



SO ORDERED.

SIGNED this 17 day of June, 2005.

Dale L. Somers

Dale L. Somers
UNITED STATES BANKRUPTCY JUDGE

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

In re:

**WILLIAM J. DAVIS and
MARILYN K. DAVIS,**

DEBTORS.

**CASE NO. 04-14554
CHAPTER 13**

**JUDGMENT DENYING MOTION OF H & R BLOCK
FOR RELIEF FROM STAY**

This contested matter came before the Court on June 17, 2005, for determination of H & R Block's Motion for Relief from Automatic Stay pursuant to 11 U.S.C.A. § 362(d) to pursue pending state court litigation against the Debtors. H & R Block appears by Brian Devling and Marcus A. Helt, Husch & Eppenberger, LLC. The Debtors, William J. Davis and Marilyn Kay Davis, appear by Mark J. Lazzo, Mark J. Lazzo, PA. There are no other appearances. The Court considered the motion, the briefs of the parties, and arguments

from counsel. By Memorandum and Order Denying H & R Block's Motion for Relief from Stay filed on June 17, 2005, the Court announced its decision denying the motion.

This Court has jurisdiction over the parties and the subject matter of this matter 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, 1984¹. 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)(G).

Pursuant to Federal Rules of Bankruptcy Procedure 9014(c) and 7052 (which make Civil Rule 52 apply to this matter), the Court by Memorandum and Order Denying H & R Block's Motion for Relief from Stay filed on June 17, 2005, made its Findings of Fact and Conclusions of Law. Based upon the foregoing, including those Findings and Conclusions, and in accordance with Bankruptcy Rule 9021 and Civil Rule 58(a), judgment is hereby entered denying H & R Block's motion for relief from stay because cause for relief was not established.

IT IS SO ORDERED.

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¹The 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.