

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:

KELIN FARMS, INC.,
Debtor.

JUN 15 1987

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA
CLERK
CHAMBER

36-2945

CV 37-0-11

ORDER

JUN 15 1987

This matter is before the Court on an appeal from the Bankruptcy Court's order dated December 29, 1986, denying Valentine Production Credit Association's (VPCA) motion for relief from the automatic stay pursuant to 11 U.C.S. § 362.

At the relief hearing, the debtor argued that it had filed for a Chapter 12 conversion, and the debtor urged that this conversion would obviate the need for relief from the stay. The Bankruptcy Judge considered the fairness and equities to the debtor and the VPCA and ultimately denied relief from the stay. VPCA appealed this ruling.

However, subsequent to said order, on March 23, 1987, the Bankruptcy Court entered an order denying the debtor's request to convert to a Chapter 12 bankruptcy. The Court finds, therefore, that this case should be remanded to the Bankruptcy Court for reconsideration of its December 29, 1987, order in light of the denial of the Chapter 12 request.

Accordingly,

IT IS ORDERED that this case should be and hereby is remanded to the Bankruptcy Court for reconsideration of its December 29, 1986, order under the provisions of 11 U.S.C. § 362.

DATED this 10th day of June, 1987.

BY THE COURT:

[Signature]