

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

MONTE REX BITNER,	*	Ch. 7
	*	Case No. 92-07170
Debtor(s)	*	
-----	*	
MATTIE BITNER,	*	
	*	
Plaintiff(s)	*	
vs.	*	
	*	
MONTE REX BITNER,	*	
	*	
Defendant(s).	*	Adv. No. 92-9045
	*	

ORDER ON MOTION FOR REHEARING

THIS MATTER is before the court on the Motion for Rehearing filed by the defendant, Monte Rex Bitner. On February 23, 1993, this court entered its Final Judgment on the complaint of the plaintiff, Mattie Bitner for a determination of the dischargeability or non-dischargeability pursuant to 11 U.S.C. § 523(a)(5) of certain obligations owed to plaintiff by defendant as a result of their dissolution of marriage. In his motion for rehearing, the defendant requests that this court make a definitive ruling regarding his obligation as contained in the final judgment dissolving their marriage to reimburse plaintiff the sum of \$1,045.00 as a result of

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TALLAHASSEE, FLA

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U. S. BANKRUPTCY COURT
Northern District of Florida
DATE ENTERED ON DOCKET:

5/4/93

FILED

Based on the factors set forth in this court's findings of fact and conclusions of law entered in this case on February 24, 1993, it is clear that the purpose and nature of the order that defendant

Judge Padovano's November 26th order was specifically incorporated in the court's February 21, 1992 Amended Final Judgment of Dissolution of Marriage.

order to show cause why he should not be held in contempt in Failure to pay the levy within five (5) days will result in an 29, 1991 in the amount of \$1,045.01 within five (5) days. for payment of the Internal Revenue Service Levy dated October The petitioner/husband, Monte R. Bitner, shall be responsible THEREFORE IT IS ORDERED AND ADJUDGED that:

pay the levy.

2) The wife is in need of her paycheck and the husband should to insulate the wife against the Internal Revenue Service Levy.

1) Judge Sauls had previously instructed the petitioner/husband Phillip J. Padovano, Circuit Judge found as follows:

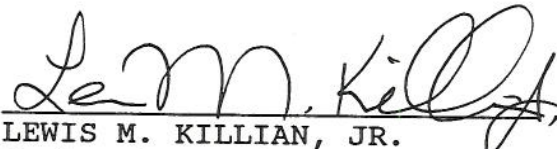
contained in an order dated November 26, 1991, in which the Honorable plaintiff for the \$1,045.00 levied by the I.R.S. was originally The obligation of the defendant, Monte Bitner to reimburse

shall be granted and that item will be addressed herein. addressed in the court's final judgment and therefore the motion find that the matter of the I.R.S. levy was not sufficiently defendant's motion for rehearing and the plaintiff's objection thereto, we an I.R.S. levy. Having reviewed this matter including the defen-

reimburse plaintiff for the I.R.S. levy was to provide her support and to balance the disparate incomes of the parties rather than to divide property and debts. Accordingly, the debtor's obligation to reimburse plaintiff the sum of \$1,045.01 for the I.R.S. levy is determined to be nondischargeable pursuant to 11 U.S.C. § 523(a)(5). Accordingly, it is

HEREBY ORDERED AND ADJUDGED defendant's Motion for Rehearing be and same is hereby granted and the Final Judgment in this case be and same is hereby amended to provide that the defendant's obligation to reimburse plaintiff the sum of \$1,045.01 be and same is hereby excepted from discharge pursuant to 11 U.S.C. § 523(a)(5).

DONE AND ORDERED at Tallahassee, Florida, this 4th day of May, 19 93.


LEWIS M. KILLIAN, JR.
Bankruptcy Judge

I HEREBY CERTIFY that this is a true and correct copy of the original on file in the office of the Clerk, United States Bankruptcy Court for the Northern District of Florida.

LARRY A. PACE, Clerk, Bankruptcy Court

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By 
Deputy Clerk

