

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

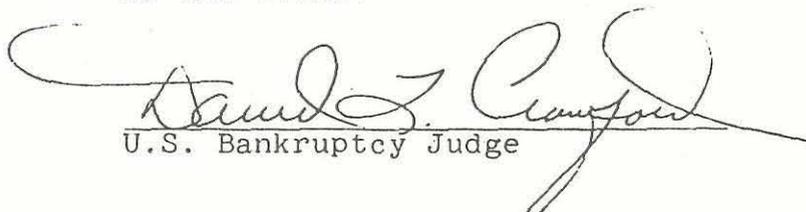
IN THE MATTER OF	)	
	)	
LINDA FAYE BELT RAUTMAN,	)	CASE NO. BK80-1674
	)	
DEBTOR	)	
	)	A80-476
NATIONAL BANK OF COMMERCE	)	
TRUST & SAVINGS ASSOCIATION,	)	
	)	
Plaintiff	)	
	)	
vs.	)	
	)	
LINDA FAYE BELT RAUTMAN,	)	
	)	
Defendant	)	

MEMORANDUM

In this adversary proceeding, plaintiff, believing that it was defrauded by the defendant through the defendant's use of Mastercharge and Visa accounts, brought this action for a determination that the indebtedness due it as a result of that action is nondischargeable in this bankruptcy proceeding. In summary, I find that the plaintiff has failed to meet its burden of showing the requisite guilty intent. While the evidence is ambiguous, it is at least a fair inference of the facts that the defendant had the requisite state of mind to believe that she could, in fact, pay the charges even though her prospects in reality to do so were not good. The evidence suggests that she expected a significant payment of child support. All in all, the question is one of ascertainment of her state of mind and I conclude that the plaintiff has failed to bear the burden of showing that the defendant acted with the requisite guilty state of mind.

DATED: 6-28-83

BY THE COURT:

  
U.S. Bankruptcy Judge

Copies to:

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