

In the United States Bankruptcy Court

for the Northern District of Iowa

VINCENT WILLIAM MICHELS
Debtor(s).

Bankruptcy No. 01-01415-W
Chapter 13

Appealed to B.A.P. on 01/14/2002
[ORDER by BAP Reversing Decision on 12/20/2002](#)

ORDER RE FRCP 59 MOTIONS

On December 28, 2001 and January 2, 2002, Maynard Savings Bank filed documents titled "FRCP 59 Motion" which appear identical. The Court will treat these as one document filed December 28, 2001. This motion requests the Court reconsider its December 18, 2001 Order re Final Confirmation Hearing. The Bank sets out nine numbered paragraphs of questions.

Having fully reviewed its December 18, 2001 Order and the Bank's FRCP 59 Motion, the Court concludes that the Bank's motion essentially requests advisory opinions regarding matters which are not before the Court by motion or in any other manner. Furthermore, some of the questions relate to issues which were not raised prior to the December 18, 2001 Order and are not appropriately addressed by clarification of the Order. Thus, the Court refuses to respond to such requests.

In Paragraph 9, the Bank questions: "Is the Court's Order a judgement (sic) avoiding MSB's liens in the absence of any pending adversary proceeding or other challenge to those liens under the Debtor's plan?" The Court considers it appropriate to respond to this question. In response, the answer is no, the December 18, 2001 Order re Final Confirmation Hearing is not a judgment avoiding MSB's liens.

WHEREFORE, Maynard Savings Bank's FRCP 59 Motion is DENIED to the extent not addressed in this Order.

FURTHER, the December 18, 2001 Order re Final Confirmation Hearing is not a judgment avoiding MSB's liens

SO ORDERED this 4th day of January, 2002.

Paul J. Kilburg
Chief Bankruptcy Judge

[ORDER Reversing Decision on 12/20/2002](#)