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12-6-88

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98 DEC 7 11:56
U.S. BANKRUPTCY COURT
CLERK

Attorneys for Federal Savings & Loan
Insurance Corporation, as Receiver
for Sierra Savings & Loan Association

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASE NO. 88-154
CHAPTER 11

ABBOTT BUILDING
CORPORATION, INC.

Debtor.

ORDER DENYING MOTION FOR RELIEF
FROM STAY AND CLARIFYING PRIOR
ORDER VACATING DISMISSAL OF CASE
DATE: August 29, 1988
TIME: 9:00 a.m.

The Motion for Relief from Stay filed by the Rabe Estate was heard on August 29, 1988 at 9:00 a.m. Gary D. Woodbury appeared for the Rabe Estate. George W. Abbott appeared for the Debtor. Deborah E. Schumacher appeared for Federal Savings & Loan Insurance Corporation as Receiver for Sierra Savings & Loan Association ("FSLIC").

Based on the parties' written pleading and oral argument, and good cause, the Court orders:

(1) This Court's May 6, 1988, order dismissing the Abbott Building Corp. bankruptcy was void ab initio because due process requirements of notice and hearing were not given the Debtor.

(2) FSLIC's May 7, 1988 foreclosure sale to the Rabe Estate of certain real property, more particularly described in

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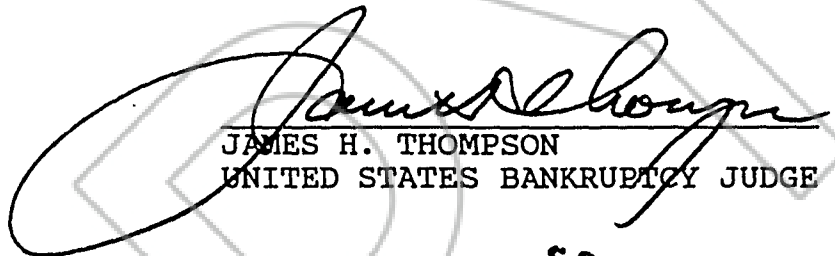
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1 Exhibit A, is void because it was premised on a void order of
2 dismissal. The parties shall return to their respective positions
3 prior to the sale, specifically, the real property described in
4 Exhibit A is property of the Debtor's estate; FSLIC's notice of
5 default and election to sell is reinstated; FSLIC may file a
6 notice of sale but not proceed to sale without further Court
7 order.


8 (3) The Rabe Estate's Motion for Relief From Stay to
9 evict the Debtor from the premises described in Exhibit A is
10 denied.

11 DATED: Dec. 7, 1988.


12
13 
14 JAMES H. THOMPSON
UNITED STATES BANKRUPTCY JUDGE

15 Submitted by:


16 McDONALD, CARANO, WILSON, McCUNE,
17 BERGIN, FRANKOVICH & HICKS

18 By: 
19 Deborah E. Schumacher
20 Attorneys for Federal Savings & Loan
Insurance Corporation

21 Approved/Disapproved as to form:


22 
23 George W. Abbott, Esq.
24 Attorney for Debtor

25 Approved/Disapproved as to form:

26 
27 Gary D. Woodbury, Esq.
Attorney for The Rabe Estate

28 F/67.cs

SEAL

I hereby certify that the attached instrument is a true and correct copy of the original on file in the office of the Bankruptcy Judge.
Dated 12/8/88 
Authorized Clerk to Bankruptcy Judge

RECEIVED
DEC 1 1988
GEORGE W. ABBOTT

WHEN RECORDED MAIL
 Sierra Savings and Loan
 P.O. Box 1390
 Minden, Nevada 89423
 Loan No. 1643
 ESCROW NO. 39476MCA

DATE 12/4/85		Savings	
LOAN NO 0001643	LENDER 3641		
MORTGAGE AMOUNT 100,000.00	LENGTH OF LOAN 5	FEE 32.00	
BORROWER Abbott Building Corporation			
PROPERTY ADDRESS 1590 4th St., Minden, NV 89423			
FORMER OWNER Abbott Building Corporation			
SERVICE TYPE <input checked="" type="checkbox"/> B NON ESCROW <input type="checkbox"/> C ESCROW			
DIST		Collection District Name	Permanent Tax Number
County			
City			
Town			
Borough			
School			
Dist			
Other			

[Space Above This]

DEED

THIS DEED OF TRUST ("Security Instrument") is made onNOVEMBER..22,.....
 19.85..... The grantor isABBOTT..BUILDING..CORPORATION, INC.....
 ("Borrower"). The trustee is
LAWYERS..TITLE..OF..NORTHERN..NEVADA, INC..... ("Trustee"). The beneficiary is
SIERRA..SAVINGS..AND..LOAN..ASSOCIATION....., which is organized and existing
 under the laws ofNEVADA....., and whose address is
 1590..4TH..STREET, MINDEN, NEVADA.....89423..... ("Lender").
 Borrower owes Lender the principal sum of ..ONE..HUNDRED..THOUSAND..AND..NO/100.....
 Dollars (U.S. \$100,000.00.....). This debt is evidenced by Borrower's note
 dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not
 paid earlier, due and payable onDECEMBER..01,.....1995.....
 This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all
 renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to
 protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under
 this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust,
 with power of sale, the following described property located inDOUGLAS..... County, Nevada:

ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATE IN THE COUNTY OF
 DOUGLAS, STATE OF NEVADA, DESCRIBED AS FOLLOWS:

LOT'S 11 & 12, IN BLOCK H, OF THE TOWN OF MINDEN, AS SHOWN ON THE OFFICIAL
 MAP OF MINDEN, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF DOUGLAS
 COUNTY, NEVADA, ON JULY 2, 1906.

A.P.N. 25-200-37

11-22-85
 127356
 1185.....2371

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which has the address of1590 4TH STREET.....MINDEN.....
 [Street] [City]

A

REQUESTED BY
WESTERN TITLE COMPANY, INC.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'89 JAN 17 AM 11:27

SUZANNE BEAUDREAU
RECORDER

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