

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)
)
PAUL CHARLES CENTINEO,) CASE NO. BK79-1340
MARJORIE ISABEL CENTINEO,)
)
DEBTORS)
) A79-6
PAUL CHARLES CENTINEO,)
MARJORIE ISABEL CENTINEO,)
& KENNETH E. SHREVES, Trustee,)
)
Plaintiffs)
)
vs.)
)
NORTHWESTERN BELL TELEPHONE)
COMPANY, ABRAHAMS, KASLOW &)
CASSMAN, NEWTON MANUFACTURING)
COMPANY, and AMES BANK,)
)
Defendants)

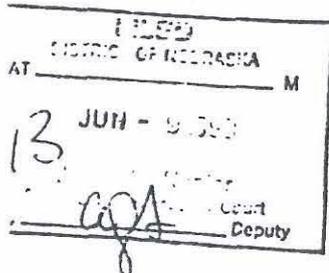
MEMORANDUM OPINION

Paul and Marjorie Centineo, plaintiffs, brought this adversary proceeding against the defendants for a determination that judicial liens obtained by the defendants against the plaintiffs are void and unenforceable against property of the plaintiffs. The basis for the allegation of invalidity is that the property against which they attached had insufficient equity to give the defendants any actual claim to property.

At trial, only the defendant, Abrahams, Kaslow & Cassman contested the complaint, the other defendants having defaulted.

The evidence before me discloses that Abrahams, Kaslow & Cassman has a fourth lien against the property of the plaintiffs. The evidence further discloses that, given that fourth lien position, there is insufficient value to the property to give the fourth lien position anything.

The evidence of value was introduced by the plaintiffs by way of appraisals. Defendant failed to introduce any evidence of value of the properties. The defendant points to the questionable nature of the appraisal figures for a number of reasons shown in the appraisals. Defendant asserts that judicial liens should not be avoided on the basis of such tenuous evidence.

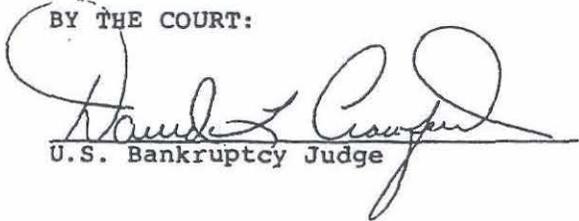


However, the only evidence before me being the appraisals themselves, I conclude that the value of the properties is insufficient to give the judgment liens any value and conclude that the relief sought by the plaintiffs should be granted.

A separate order is entered in accordance with the foregoing.

DATED: June 9, 1980.

BY THE COURT:


U.S. Bankruptcy Judge

Copies mailed to each of the following:

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