

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)
)
ABC TRANSIT CO.,) CASE NO. BK78-0-303
)
ALLEGED BANKRUPT)

MEMORANDUM AND ORDER

In this involuntary bankruptcy proceeding, the petitioning creditors have filed a motion for summary judgment and the alleged bankrupt has filed a motion and cross motion for summary judgment. Hearing has now been held on both motions. From the argument of counsel, it appears that there are disputed fact issues with regard to the terms of a loan arrangement between First Westside Bank and ABC Transit, whether modifications may have been made in the original loan arrangement by agreement of the parties, and with regard to the application of payments on certain loans by First Westside Bank. Accordingly, it is

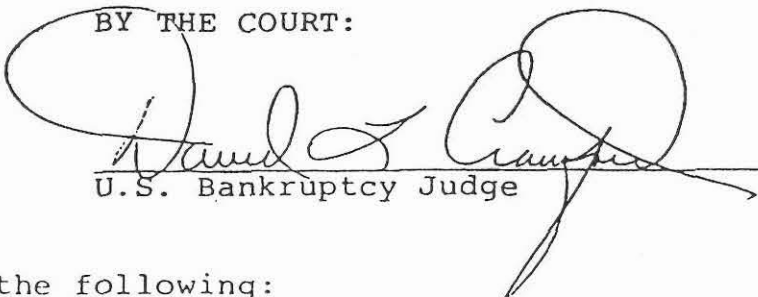
ORDERED that the petitioning creditors' motion for summary judgment be, and it hereby is, denied; and it is further

ORDERED that the motion and cross motion for summary judgment filed by the alleged bankrupt be, and the same hereby is, denied; and it is further

ORDERED that this matter is hereby set for trial at the Bankruptcy Court Term commencing Febr. 19, 1980, at the hour of 1:30 P.M. in the United States Bankruptcy Courtroom, 8th Fl., New Federal Building, Omaha, Nebraska, and the pretrial conference hereon is hereby set for Jan. 31, 1980, at the hour of 3:30 P.M. in 8323 New Federal Building, Omaha, Nebraska, and the parties are directed to comply with the order for progression attached hereto.

DATED: November 30, 1979.

BY THE COURT:


U.S. Bankruptcy Judge

Copies mailed to each of the following:

Jerrold L. Strasheim, Attorney, 1400 One First Nat'l. Center, Omaha, Ne.
H. Jerome Kinney, Attorney, Suite 315, 7171 Mercy Road, Omaha,
Ne. 68102
Eugene Pieper, Attorney, 300 Farm Credit Building, Omaha, Ne. 68102