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(Rev. 10/79)

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→ Rpe Marie Tomkiewicz  
-711 E. 10th St  
Hobart IN 46342

# United States Bankruptcy Court

For the NORTHERN District of INDIANA

I, SHARON A. JAMES Clerk of Bankruptcy Court

in and for said District, do hereby certify that the attached copy of \_\_\_\_\_

SUMMARY JUDGMENT ORDER

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STATE OF INDIANA, S.S. NO.  
LAKE COUNTY  
FILED FOR RECORDED  
APR 14 1 44 PM '94  
SARAH JAMES  
RECORDER

in the case of JAMES EUGENE & RAE MARIE TOMKIEWICZ

debtor, No. 82-61973 has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at GARY, INDIANA

in said District, this 16th day of MARCH, 1994



SHARON A. JAMES  
Clerk of Bankruptcy Court

Cathy Groleau  
Deputy Clerk

[Seal of the U.S. Bankruptcy Court]

Date of issuance: MARCH 16th, 1994

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT GARY

IN RE: )

JAMES EUGENE TOMKIEWICZ and )  
RAE MARIE TOMKIEWICZ, )

Debtors. )

CASE NO. 82-61973

SUMMARY JUDGMENT ORDER

At Gary, Indiana, this 9th day of July, 1985:

This matter came before the Court, after notice and a hearing, on a Motion for Summary Judgment filed by Debtors James Eugene Tomkiewicz and Rae Marie Tomkiewicz pursuant to their objection to Claim No. 17 of John Meyers and Sharon Meyers as a secured claim. The Debtors appeared in person and by their attorney, Gordon E. Gouveia, and the Claimants failed to appear. The matter was submitted on the Affidavit of Debtor James Eugene Tomkiewicz, and the Court now finds as follows:

1. That on December 15, 1982, Debtors James Eugene Tomkiewicz and Rae Marie Tomkiewicz filed their Petition for Relief under Chapter 13 of the United States Bankruptcy Code, and their Plan of repayment was confirmed on March 3, 1983, and they are current on their payments to the Chapter 13 Trustee, Andrew Gadzala.

2. That the Debtors are the owners of certain real estate located at 2133 West Third Place, Hobart, Indiana, and its fair-market value is \$48,500. A copy of the legal description of the real estate is attached hereto and made a part hereof and marked Exhibit "A".

3. That the real estate, on the date the bankruptcy was filed, herein, was encumbered with a first mortgage to St. Joe Mortgage Company in the amount of \$33,801.27, a second mortgage to the First National Bank, Valparaiso, Indiana, in the amount of \$21,000.00, and a third mortgage to Jon Meyers and Sharon Meyers, the Claimants herein, in the amount of \$15,130.22.

4. That the fair-market value of the real estate is less than the amount owed on the first and second mortgages.

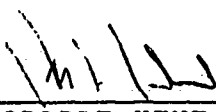
5. That the Chapter 13 Trustee has paid to the Claimants the sum of \$3,816.22, and that the Debtors' Plan calls for payments to unsecured creditors of 20%, which would entitle the Claimants herein to receive the sum of \$3,026.04, constituting an overpayment in the sum of \$790.18.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. That Claim No. 17 of Jon Meyers and Sharon Meyers, in the amount of \$15,130.22, is an unsecured claim as determined by 11 U.S.C. Section 506(a), and their mortgage lien against the real estate of the Debtors located at 2133 West Third Place, Hobart, Indiana, is void pursuant to 11 U.S.C. Section 506(d).

2. That the Claimants herein, Jon Meyers and Sharon Meyers, have received payments from the Chapter 13 Trustee, which payments total an excess of \$790.18 of their unsecured claim, which sum of \$790.18 they shall repay to the Debtors, through their attorney, within 30 days of the date of this Order.

JUL 09 1985

  
HONORABLE KENT LINDQUIST  
JUDGE, UNITED STATES BANKRUPTCY COURT