

Index of Decisions of  
THE HONORABLE WILLIAM L. EDMONDS  
United States Bankruptcy Court for the Northern District of Iowa  
January 1, 1995 to February 29, 2012  
Prepared by Jannette Domayer, Law Clerk

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In re Schemper, 303 B.R. 385 (Dec. 10, 2003) (claim was untimely; creditor had knowledge of the case in time to file timely claim).

In re Direct Transit, Inc., No. 96-52691XS (May 7, 1998) (claim included liquidated damages allowed under §506(b) as other charges provided for by agreement).

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In re Gregerson, 311 B.R. 857 (July 19, 2004) (trustee failed to prove sale of farm corporation stock was in best interest of creditors).

In re LeBlanc, 299 B.R. 546 (Aug. 6, 2003) (competing bidder could not object to sale).

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In re Engelhardt, No. 96-40183XM (Feb. 24, 1999) (compromise of claim).

In re Smith, No. 96-51298XS (May 7, 1998) (objection to trustee's final report sustained for failure to recognize lien).

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In re James, 345 B.R. 664 (June 30, 2006) (dismissed for abuse).

In re Fulton, 339 B.R. 698 (March 20, 2006) (debtor's motion).

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In re Turpen, 97-02407M (Sept. 1, 1999) (debtor's motion), aff'd, 244 B.R. 431.

In re Coleman, 98-02795S (Jan. 11, 1999) (substantial abuse).

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In re Vinton, 98-00670M (May 26, 1998) (debtor's motion).

In re Nelson, 97-03710S (March 5, 1998) (substantial abuse).

In re Mosher, 96-41845XM (Jan. 24, 1997) (debtor's motion).

## **XI. Chapter 11**

In re Sunset Sow Farms, Inc., 10-238, 2010 WL 3766022 (Sept. 14, 2010) (cash collateral motion denied for failure to offer adequate protection).

In re Three Seas Realty II, LLC, 10-948, 2010 WL 2857598 (July 19, 2010) (motion to enjoin litigation against debtor's principal denied; alternative motion to dismiss granted).

In re Daniels, 2007 WL 627445 (Bankr. S.D. Iowa Feb. 12, 2007) (case dismissed for failure to cure deficiencies, no reasonable likelihood of confirming plan).

In re Schaefer, 99-02868M (Oct. 12, 2000) (petition filed in bad faith; bankruptcy by proxy; judgment debtor's effort to shield assets by acting through his spouse).

In re Direct Transit, Inc., 96-52691XS (Aug. 18, 1999) (enlargement of time for filing timely claims, claims of minors, excusable neglect).

## **XII. Chapter 12**

In re Riessen, 10-3433, 2011 WL 3320526 (July 29, 2011) (valuation of farm acreage, based primarily on income approach).

In re Knudsen, 356 B.R. 480 (Nov. 20, 2006) (tax treatment under § 1222(a)(2)(A) ), aff'd in part, rev'd in part, 389 B.R. 643 (N.D. Iowa 2008), aff'd, 581 F.3d 696 (8th Cir. 2009).

In re Gregerson, 269 B.R. 36 (Oct. 29, 2001) (conversion to Ch. 11 denied for bad faith).

In re Hemmingsen, 97-01536S (July 9, 1998) (plan not feasible).

Hemmingsen v. United States, Adv. 97-9117S (March 6, 1998) (debtor's § 548(a) action dismissed; redemption by FSA, second mortgagee, was not a "transfer;" alternatively, FSA gave reasonably equivalent value).

In re Kampen Farms, Inc., X87-01347-XF (Dec. 19, 1996) (claim not "provided for" in plan).

In re Moffatt, X87-01134S (July 11, 1996) (motion to reopen case post-discharge to modify plan denied; "payments under the plan").

In re Tasmak Farm, Inc., 95-31722XF (March 28, 1996) (motion to incur secured debt for crop inputs).

In re Jellings, 94-51864XS (Feb. 5, 1996) (post-confirmation modification does not require unforeseen changed circumstances).

### **XIII. Chapter 13**

In re Korbitz, 10-3082 (March 31, 2011) (mortgage creditor would be paid nothing on unsecured portion of bifurcated claim, which had no evidentiary effect as to value of collateral).

In re Anderson, 09-2142, 2009 WL 5170003 (Dec. 18, 2009) (debtors making undisclosed payments on teenage son's car proposed plan in bad faith).

In re Augustine, 05-937, 2009 WL 5068412 (Dec. 7, 2009) (proceeds of undisclosed claim, liquidated only after plan performed and case closed, had to be distributed to creditors).

In re Grzeslo, 08-299, 2009 WL 2578953 (Aug. 19, 2009) (debtor's motion to dismiss case requires motion and court order).

In re Lundeen, 2008 WL 5429714 (Dec. 12, 2008) (debtors could not modify plan after the fact to authorize use of tax refunds for living expenses).

In re McElroy, 410 B.R. 845 (Dec. 3, 2008) (debtors' promise to pay tax refunds to trustee was sufficient; additional "disposable income provision" unnecessary).

In re Ludwig, 411 B.R. 632 (Nov. 20, 2008) (plan modification to suspend payments indefinitely until debtor found job not confirmable).

In re Barbee, 2008 WL 4372405 (Sept. 18, 2008) (debtor not allowed to retain economic stimulus check).

In re Wistey, 2008 WL 3087346 (June 25, 2008) (debtor allowed to use economic stimulus check for home repairs).

In re Matsen, 391 B.R. 847 (June 10, 2008) (trustee not allowed to revisit all debtor's expenses in resisting debtor's retention of economic stimulus check).

In re Pederson, No. 06-635 (Oct. 13, 2006) (calculating disposable income).

In re Lampman, 2006 WL 167832 (Jan. 17, 2006) (excessive discretionary expenses).

In re Oimoen, 325 B.R. 809 (June 9, 2005) (failure to commit disposable income).

In re Cox, 2005 WL 681464 (March 21, 2005) (debtor may not subsidize non-debtor spouse's unnecessary expense to the prejudice of unsecured creditors).

In re Baird, 2005 WL 612863 (March 10, 2005) (bad faith, disposable income).

In re Thompson, No. 03-2878S (April 29, 2004) (treatment of holder of tax sale certificate).

In re Nissly, 266 B.R. 717 (Sept. 5, 2001) (disposable income objection to confirmation sustained; case dismissed for unreasonable delay).

In re Gillespie, 266 B.R. 721 (Sept. 5, 2001) (plan confirmed over good faith objection of creditor with \$90,000 claim arising from criminal assault by debtor).

In re Bainbridge, No. 99-3293S (May 1, 2000) (secured status of former spouse; good faith; disposable income).

In re Boysen, No. 98-00784S (April 29, 1998) (plan proposing \$5 monthly payment to trustee was not proposed in good faith).

In re Lee, No. 97-00791 (March 5, 1998) (failure to commit disposable income).

In re Turpen, 218 B.R. 908 (Jan. 21, 1998) (confirmation denied; standing to object, plan not proposed in good faith, unfair discrimination in favor of student loans, disposable income).

In re Cutler, No. 94-50104XS (July 28, 1997) (calculation of trustee fee).

In re Norenberg, No. 96-52422XS (April 7, 1997) (treatment of creditor who received late notice of debtor's prior Chapter 7 case, recoupment; calculation of trustee fee).

In re Tiedemann, No. 96-50943XS (Oct. 3, 1996) (claim secured by acreage also used for hog operation was protected by § 1322(b)(2); note due by its terms within the plan period could not be paid over 10 years; good faith issues, "Chapter 20," disposable income).

Klein v. United Mortgage Corp. (In re Klein), Adv. No. 95-5102XS (Aug. 15, 1996)

(complaint to set aside sheriff's sale of home dismissed).

In re Ireland, No. 96-40218XM (May 10, 1996) (unfair discrimination between student loan debt and other general unsecured debt).

In re Johnson, No. 95-50511XS (March 15, 1996) (failure to commit disposable income).

In re Kobold, No. 95-52413XS (Feb. 12, 1996) (plan proposing no payments to trustee; confirmation denied for lack of good faith).

#### **XIV. Professionals**

In re Medieval Glass, 09-327, 2009 WL 3756573 (Nov. 9, 2009) (court reduced attorney's hourly rate for work in Chapter 11 case; attorney could deduct earned fees from retainer and turn balance over to Chapter 7 trustee).

In re Freedom Fuels, 08-586, 2009 WL 3753451 (Nov. 4, 2009) (award of attorney fees to special counsel retroactive to date of petition).

In re Timmerman, 2007 WL 1231811 (April 25, 2007) (Chapter 7 trustee, who had represented secured creditors in case prior to conversion from Chapter 12, was disqualified).

In re Crowder, 2006 WL 753217 (March 17, 2006) (debtor's attorney required to disgorge \$500 of fee as excessive).

In re Premier Farms, 305 B.R. 717 (Dec. 16, 2003) (law firm had conflict in representing Chapter 11 debtor and debtor's largest creditor).

In re LeBlanc, Inc., No. 99-01033S (Oct. 12, 1999) (Chapter 7 trustee's application to employ special counsel; §§ 327(a), (c), (e)).

In re Direct Transit, No. 96-52691XS (Sept. 25, 1997) (affidavit re connections).

#### **XV. Civil Procedure**

Berger v. Jones, Adv. No. 11-9014 (June 28, 2011) (venue of dischargeability proceeding changed to Central District of California).

American National Bank v. Babb, Adv. 08-9022, 2010 WL 2884934 (July 19, 2010) (motion for relief from judgment denied for failure to meet clear and convincing standard for Rule 60(b)(3)), aff'd, 440 B.R. 523 (B.A.P. 8th Cir. 2010).

United States v. Horras, 399 B.R. 885 (Bankr. S.D. Iowa Jan. 30, 2009) (§ 523 complaint was timely; court extended deadline while parties litigated in non-bankruptcy forum).

United States v. Sepell, 2007 WL 853842 (Bankr. S.D. Iowa March 12, 2007) (facts set out in criminal presentence report were not binding in dischargeability proceeding).

Eide v. National City Capital, Adv. No. 05-9123 (Nov. 28, 2006) (motion to quash trial subpoena overruled).

JBD Pork v. Bank of America (In re Premier Farms, LC), 2004 WL 1175223 (May 24, 2004) (pleading claim for equitable subordination).

In re Schemper, 303 B.R. 385 (Dec. 10, 2003) (presumption of receipt of mailing).

Beckwith v. Orrell (In re Orrell), Adv. No. 02-9166S (Jan. 3, 2003) (complaint citing §§ 523 and 727 dismissed for failure to state a claim).

Palm v. Stack (In re Palm), 286 B.R. 710 (Nov. 25, 2002) (sovereign immunity; dischargeability action against state officer permissible under Ex parte Young doctrine).

Suggitt v. Foushee (In re Foushee), 283 B.R. 278 (Aug. 27, 2002) (summary judgment for creditor on dischargeability by issue preclusion).

In re Direct Transit, Inc., No. 96-52691XS (July 3, 2001) (alleged contemnor did not violate order of the court; motion for contempt denied).

In re Nesset, No. 00-02143M (Feb. 1, 2001) (California court had jurisdiction to impose

constructive trust on Iowa real property; valid final judgment not subject to collateral attack, even if court abused its discretion or made a mistake of law).

DeYoung v. Loring (In re DeYoung), Adv. No. 00-9063S (Oct. 18, 2000) (bankruptcy court precluded from appellate review of determinations by state court, which has concurrent jurisdiction over § 523(a)(3) claims).

Eide v. The Keystone Group, Inc. (In re Boyt Ltd. Partnership), Adv. No. 98-9226M (June 16, 1999) (pleading fraud with particularity).

Committee of Unsecured Creditors v. Nyemaster (In re Direct Transit, Inc.), Adv. No. 98-9250S (Feb. 10, 1999) (computing time to file action; § 546(a)).

LeMars Bank & Trust Co. v. Anthony (In re Anthony), Adv. No. 97-9135S (April 7, 1998) (motion to quash subpoena denied; bank documents not privileged).

Phillips v. United States (In re Phillips), Adv. No. 97-9091S (March 17, 1998) (Eleventh Amendment immunity).

Eide v. Abe's Leather Mart (In re Boyt Ltd. Partnership), Adv. No. 97-9145M (Jan. 28, 1998) (creditor's motion to join trustee as plaintiff in collection of accounts receivable denied).

Sussman v. Bronson (In re Bronson), Adv. No. 96-3138XF (June 9 and 25, 1997) (default judgment did not have preclusive effect on issue of fraud).

In re Sturm, No. 95-51776XS (Nov. 18, 1996) (no jurisdiction over dispute among creditors and debtor arising after final judgment in adversary).

Klein v. United Mortgage Corp. (In re Klein), Adv. No. 95-5102XS (Aug. 15, 1996) (action under Iowa Code § 626.69 to set aside sheriff's sale for lack of service of notice of sale).

In re Staley, No. 95-52448XS (June 10, 1996) (motion for new trial for surprise denied).

In re E.R. Buske Mfg. Co., Inc., No. 96-30500XF (April 1, 1996) (request for injunction, irreparable harm).

Mataloni v. Sears (In re Sears), Adv. No. 94-5133XS (July 19, 1995) (reinstatement of action, excusable neglect).

## **XVI. Discharge Injunction**

In re Orwig, No. 98-00871F (May 14, 1999) (security interest in vehicle, enforcement of lien post-discharge; motion for contempt denied).

In re Kampen Farms, Inc., No. X87-01347-XF (Dec. 19, 1996) (sale of farmland revested in debtors as remedy in fraudulent transfer action brought post-petition did not violate discharge injunction).

## **XVII. Misc. Issues under Iowa and Other Nonbankruptcy Law**

United States v. Holliday, Adv. 05-30051, 05-30052 (Bankr. S.D. Iowa Dec. 6, 2007) (application for attorney fees for defending § 523(a)(2)(A) claim was denied; EAJA does not apply to cases sounding in tort).

JBD Pork v. Bank of America (In re Premier Farms, LC), 2004 WL 1175223 (May 24, 2004) (elements of marshaling).

In re Petersen, 273 B.R. 586 (Feb. 7, 2002) (court refused to recognize constructive trust or equitable lien in exempt homestead).

Buchholz v. Dewey (In re Dewey), 263 B.R. 258 (March 28, 2001) (conspiracy to defraud not proven).

In re Bainbridge, No. 99-3293S (May 1, 2000) (constructive trust; equitable lien).

In re Linman, No. 98-03770S (Oct. 21, 1999) (reformation of instruments).

In re Direct Transit, Inc., No. 96-52691XS (May 7, 1998) (liquidated damages).

Hemmingsen v. United States, Adv. No. 97-9117S (March 6, 1998) (statutory redemption).  
Firststar Bank Iowa, N.A. v. Magnani (In re Magnani), Adv. No. 96-5244XS (Aug. 12, 1997) (partnership; alter ego).  
In re Norenberg, No. 96-52422XS (April 7, 1997) (recoupment).  
Janssen v. United States (In re Janssen), Adv. No. 95-5072XS (Aug. 21, 1996) (equitable estoppel of the government; corporation as alter ego of individual).