

Laura E. Burri
RINGERT CLARK CHARTERED
455 South Third Street
P.O. Box 2773
Boise, ID 83702
Telephone: (208) 342-4591
Attorneys for Debtors

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DANIEL L. BURKE
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IDAHO

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF IDAHO

In re:)
) Case No. 93-02385
)
)
DAVID SILVA and)
SHARON SELMASSKA,) MOTION TO DISMISS NOTICE OF APPEAL
Debtors.) DATED MAY 22, 1998 AND ANSWER IN
) OPPOSITION TO NOTICE OF APPEAL
)
)
_____)

COME NOW the debtors, pursuant to 28 USC 158(a) and Bankruptcy Rules of Procedure 8003 and 8011, and move this Court to dismiss the Notice of Appeal dated May 22, 1998 on the grounds that the matter appealed from is an interlocutory order of the Bankruptcy Court and not a final judgement, order or decree. Appellant did not properly file this appeal. They were required to file the appeal as a Motion for Leave to Appeal under Bankruptcy Rule of Procedure 8005.

The debtors further submit this Answer in Opposition to Notice of Appeal on the basis that the matters appealed from are interlocutory in nature. Significant issues which pertain to the Trustee's Motion to Compromise are currently being tried in state court in California. This appeal should not proceed until such time as the California matter is completed and a final resolution of this case is reached.

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DATED this 1st day of June, 1998.

RINGERT CLARK CHARTERED

Laura E Burri
Laura E. Burri, Attorney for Debtors

MOTION TO DISMISS NOTICE OF APPEAL DATED MAY 22, 1998 AND ANSWER IN OPPOSITION TO
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CERTIFICATION OF MAILING

I hereby certify that a true and correct copy of the foregoing document was mailed, postage prepaid, to the following on this 15th day of June, 1998.

John Krommenhoek
Trustee
P.O. Box 8358
Boise, ID 83707

Barry Peters
101 Eagle Glen Lane, Ste A
Eagle, ID 83616

Richard C. Norton
H. Paul Kondrick
2150 West Washington, Ste 402
San Diego, CA 92110

Jon S. Gorski
Moffatt, Thomas, Barrett, Rock & Fields
P.O. Box 829
Boise, ID 83702

Lawrence G. Sirhall, Jr.
P.O. box 1112
Boise, ID 83701

David Silva
5320 Wylie Lane
Boise, ID 83703-4321

Laura E. Burri
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