

IN THE UNITED STATES BANKRUPTCY COURT

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FOR THE DISTRICT OF UTAH

COUNTER COPY - DO NOT REMOVE -

In re ) Bankruptcy Case No. 83C-00188  
CLIFTON LLOYD PACE, )  
Debtor. ) ORDER

On April 6, 1983, debtor filed an objection to the claim of OK Motors. Debtor alleged that said creditor's claim was barred because it arose from the invalid reaffirmation of a debt in a prior Chapter 7 bankruptcy case. An evidentiary hearing was held on April 29, 1983. After considering the evidence presented and the arguments of counsel, the Court entered its findings of fact and conclusions of law on the record. The Court found that the debt was dischargeable in the earlier Chapter 7 case, that the contract entered into by the debtor after the Chapter 7 discharge was a reaffirmation agreement, that the protections mandated by § 524 were not complied with.

The Court reserved ruling on the issue of the effect of a state court default judgment which was based upon debtor's nonpayment of the reaffirmation agreement, and ordered the parties to submit simultaneous briefs on the matter. Debtor's brief was filed May 16; the creditor has not responded to the Court's order.

Based upon said failure to file a brief and upon the prior findings of the Court, the relief requested by the debtor is

granted. The claim of OK Motors is disallowed, the state court judgment being void and of no effect. The creditor is ordered to return to the debtor any amounts collected pursuant to said judgment.

DATED this 28 day of July, 1983.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Glen E. Clark", is written over a horizontal line.

GLEN E. CLARK  
UNITED STATES BANKRUPTCY JUDGE