

In the United States Bankruptcy Court

for the Northern District of Iowa

TRUMAN ERICKSON, BETSEY ERICKSON
Debtors.

Bankruptcy No. 93-61711KW
Chapter 12

ORDER

This matter is before the Court to consider the "Demand for Appeal on the Order to Set Aside the Motion to Reopen Chapter 12 Proceeding" filed on November 17, 1994 by Debtors Truman Erickson and Betsey Erickson. This filing constitutes a notice of appeal of the Court's Order filed October 27, 1994. Pursuant to Federal Rule of Bankruptcy Procedure 8002(a), a notice of appeal must be filed within 10 days of the date of the entry of the order. This rule is mandatory and jurisdictional. In re Rozark Farms, Inc., 139 B.R. 463, 465 (E.D. Mo. 1992). Where a notice of appeal is untimely, the district court lacks jurisdiction to review the bankruptcy court's order. Union Trust & Sav. Bank v. Jaspersen, 37 B.R. 956, 957 (D.C. Iowa 1984). Because Debtors' notice of appeal was not filed within 10 days of the date of the order, the appeal must be dismissed as untimely.

WHEREFORE, Debtors' "Demand for Appeal on the Order to Set Aside the Motion to Reopen Chapter 12 Proceeding" is DENIED.

FURTHER, the appeal of the Order filed October 27, 1994, is dismissed as untimely.

SO ORDERED this 18th day of November, 1994.

Paul J. Kilburg
U.S. Bankruptcy Judge