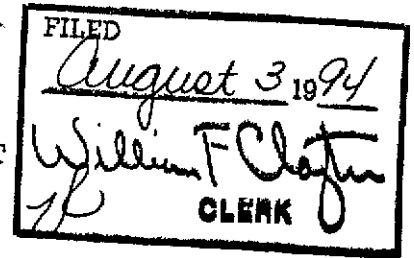


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION



IN RE:

DESMOND V. VAN ZEE and
PATRICIA E. VAN ZEEK,

Debtors.

DESMOND V. VAN ZEE and PATRICIA
E. VAN ZEE,

Appellant,

-VS-

HAND COUNTY,

Appellee.

CIV. 94-3009

ORDER

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Farm Credit Bank of Omaha has filed a motion to intervene in this case, Doc. 11. Farm Credit Bank of Omaha seeks to protect its right to pursue enforcement of its mortgage lien against property of the Van Zees, debtors in this Chapter 12 bankruptcy case. The Van Zees have also filed a motion for a stay of action in the case pending appeal of the Court's June 29, 1994 Order dismissing the bankruptcy appeal.

A July 14, 1994 order by the bankruptcy court has in practical effect reinstated the automatic stay against Farm Credit Bank of Omaha. Paragraph 2 of this Court's Order of June 29, 1994, which relates to a stay imposed by the bankruptcy court in its order of May 12, 1994, is now moot. The Van Zees' motion for stay pending appeal is also moot.

Therefore, upon the record herein,

IT IS ORDERED:

(1) That Paragraph 2 of this Court's Order of June 29, 1994, Doc. 10, is vacated.

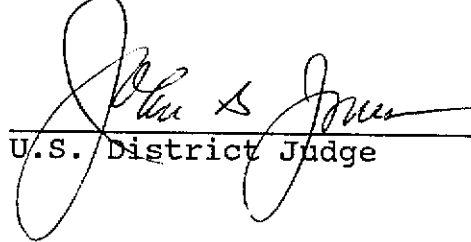
(2) That Farm Credit Bank of Omaha's Motion to Intervene and for Reconsideration, Doc. 11, is denied as moot.

(3) That Van Zees' Motion to Dismiss Application for Stay Pending Appeal, Doc. 18, is granted.

(4) That Van Zees' Motion for Stay Pending Appeal, Doc. 16, is denied and dismissed.

Dated this 3rd day of August, 1994, at Pierre, South Dakota.

BY THE COURT:

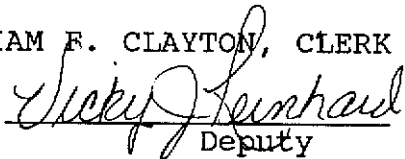


U.S. District Judge

ATTEST:

WILLIAM F. CLAYTON, CLERK

BY:



Deputy

(SEAL)