

99-023

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION SEVEN

STATE OF KANSAS, ex rel)
CARLA J. STOVALL,)
Attorney General,)
)
Plaintiff,)
)
Vs.)
)
EDWARD JOSEPH FINK, JR.,)
d/b/a E & D SYSTEMS,)
d/b/a TRI-STAR,)
)
Defendant.)
_____)

Case No. 98CV1307

FILED BY CLERK
KS. DISTRICT COURT
THIRD JUDICIAL DIST
1999 APR 22 P 4: 18
JURISDICTION
EXA. KANSAS

JOURNAL ENTRY

1. On or about October 6, 1998, the plaintiff brought suit against the defendant, Edward Joseph Fink, Jr., d/b/a E & D Systems, d/b/a Tri-Star, for violations of the Kansas Consumer Protection act.

2. Defendant Edward Joseph Fink, Jr. d/b/a E & D Systems, d/b/a Tri-Star, was served

with process by certified mail on October 9, 1998, in Johnson County, Kansas.

3. Defendant has submitted to the jurisdiction of the courts of this state by transacting business within this state and has entered into consumer transactions, as defined by the Kansas Consumer Protection Act, K.S.A. §50-624(c).

4. To date, Defendant has failed to respond to the plaintiff's petition or otherwise plead.

5. Defendant has committed at least 15 violations of the Kansas Consumer Protection Act in representations to and transactions with at least three Kansas consumers.


6. Defendant notified Plaintiff on or about November 3, 1998, that Defendant had filed Chapter 7 bankruptcy. A true and correct copy of such notice is attached hereto.

7. Defendant's Chapter 7 bankruptcy was confirmed and debts discharged by the U.S. Bankruptcy Court on April 6, 1999. A true and correct copy of such Discharge of Debtor

is attached hereto.

WHEREFORE, the Defendant Edward Joseph Fink, Jr.,
d/b/a E & D Systems, d/b/a Tri-Star is hereby
permanently enjoined from engaging in any type of
consumer transaction as a supplier within the State of
Kansas.

IT IS SO ORDERED, on this 22nd day of April,
1999.



Honorable Franklin R. Theis
District Court Judge
Division Seven

161 U.S. Courthouse
500 State Ave.
Kansas City, KS 66101-
2417

UNITED STATES BANKRUPTCY COURT

District of Kansas

RECEIVED
10/23/98
CLERK OF BANKRUPTCY COURT

NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7
OF THE BANKRUPTCY CODE,
MEETING OF CREDITORS, AND FIXING OF DATES
(Individual or Joint Debtor No Asset Case)

Case Number: 98-23224 7
Date Filed (or Converted): 10/29/98
Honorable John T. Flannagan

IN RE(NAME OF DEBTOR)
Edward Joseph Fink, Jr., 585-04-0444,
dba E&D Systems
Danna Lea Fink, 460-27-4037

James J. Welch
Asst Attorney General
Kansas Judicial Center
Topeka, KS 66612-1597

ADDRESS OF DEBTOR
12506 S. Constance
Olathe, KS 66062

NAME/ADDRESS OF ATTORNEY FOR DEBTOR
Steven D. Alexander
6405 Metcalf Ave., Ste. 109
Overland Park, KS 66202

NAME/ADDRESS OF TRUSTEE
Carl R. Clark
Attorney at Law
9260 Glenwood
P.O. Box 12167
Overland Park, KS 66212-0167

DATE/TIME/LOCATION OF MEETING OF CREDITORS
November 24, 1998 at 10:30 am
U.S. Courthouse
Room 173
500 State Ave.
Kansas City, KS 66101

Discharge of Debts: Deadline to File a Complaint Objecting to Discharge of the Debtor or to
Determine Dischargeability of Certain Types of Debts: 01/23/99

AT THIS TIME THERE APPEAR TO BE NO ASSETS AVAILABLE FROM WHICH PAYMENT MAY BE MADE TO UNSECURED CREDITORS. DO NOT FILE A PROOF OF CLAIM UNTIL YOU RECEIVE NOTICE TO DO SO.

COMMENCEMENT OF CASE AND APPOINTMENT OF TRUSTEE. A petition for liquidation under chapter 7 of the Bankruptcy Code has been filed in this court by or against the person or persons named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the office of the clerk of the bankruptcy court. The trustee named above is the interim trustee appointed by the U.S. Trustee to serve under general blanket bond on file with the clerk of the bankruptcy court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review Sec. 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named above, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

LIQUIDATION OF THE DEBTOR'S PROPERTY. The trustee will collect the debtor's property and turn any that is not exempt into money. At this time, however, it appears from the schedules of the debtor that there are no assets from which any distribution can be paid to creditors. If at a later date it appears that there are assets from which a distribution may be paid, the creditors will be notified and given an opportunity to file claims.

EXEMPT PROPERTY. Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

DISCHARGE OF DEBTS. The debtor is seeking a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not receive any discharge of debts under Sec. 727 of the Bankruptcy Code or that a debt owed to the creditor is not dischargeable under Sec. 523(a)(2),(4),(6) or (15) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

PURSUANT TO STANDING ORDER of the Court, the trustee may, abandon property of the estate under 11 U.S.C. Sec. 554 without further notice within sixty (60) days from the Sec. 341 Meeting of Creditors.

For the Court: Russell L. Brenner
Clerk of the Bankruptcy Court

10/30/98
Date

FORM B9A 0001

161 U.S. Courthouse
500 State Ave.
Kansas City, KS 66101-2417

UNITED STATES BANKRUPTCY COURT
District of Kansas

Case Number: 98-23224 7
Date Filed (or Converted): 10/29/98

FILED US BANKRUPTCY COURT
DISTRICT OF KANSAS
Date: 10/29/98

James J. Welch
Asst Attorney General
Kansas Judicial Center
Topeka, KS 66612-1597

IN RE(NAME OF DEBTOR)
Edward Joseph Fink, Jr., 585-04-0444,
dba E&D Systems
Danna Lea Fink, 460-27-4037

DISCHARGE OF DEBTOR

It appearing that a petition commencing a case under title 11, United States Code, was filed by or against the person named above on 10/29/98, and that an order for relief was entered under chapter 7 and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court [or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, was not sustained];

IT IS ORDERED THAT:

1. The above-named debtor is released from all dischargeable debts.
2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:
 - (a) debts dischargeable under 11 U.S.C. Sec. 523;
 - (b) unless heretofore or hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2),(4),(6) and (15) of 11 U.S.C. Sec. 523 (a);
 - (c) debts determined by this court to be discharged.
3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor.

Dated: 4/ 6/99

BY THE COURT

John T. Flannagan
United States Bankruptcy Judge