

# In the United States Bankruptcy Court

## for the Northern District of Iowa

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NATIONAL CATTLE CONGRESS  
*Debtor(s).*

Bankruptcy No. 93-61986KW  
Chapter 11

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### ORDER

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A hearing is scheduled for April 25, 1995 on the Motion to Lift Stay filed by Homeland Bank. At the end of the hearing held March 29, 1995 regarding appointment of a Chapter 11 trustee, Attorney Dave Mason representing Homeland Bank requested that the Court rule on the validity of mortgages between Debtor and Homeland Bank. Such a ruling would be preclusive of the issue at the April 25 hearing.

The Court concludes that the evidence and testimony presented at the March 29 hearing may be considered and need not be duplicated at the April 25 hearing. However, the parties should be allowed to further supplement the record at the time of the hearing. Therefore, the Court will not rule on the validity of the mortgages until after the April 25 hearing.

**WHEREFORE**, Homeland Bank's verbal request for a ruling on the validity of the mortgages based on the record presented at the March 29, 1995 hearing is denied at this time.

**FURTHER**, the parties may present additional evidence on that issue at the hearing scheduled for April 25, 1995.

**SO ORDERED** this 17th day of April, 1995.

Paul J. Kilburg  
U.S. Bankruptcy Judge