

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

<b>IN RE:</b>	)	
	)	
<b>DANIEL W. HUMBARGER,</b>	)	<b>Case No. 01-10594</b>
	)	<b>Chapter 7</b>
	)	
<b>Debtor.</b>	)	
<hr/>		
	)	
<b>DANIEL W. HUMBARGER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Adversary No. 01-5045</b>
	)	
<b>MARY HUMBARGER, n/k/a ALBERS,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr/>		

**JUDGMENT ON DECISION**

This adversary proceeding comes before the Court on plaintiff-debtor Daniel Humbarger’s (“debtor”) complaint pursuant to 11 U.S.C. § 523(a)(15)<sup>1</sup> to determine the dischargeability of a property settlement judgment in connection with his 1994 divorce. This matter came on for trial on May 28, 2002. Both parties testified and offered exhibits which the Court received by stipulation. The parties also stipulated to certain facts. The parties did not submit trial briefs. The Court is now prepared to rule.

The Court concludes that the debtor has failed to satisfy his burden of proof with respect to either prong of 11 U.S.C. §523(a)(15). Accordingly, the property settlement judgment is not

---

<sup>1</sup> All statutory references are to the Bankruptcy Code, 11 U.S.C. § 101, et seq. unless otherwise specified.

dischargeable under §523(a)(15).

IT IS SO ORDERED.

Dated this 1<sup>st</sup> day of October, 2002.

---

ROBERT E. NUGENT, BANKRUPTCY JUDGE  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS

## CERTIFICATE OF SERVICE

The undersigned certifies that copies of the **Judgment on Decision** were deposited in the United States mail, postage prepaid on this 1<sup>st</sup> day of October, 2002, to the following:

U.S. Trustee  
500 Epic Center  
301 N. Main  
Wichita, KS 67202

Dan W. Forker, Jr.  
Reynolds, Forker, Berkley, Suter,  
Rose & Graber  
129 W. 2<sup>nd</sup>  
P.O. Box 1868  
Hutchinson, KS 67504-1868

David J. Lund  
1010 North Main  
P.O. Box 635  
Wichita, KS 67201

J. Michael Morris  
1600 EPIC Center  
301 N. Main  
Wichita, KS 67202

Mary Humbargar  
c/o John Reynolds  
P.O. Box 844  
Salina, KS 67402

Daniel W. Humbargar  
c/o Hutchinson Correctional Facility  
P.O. Box 1568 East Unit  
Hutchinson, KS 67504

---

Janet Swonger,  
Judicial Assistant