

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF

LEONARD C. GOWEN,

DEBTOR

JOHN A. WOLF, Trustee,

Plaintiff

vs.

LEONARD C. GOWEN, MAXINE I.
GOWEN and HAZEL M. GOWEN,

Defendants

CASE NO. BK83-961

A84-146

SUPPLEMENTAL MEMORANDUM

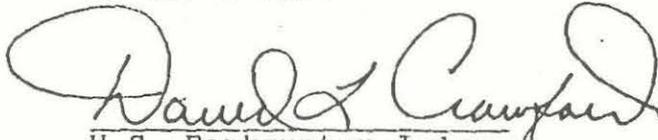
This memorandum will supplement the findings and conclusions which I made on the record following the conclusion of the trial of this adversary proceeding. I find as fact that the sale of the estate's undivided interest (Leonard Gowen's interest) alone would be difficult and would bring considerably less than if the real estate were sold free and clear of the claims of the co-owners. This flows from the testimony of the appraiser who said essentially the same thing.

I further find that the benefit to the estate of the sale free and clear of the interests of the co-owners would outweigh the detriment to the co-owners for the simple reason that if the property is not sold free and clear of the interests of the co-owners, a sale subject to it may sufficiently "chill" the sale as to make any such sale unworthwhile.

I further find that the property is not used in the production; transmission, or distribution for sale of electrical energy or of natural or synthetic gas for heat, light or power.

DATED: April 2, 1985.

BY THE COURT:


U.S. Bankruptcy Judge

Copies to:

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