

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF

ROY E. MEHMKEN and  
PATRICIA U. MEHMKEN,

DEBTORS

STATE SECURITY SAVINGS CO.,  
a corporation,

Plaintiff

vs.

ROY E. MEHMKEN and PATRICIA  
U. MEHMKEN and KENNETH  
SHREVES, Trustee,

Defendants

CASE NO. BK81-189

A81-251

MEMORANDUM OPINION

Plaintiff has filed its complaint seeking relief from the automatic stay so that it may realize on security held by it to satisfy an obligation owed to it by the Mehmkens.

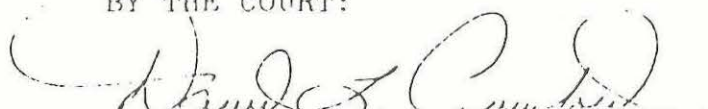
Plaintiff holds a possessory interest in a certificate of indebtedness which it issued to Roy Mehmken in the principal amount of \$5,000.00. Mr. Mehmken was to pay interest on the loan he owed State Security Savings Co. but has failed to do so. Plaintiff seeks authority to foreclose its possessory security interest.

Defendant defends on the basis that he borrowed the money which is represented by the certificate of indebtedness from his mother, believes that she has an interest in the certificate of indebtedness and feels a moral obligation that she be paid.

When defendant borrowed the money from his mother, the obligation became an unsecured debt to his mother and nothing more. When he purchased the certificate of indebtedness, the obligation of State Security Savings Co. became an obligation to pay Mr. Mehmken only. By pledging the amount as security for the debt, Mr. Mehmken obligated the amount owed to him for the debt repayment and State Security Savings Co. could be said to reasonably rely on that. There is no evidence before me which suggests that the certificate is essential to the reorganization and rehabilitation of this debtor and the debtor's moral obligation to his mother is insufficient to authorize continuance of the stay.

DATED: August 6, 1981.

BY THE COURT:

  
U.S. Bankruptcy Judge