

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)	
)	
PATRICIA ANN JOINER,)	CASE NO. BK80-2731
)	
DEBTOR)	
)	A81-160
RICHARD D. MYERS, TRUSTEE,)	
)	
Plaintiff)	
)	
vs.)	
)	
PATRICIA ANN JOINER,)	
)	
Defendant)	

MEMORANDUM

In this adversary proceeding, the plaintiff, trustee, objects to the discharge under §727(a)(2) and (3) of the defendant. The dispute centers around the debtor's interest in horses which the trustee alleges were concealed from him in the schedules and about which the defendant failed to keep adequate books and records. The evidence fails to persuade me that there was inadequate record keeping by the defendant. In addition, I am unpersuaded by evidence that the defendant knowingly or in bad faith concealed property in this bankruptcy proceeding. The evidence, although ambiguous, could support the conclusion that the defendant believed that the interest in the horses was the subject of an ownership claim by a third party. In any event, I conclude that the defendant acted under a mistaken belief rather than with the requisite guilty intent to support denial of discharge.

A separate order is entered in accordance with the foregoing.

DATED: 6-28-83

BY THE COURT:


U.S. Bankruptcy Judge

Copies to:

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