

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF )  
 )  
MERLE O. FRASIER, ) CASE NO. BK80-1371  
 )  
DEBTOR )

MEMORANDUM OPINION

This matter is before me on the application filed by Merle Frasier for an order to show cause why Harry Grams and Helen Frasier should not be held in contempt of this court. Without extensively detailing the evidence presented, the evidence does show that while the debtor was subject to the jurisdiction of this court and while a stay order preventing interference with the property of the debtor was in effect, Helen Frasier did obtain possession of certain hay belonging to the said Merle Frasier and transferred the same to her possession in violation of the stay. She was assisted in this by Mr. Grams who I gather from his testimony and demeanor on the stand took an active role in the transfer of possession. I am not persuaded by the evidence that Mrs. Frasier and Mr. Grams acted with any overriding intent to benefit property of the estate, but, in fact, acted with intent to benefit Mrs. Frasier's property which was the livestock in Mrs. Frasier's possession.

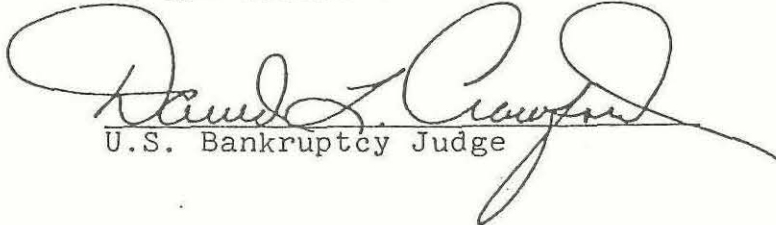
I gather further from the evidence that this proceeding is one involving bitter feelings between the parties and I note from the file in previous litigation that there are strong feelings on various parties' parts. None of this contributes to the rehabilitation of Mr. Frasier. It clearly interferes with that rehabilitation if that rehabilitation is at all possible. One point that seems to be a problem among the many that present themselves in this case are the five or six head of cattle in Mr. Frasier's possession which she claims are hers for which Mr. Frasier refuses to sign the release documents to give Mrs. Frasier title. I do require and direct Mr. Frasier to cooperate with Mrs. Frasier to sign any documents necessary to enable her to sell those head of cattle with the proceeds to be held in escrow by Mrs. Frasier pending further order.

Mrs. Frasier is entirely free to obtain whatever financial or agricultural advice she deems necessary but while Mr. Frasier is under the jurisdiction of this court I will in the future consider Mr. Grams' active interference with property in this estate to be a very serious breach of this court's authority and will be punished harshly. I also consider Mrs. Frasier's interference with the possession of the hay to be one item of many in a long series of disputes between the parties that I consider a flagrant interference. I will not tolerate it under any circumstances. Should anything even roughly approach it in

the future I will consider the possibility of a criminal sanction. I am reserving ruling today on what penalties are to be imposed on Mr. Grams and Mrs. Frasier and that will be the subject of further order. I strongly urge the parties to permit their counsel to arrive at some satisfactory solution to the problems that this estate faces in the next two or three months. I have lost faith in the ability of the parties between themselves to come to any satisfactory solution. I think that counsel might achieve some unemotional solutions on a temporary basis. The foregoing constitute my findings of fact and conclusions of law subject to further order regarding the penalties to be imposed upon the parties.

DATED: April 13, 1981.

BY THE COURT:

  
U.S. Bankruptcy Judge

Copies mailed to each of the following:

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