



**SO ORDERED.**

**SIGNED this 29 day of July, 2005.**

*Dale L. Somers*

Dale L. Somers  
UNITED STATES BANKRUPTCY JUDGE

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

**In Re:**

**JAMES BLAIR KIRBY,**

**DEBTOR.**

**RABO AGSERVICES,  
in its capacity as servicer for  
AG ACCEPTANCE CORPORATION,**

**PLAINTIFF,**

**v.**

**JAMES BLAIR KIRBY,**

**DEFENDANT.**

**CASE NO. 03-16858  
CHAPTER 12**

**ADV. NO. 04-5080**

**JUDGMENT GRANTING MOTION OF RABO AGSERVICES  
FOR SUMMARY JUDGMENT**

This proceeding came before the Court on July 29, 2005, for decision on the Motion for Summary Judgment filed by plaintiff Rabo AgServices and the response thereto filed by Defendant Kirby. Plaintiff appears by Charles T. Engel and Jason E. Geier, Cosgrove, Webb & Oman. Defendant James B. Kirby, Debtor, appears by Dan W. Forker, Jr., Forker, Suter & Rose. There are no other appearances. The Court considered the positions of the parties and granted Plaintiff's motion finding that Defendant's debt to Plaintiff in the amount of \$46,554.98 is excepted from discharge pursuant to 11 U.S.C.A. § 523(a)(4).

This Court has jurisdiction over the parties and the subject matter of this proceeding pursuant to 28 U.S.C.A. §§ 157(a) and 1334(a) and (b), and the Standing Order of the United States District Court for the District of Kansas that exercised authority conferred by § 157(a) to refer to the District's bankruptcy judges all matters under the Bankruptcy Code and all proceedings arising under the Code or arising in or related to a case under the Code, effective July 10, 1984<sup>1</sup>. Furthermore, this Court may hear and finally adjudicate this matter because it is a core proceeding pursuant to 28 U.S.C.A. § 157(b)(2)(J).

By Memorandum and Order Granting Motion of Rabo AgServices for Summary Judgment entered on July 29, 2005, the Court announced its Findings of Fact and Conclusions of Law. Based upon the foregoing, including those Findings and Conclusions, and in accordance with Bankruptcy Rule

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<sup>1</sup>The order is referred to in D. Kan. Rule 83.8.5, and is quoted in the Preface to the 2004 Local Rules of the United States Bankruptcy Court for the District of Kansas, at page v.

9021 and Civil Rule 58(a), judgment is hereby entered that Defendant's debt to Plaintiff in the amount of \$46,554.98 is excepted from discharge pursuant to 11 U.S.C.A. § 523(a)(4).

IT IS SO ORDERED.

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