

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Case No Bky: 03-37857
Adv Pro: 04-3068

Alan and Debra Sheldon
306 8th Avenue SW
Pipestone MN 56164

CHAPTER 7

Bank One Delaware, N.A.,

Plaintiff,

vs.

Debra Ann Sheldon,

Defendant.

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER FOR JUDGMENT, JUDGMENT AND DECREE**

The above-entitled proceeding came on for a hearing before the Honorable Dennis O'Brien, Judge of United States Bankruptcy Court, on the th day of September 2004, at the United States Bankruptcy Court, 625 Federal Court Building, 316 North Robert Street, St. Paul, MN 55101.

The Plaintiff appeared, and appearances are noted in the record. The Defendant appeared with her counsel, Christopher M. Kennedy, Kennedy & Kennedy, 99 Navaho Avenue, Suite 104, Post Office Box 3223, Mankato MN 56002-3223.

The Court, upon all the files, records and proceedings, makes the following:

FINDINGS OF FACT

Plaintiff, Bank1One f/k/a First USA is a banking corporation that is in the business of providing credit to individuals.

Defendant, Debra Ann Sheldon, is a resident of the State of Minnesota and she has a residence of 306 8th Avenue SW, Pipestone, Minnesota 56164.

Plaintiff is represented in these matters by David Jon Hoiland, Hoiland Law Office, 120 6th Street, Suite 1100, Minneapolis MN 55402.

Defendant is represented in these matters by Christopher M. Kennedy, Kennedy & Kennedy, 99 Navaho Avenue, Suite 104, Mankato MN 56001.

The Defendant, and her husband filed for Chapter 7 Bankruptcy Protection on November 20, 2003.

The Plaintiff filed an Objection to Discharge of it's Debt on February 27, 2004. The Plaintiff has a credit card account with Bank1One on the date of filing.

The Defendant had made a solicitation to the Plaintiff, encouraging her to transfer her credit card balances from other cards to the Bank1One Card and offered her a lower interest rate.

The Defendant took up the offer of Bank1One and accepted \$14,500.00. She used this money to pay other credit cards with higher interest.

The Plaintiff did not rely on any information provided by the Defendant to make it's decision to provide credit.

CONCLUSION OF LAW

- A. The Plaintiff's Debt is not entitled to be exempted from Discharge under 11 USC 523 (a)(2)(A).
- B. The Defendant did not intend to defraud the Plaintiff.
- C. The Defendant did not make any false statements.
- D. Plaintiff's debt is discharged.

ORDER FOR JUDGMENT

LET JUDGMENT BE ENTERED FORTHWITH:

Dated:

Honorable Dennis O'Brien
Judge of United States Bankruptcy Court