

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
STEVE D. HEKKEL,) CASE NO. 04-64938 JPK
) Chapter 11
Debtor.)

ORDER RESOLVING CONTESTED MATTERS
CONCERNING DEBTOR'S MOTION TO SELL PROPERTY

On December 14, 2005, a pre-hearing conference was held in the contested matters arising from the objections of David Westland and of Woodmar Tours and Travel to the Motion to Allow Sale of Property Free and Clear of Liens filed by the debtor on November 11, 2005. The debtor appears by counsel Lori Fisher; Attorney David Westland personally appears on his own behalf; Woodmar Tours and Travel appears by counsel Edward Feldman.

The issue before the Court is whether under Indiana law, judgment liens attach to a beneficial interest in an Indiana land trust. That issue has been determined by the United States District Court for the Northern District of Indiana in the case of *CitiCorp. v. Bank of Lansing*, 604 F. Supp. 585 (N.D. Ind. 1985): judgment liens do attach to the beneficial interest in Indiana land trusts; *accord, Matter of Drewry*, 966 F.2d 236, 242 (1992). The parties advise the Court that this determination resolves both contested matters.

IT IS ORDERED that the debtor's Motion to Allow Sale of Property Free and Clear of Liens is hereby approved, subject to the terms of the separately entered order approving that sale.

IT IS FURTHER ORDERED that the judgment lien interests of David Westland and of Woodmar Tours and Travel shall be provided for by distribution at the closing of that sale in accordance to the terms of the parties' agreements concerning provision for disbursement of proceeds to the judgment lien holders, with Woodmar Tours and Travel having priority over David Westland.

Dated at Hammond, Indiana on December 21, 2005.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
US Trustee, Attorneys for Creditors