

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF

PHILLIP EUGENE KOERPERICH,

BANKRUPT

BENKELMAN COOPERATIVE EQUITY
EXCHANGE,

Plaintiff

vs.

PHILLIP EUGENE KOERPERICH,

Defendant

and

CLINTON J. LIVINGSTON,

Plaintiff

vs.

PHILLIP EUGENE KOERPERICH,

Defendant

CASE NO. BK74-0-1616

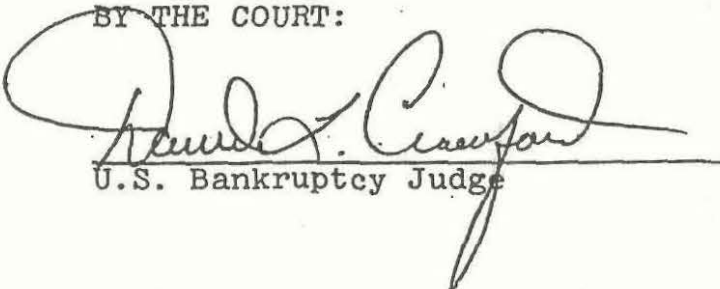
MEMORANDUM OPINION

This bankruptcy proceeding was filed December 10, 1974. On November 18, 1975, this Court entered default judgments in favor of the plaintiffs against the defendant determining that the debts due the plaintiffs from the defendant were nondischargeable in this bankruptcy proceeding and entering money judgments. This bankruptcy proceeding was closed December 19, 1975, and reopened by the trustee on February 28, 1977, because of the discovery of assets. The proceeding was reclosed on October 4, 1977. On November 6, 1978, the bankrupt-defendant filed his application to reopen the estate for the purpose of setting aside the default judgments. The case was reopened and the parties have now made their respective showings with regard to whether or not the defendant may have a meritorious defense. However, the showing made by the plaintiffs discloses that after the default judgments were entered, the defendant acknowledged in writing, either through his attorney or by himself, his indebtedness to the plaintiffs. I gather from the showing made by the plaintiffs that a state court has also relied on the default judgments entered by this Court and has entered a judgment in correlation therewith. Accordingly, this Court's conclusion is that the defendant has reaffirmed the indebtedness after bankruptcy and is not entitled to set aside the default judgments at this point in time.

A separate order is entered in accordance with the foregoing.

DATED: June 28, 1979.

BY THE COURT:


U.S. Bankruptcy Judge

Copies mailed to each of the following:

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