

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)

ROBERT B. TEMME,)

CASE NO. BK78-L-244)

DEBTOR)

FORD MOTOR CREDIT COMPANY,)
a corporation,)

Plaintiff)

vs.)

ROBERT B. TEMME,)

Defendant)

MEMORANDUM OPINION

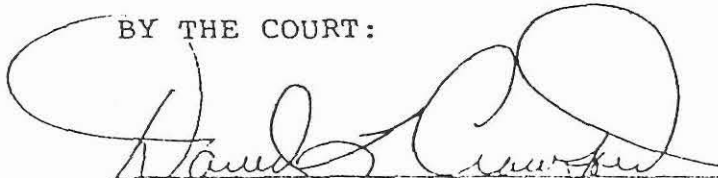
Plaintiff brought this adversary proceeding to obtain vacation of the automatic stay of Rule 11-44 to enable it to take possession of a 1977 Ford F600 truck which is in the possession of the defendant, being purchased by him pursuant to a retail installment contract. The facts are stipulated and will not be set forth except as necessary.

The evidence before me discloses that the fair market value of the truck is \$11,000.00 and the amount owed against it is \$9,600.00. Parties have submitted evidence in letter form indicating that there is insurance in effect on the truck at the time of trial. The evidence before me indicates that the vehicle is essential to the conduct of the defendant's business of farming which is his principal occupation.

Given the insurance on the truck and the fact that its value presently exceeds that which is due against it, the Court concludes that no prejudice at this time will accrue to the plaintiff from denial of relief from the stay. A separate order is entered in accordance with the foregoing.

DATED: November 30, 1979.

BY THE COURT:


U.S. Bankruptcy Judge

Copies mailed to each of the following:

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