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United States Bankruptcy Court

For the Northern District of Indiana

2007 042694

I, CHRISTOPHER M. DE TORO, Clerk of the Bankruptcy Court

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

JUDGMENT AVOIDING JUDGMENT LIEN AS PREFERENTIAL TRANSFER

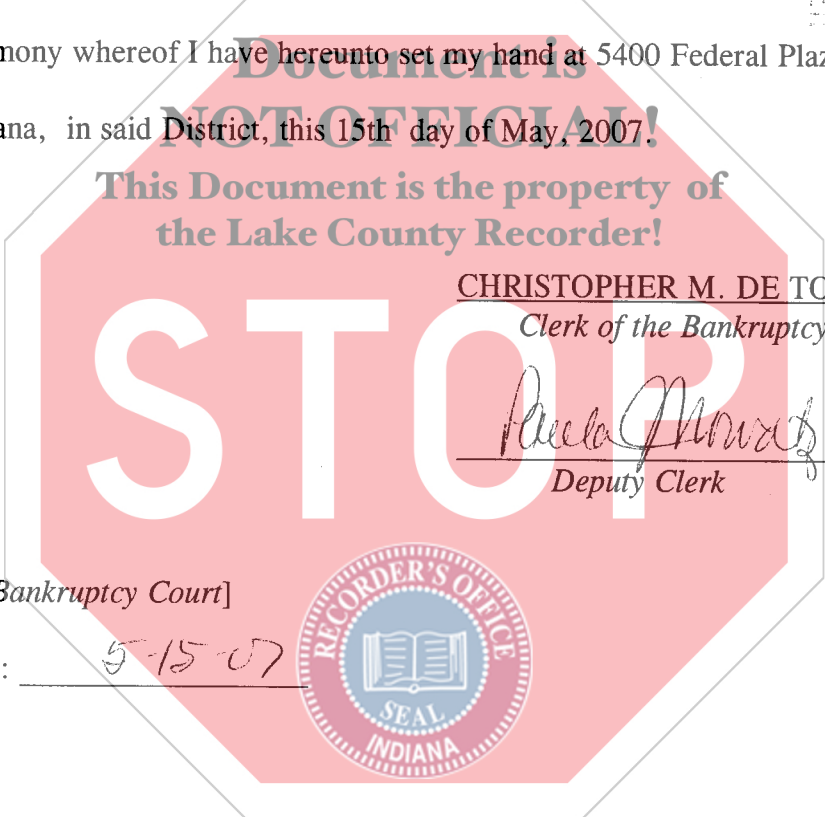
in the case of Joseph John Reipsa and Pamela Jean Reipsa vs. Alejandra Alvarez, Adversary

Proceeding Case No. 03-6072, 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 5400 Federal Plaza, Suite 2200, Hammond, Indiana, in said District, this 15th day of May, 2007.

STATE OF INDIANA
CLERK OF THE DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
2007 MAY 25 11:04 AM
CLERK OF DISTRICT COURT



CHRISTOPHER M. DE TORO

Clerk of the Bankruptcy Court

Paula Morozke

Deputy Clerk

[Seal of the US Bankruptcy Court]

Date of Issuance: 5-15-07

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CA

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

IN RE:)	
)	
JOSEPH JOHN REIPSA and)	CASE NO. 02-64552
PAMELA JEAN REIPSA,)	CHAPTER 13 PROCEEDING
)	
Debtors.)	
*****)	
JOSEPH JOHN REIPSA and)	
PAMELA JEAN REIPSA,)	
)	
Plaintiffs.)	ADVERSARY PROCEEDING NO.03-6072
)	
vs.)	
)	
ALEJANDRA ALVAREZ,)	
)	

**DEFAULT JUDGMENT AVOIDING JUDGMENT LIEN AS
PREFERENTIAL TRANSFER**

This cause came to be heard on the Motion and Notice For Default as filed by the Plaintiffs/Debtors,
all as contained in said motion, to-wit:

(H.I.)

The Court being duly advised in the premises, and finding that the Defendant is in default, and finding that the judgment lien of the defendant should be avoided pursuant to 11 U.S.C. §547, and the Court finding that it has jurisdiction over this action pursuant to 28 U.S.C. §§157 and 1334 and that this is a core proceeding within the meaning of 28 U.S.C. §157(b)(2)(F).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the judgment lien upon Debtors' real estate in the case entitled Alejandra Alvarez vs. John J. Reipsa and Pamela J. Reipsa, Cause No. 45DO5-9411-CP-2074, Lake Superior Court, Room No. Five, Hammond, Lake County, Indiana, on the 13th day of August, 2002, a copy of which is attached hereto and marked Exhibit "A", should be and is hereby avoided as a preferential transfer pursuant to §547(b) of the United States Bankruptcy Code.

DATED: JUL 15 2003

J. Philip Kitzelberger
JUDGE
U. S. BANKRUPTCY COURT

DISTRIBUTION:

Paul Chael, 401 W. 84th Drive, Suite C, Merrillville, IN 46410
U. S. Trustee, One Michiana Square Bldg., #555, 100 E. Wayne Street, South Bend, IN 46601
Kevin M. Schmidt, 370 W. 80th Place, Merrillville, IN 46410
John and Pamela Reipsa, 8804 Schreiber Drive, Munster, IN 46321
Samuel T. Miller, 9335 Calumet Avenue, Suite C, Munster, IN 46321



STATE OF INDIANA)
) ss:
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
CIVIL DIVISION, ROOM NO. FIVE
SITTING AT HAMMOND, IN

ALEJANDRA ALVAREZ,)
Plaintiff,)
vs.)
JOHN J. REIPSA and PAMELA J. REIPSA,)
Defendants.)

CAUSE NO. 45D05-9411-CP-2074

Filed in Open Court

ORDER OF JUDGMENT

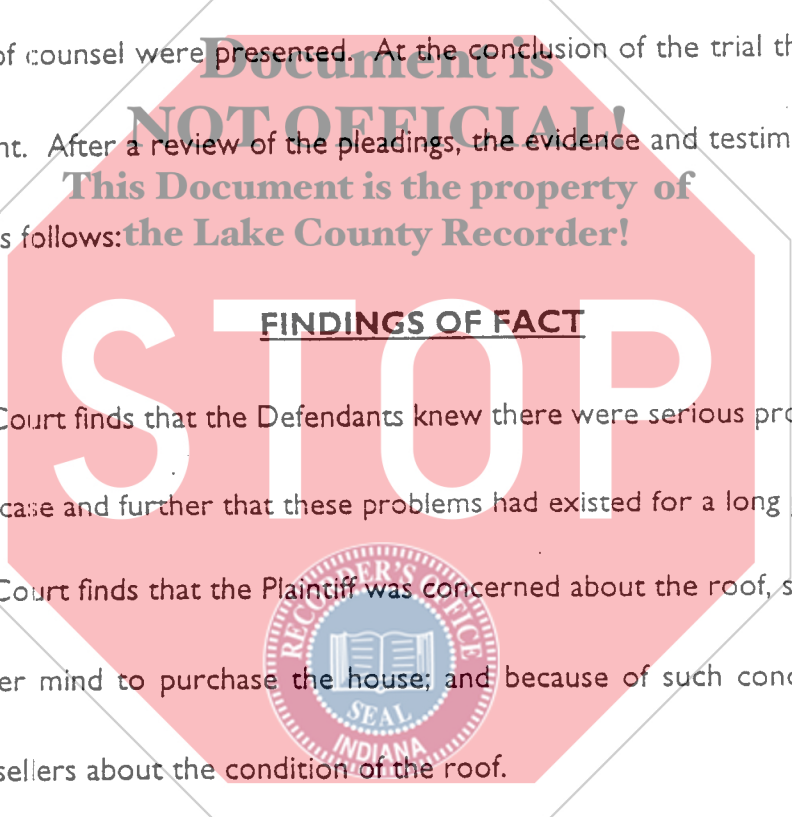
The cause came before the Court on August 1, 2002, for a trial before the bench. Plaintiff

AUG 13 2002

Alejandra Alvarez appeared in person and with counsel Wanda E. Jones. Defendant John J. Reipsa

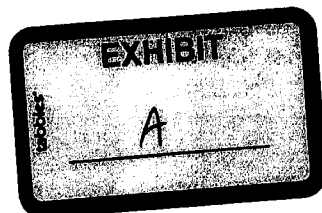
Anna M. Carter
Clerk of the Court
LAKE SUPERIOR COURT

appeared in person and with counsel Joseph P. Allegretti. The witnesses were sworn and evidence and arguments of counsel were presented. At the conclusion of the trial the matter was taken under advisement. After a review of the pleadings, the evidence and testimony, the Court now finds and rules as follows:



FINDINGS OF FACT

1. The Court finds that the Defendants knew there were serious problems with the roof involved in this case and further that these problems had existed for a long period of time.
2. The Court finds that the Plaintiff was concerned about the roof, since it was flat, prior to making up her mind to purchase the house; and because of such concern, she specifically questioned the sellers about the condition of the roof.



3. The Court finds that the Defendants misrepresented a material fact to the Plaintiff and basically lied to her telling her that there were no problems with the roof. The Court finds further that they concealed the problems by replacing damaged ceiling tiles with new tiles to cover any suggestion of a leaking roof.

4. The Court finds that the Defendants knew that their statements to the Plaintiff concerning the roof were misrepresentations of material fact and were false.

5. The Court finds that the Defendants knew that the Plaintiff relied on their misrepresentations in their roles as both sellers and the realtor handling the sale for both the sellers and the buyer (Plaintiff).

6. The Court finds that the Plaintiff was induced, by the misrepresentation of material fact and lies of the Defendants, to rely on same to her detriment.

7. The Court finds that the roof was in such a state at the time of the sale of the house that the only valid remedy to the problem was replacement.

8. The Court further finds that the Plaintiff incurred the following damages:

- a) The cost of immediate temporary repair to the roof in the sum of \$750.00;
- b) The cost of carpet cleaning and replacing ceiling tiles in the sum of \$300.00; and
- c) The cost of replacing the roof (without additional charges to change the structure of the new roof) in the sum of \$14,350.00.

The Plaintiff's total compensatory damages amount to \$15,400.00.

9. The Court does not find that punitive damages should be awarded.

WHEREFORE, the Plaintiff Alejandra Alvarez shall have a judgment against the Defendants, John J. Reipsa and Pamela J. Reipsa, each and both of them, in the total sum of Fifteen Thousand Four Hundred Dollars (\$15,400.00), together with statutory interest from this date and court costs.

SO ORDERED this 13th day of August, 2002.



ROBERT A. PETE, JUDGE

COURT TO NOTIFY

Distribution:

Wanda E. Jones, 2546 45th Street, Highland, IN 46322
Joseph Allegretti, 6920 Hohman Avenue, Hammond, IN 46320

