification).

In re Prelip, No. X88-00918F (May 20, 1991) (death of debtor; further administration by probate executor).

In re Britten, No. X88-00556S (April 9, 1991) (motion for hardship discharge).

In re Weaver, No. Y87-00327S (Dec. 7, 1990) (motion for hardship discharge).

In re Bakken, No. X90-00324F (Nov. 26, 1990) (best interest test, disposable income).

In re Freese, No. X89-01328S (Oct. 2, 1990) (best interest test, value to secured claims).

In re Wuebker, No. X87-00488F (Sept. 20, 1990) (reinstatement of case).

In re Freese, 119 B.R. 1019 (Sept. 6, 1990) (recoupment defense to claim for interest).

In re Greimann, No. X89-01765M (May 11 & Sept. 4, 1990) (feasibility; motion for additional time to prove feasibility for changed circumstances).

In re Mathers, No. X89-00451M (Jan. 29, 1990) (feasibility of plan).

In re Simons, No. X88-00662M (Aug. 22, 1989) (best interest test).

In re Ouverson, No. X87-00854M (Aug. 8, 1989) (interpretation of plan provisions re payment of real estate taxes).

In re Burkhart, No. X88-00116S (Sept. 23, 1988) (liens in farm program payments; interest rate on FmHA loans; feasibility).

In re Williams, No. 87-00547F (Sept. 8, 1988) (nunc pro tunc appointment of attorney for Chapter 12 debtor; application for fees).

In re Kampen Farms, Inc., No. 87-01347F (Aug. 31, 1988) (date for valuation of secured claim).

In re Lau, No. L87-02243W (July 26, 1988) (feasibility of plan, treatment of secured claim).

In re Arnold, 88 B.R. 917 (July 8, 1988) (unfair discrimination by failure to avoid statutory landlord's lien; security interest in commodity certificates).

In re Anderson, No. Y88-00390M (June 28, 1988) (eligibility for Chapter 12, "family farmer").

In re Neuhaus, No. 87-01187W (Feb. 19, 1988) (debtor failed to prove feasibility).

In re Thies, No. 87-01042M (Dec. 8, 1987) (plan was feasible).

XIII. Chapter 13

In re Thacker, No. X90-01494S (Aug. 24, 1992) (post-confirmation modification).

In re Dedrickson, No. X90-00240F (Sept. 21, 1990) (treatment of child support debt).

In re Raml, No. X89-01782S (May 21, 1990) (treatment of student loan; good faith).

In re Johnston, No. X88-00898S (May 4, 1989) (liquidation analysis, good faith, disposable income).

In re Johnston, No. X88-00898S (Aug. 15, 1988) (debtor's motion to reject executory

contract).

Bergendahl v. Osceola County Co-op (In re Bergendahl), Adv. No. 87-0388S (March 7, 1988) (standing of Chapter 13 debtor to avoid liens under §§ 545 and 547).

XIV. Civil Procedure

In re Wright, No. L91-01588C (Feb. 23, 1994) (whether court has jurisdiction over creditor in contested matter when service was on creditor's pre-bankruptcy attorney).

Vrbanich v. Patel (In re Patel), Adv. No. 92-5166XS (Dec. 21, 1993) (defensive use of claim preclusion by corporate officer after plaintiff lost same claim brought against corporation).

In re Streeper, 158 B.R. 783 (Aug. 10, 1993) (exemption under 522(l) by absence of objection does not create preclusion on element of exemption for lien avoidance).

Ginder v. Peed (In re Peed), Adv. No. 92-3234XF (Feb. 17, 1993) (motion for more definite statement; failure to plead fraud with particularity).

In re Sanow, No. 92-51890XS (Jan. 29, 1993) (service on creditor's attorney insufficient).

In re Al Williams Corp., No. X90-00112S (Jan. 13, 1993) (employment of expert).

National Bank of Waterloo v. Wright (In re Wright), Adv. No. L91-0227C (Nov. 25, 1992) (right to jury trial; filing unrelated proof of claim not waiver).

In re Ratka, 144 B.R. 94 (Aug. 4, 1992) (excusable neglect; extension of time to object to claims report).

In re Huebner, No. X90-01961M (July 2, 1992) (motion to amend objection to exemptions).

In re Cox, No. X90-01377S (Jan. 9, 1992) (proof of non-receipt of clerk's notice).

Network Communications v. U.S. Sprint (In re Network Communications), Adv. No. X91-00085S (Jan. 2, 1992) (summary judgment; state of mind at issue).

Cox v. Schmith (In re Schmith), Adv. No. X90-0219S (Sept. 12, 1991) (request to withdraw from stipulation).

Ramaker v. Wiederholt Agri-Service (In re Ramaker), Adv. No. X90-0142D (Nov. 8, 1990) (damages awardable in default judgment).

In re Carson, No. X90-01016M (Nov. 1, 1990) (cause to extend time to file complaints).

Cossitt v. Loomis (In re Fort Dodge Creamery), Adv. No. X89-0158F (Oct. 4, 1990) (insufficiency of service of process; death of party, substitution).

In re Wuebker, No. X87-00488F (Sept. 20, 1990) (mistake, excusable neglect; reinstatement of Chapter 12 case).

In re Freese, 119 B.R. 1019 (Sept. 6, 1990) (claim preclusion, full faith and credit).

Molstad v. Professional Turf Specialties (In re Libolt), Adv. No. X88-0132S (June 7, 1990) (plaintiff's use of defendant's exhibit in case in chief).

Wilsbacher v. Wilsbacher, Adv. No. X89-0069S (May 2, 1990) (issue preclusion; motion to quash subpoena).

Doan v. Loomis (In re Fort Dodge Creamery), Adv. No. X89-0154F (Feb. 2, 1990) (removal, remand).

Radio Denver Corp. v. Workman (In re Workman), Adv. No. X87-0167C (June 22, 1989, Jan. 8, 1990) (motion for new trial, new evidence; motion to extend time to file notice of appeal).

In re Davis, No. X89-00213S (Oct. 31, 1989) (issue preclusion from pre-filing dissolution).

In re Van Wyhe, No. X88-01095S (Aug. 16, 1989) (Rule 60(b) motion for fraud, lack of

notice).

In re Smeby, No. X88-00159M (May 5, 1989) (reopening record for surprise at trial re basis of objection to exemption).

Etchen v. VanDuzer (In re VanDuzer), Adv. No. X88-0268M (May 2, 1989) (absence of material facts to support claim, summary judgment).

Hampton State Bank v. Rodemeyer (In re Rodemeyer), Adv. No. X88-0069M (Jan. 25, 1989) (objection that plaintiff is not real party in interest).

Fibre Body Industries v. Midwest Utility Equipment (In re Fibre Body Industries), Adv. No. X88-0070F (Dec. 27, 1988) (jury demand; non-core related proceedings; abstention).

McVoy v. IRS (In re McVoy), Adv. No. X88-0062M (Oct. 19, 1988) (recommendation for abstention and withdrawal of reference).

Thielke v. Ackley State Bank (In re Thielke), Adv. No. X87-0102C (July 27, 1988) (jurisdiction over property of estate in case filed in Arizona).

Dunbar v. Goodnow (In re Richardson), Adv. No. 87-0293M (Dec. 24, 1987) (debtors' motion to intervene denied).

Delhi Savings Bank v. Jones County Oil Co., Inc. (In re Jones County Oil Co., Inc.), Adv. No. 87-0104C (Dec. 24, 1987) (guarantor's motion to intervene granted).

XV. Discharge Injunction

In re Ausborn, No. X89-01802M (Feb. 3, 1992) (post-discharge setoff).

In re Reding, No. X81-3354 (March 31, 1989) (contempt by FmHA, unenforceable reaffirmation agreement; order to United States to pay damages).

XVI. Misc. Issues under Iowa and Other Nonbankruptcy Law

In re Rench, No. 92-52020XS (Feb. 1, 1994) (mechanic's liens).

In re Segerstrom, No. 92-41788XM (Nov. 4, 1993) (equitable estoppel).

In re Teneyck, No. X91-00487S (Aug. 18, 1993) (subrogation).

In re Jackson, No. 93-40140XM (June 18, 1993) (effect of entry in lis pendens docket).

In re Biggins, No. X92-01065S (Sept. 29, 1992) (mechanic's lien remedies; waiver, election of remedies).

Wagner v. Farmers Coop Elevator Co. (In re Wagner), 144 B.R. 430 (July 2, 1992) (transfer by assignment; equitable assignment; time of transfer).

In re Colby, No. X91-02277F (June 8, 1992) (agency).

In re Churdan-Harcourt Swine, No. X91-01767M (Dec. 6, 1991 & Jan. 29, 1992) (partnerships; promissory and equitable estoppel; issue preclusion).

Ernst v. Spahn & Rose (In re Behr), Adv. No. X89-0182D (Jan. 9 & Oct. 4, 1991) (constructive trust).

In re Bierman, 133 B.R. 484 (Sept. 6, 1991) (resulting trust).

In re Thomsen, No. X90-01661S (March 22, 1991) (existence of partnership; equitable estoppel).

Molstad v. United States (In re Wolthuis), Adv. No. X89-0081S (April 13, 1990) (judicial estoppel, equitable estoppel against government).

United States v. Rodemeyer (In re Rodemeyer), Adv. No. X88-0226M (Aug. 25, 1989 & Feb. 9, 1990) (equitable lien, constructive trust).

In re Corey, No. X88-01902S (Oct. 27, 1989) (commercial lease, mitigation of damages).

Security Trust & Savings Bank v. Libolt (In re Libolt), Adv. No. X88-0152S (July 6, 1989) (remedy for breach of settlement agreement, motion for judgment on unsigned agreement read into record).

Waterloo Aerie of Eagles v. Black Hawk County, Adv. No. X88-0232W (May 2, 1989) (real estate tax claim).

Thielke v. Ackley State Bank (In re Thielke), Adv. No. X87-0102C (Nov. 23, 1988) (ownership of joint bank accounts; right of setoff in bank accounts).

In re Titus, No. X87-01706F (Aug. 31, 1988) (nonjudicial foreclosure; election of remedies).

In re Burmester, No. 85-02282M (Aug. 30, 1988) (devise of real estate subject to lien, in nature of legacy to third person).

In re Vogel, No. X87-01609F (July 27, 1988) (duty to note cancellation of discharged security interest on vehicle title).

In re Christensen, No. X88-00395M (June 6, 1988) (security interest in rents and profits under receivership clause rather than by primary grant of security; perfection by foreclosure action and request for receiver).

Bergendahl v. Osceola County Co-op (In re Bergendahl), Adv. No. 87-0388S (March 7, 1988) (landlord's lien).

In re Neuhaus, No. 87-01187W (Feb. 19, 1988) (debtor failed to prove grain bin was not a fixture).

Dunbar v. Johnson (In re Johnson), Adv. No. 87-0321W (Feb. 9, 1988) (construction of testamentary spendthrift/support trust).

In re Kuehl, No. 87-01102D (Feb. 8, 1988) (construction of contracts, vagueness, ambiguity, unconscionability, duties owed guarantors, dragnet clauses).

In re Van Hove, 84 B.R. 567 (Jan. 25, 1988) (priorities in grain bin; fixtures).