

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

In Re:	)	Case No. 87-10059
	)	
NORLAND BICKY HOFER and	)	Chapter 7
SUSAN RAE HOFER,	)	Adversary No. 87-1017
	)	
Debtors,	)	
	)	
NORLAND BICKY HOFER and	)	MEMORANDUM DECISION
SUSAN RAE HOFER,	)	
	)	
Plaintiffs,	)	
	)	
-vs -	)	
	)	
SECURITY STATE BANK,	)	
	)	
Defendant.	)	

The above captioned matter came on for hearing December 9, 1987. The Debtors/Plaintiffs, Norland and Susan Hofer, appeared together with their attorney William Pfeiffer, the creditor/Defendant, Security State Bank, appeared by its Vice President H.R. (Ray) Wood and its attorney Douglas Kludt. Both sides presented testimony in support of their respective positions. The Court took the matter under advisement to review a telephone deposition received as Defendant's Exhibit E.

This Court is satisfied after reviewing the testimony and exhibits herein that the Hofers knowingly made a valid encumbrance of the real property in question, namely Lots 1 through 5 inclusive, of Block 9, original Plot to the City of Doland, Spink County, South Dakota, except the 5. 65' of said

lots, pursuant to SDCL 43-31-17 accordingly the relief requested by Plaintiff's complaint is hereby denied.

Counsel for Defendant/Creditor may prepare appropriate findings of fact and conclusions of law.

Dated this 24th day of December, 1987.

BY THE COURT:

Irvin N. Hoyt  
Bankruptcy Judge

ATTEST:

PATRICIA MERRITT, CLERK

By: \_\_\_\_\_  
Deputy Clerk

(SEAL)