

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 31 1998

TIMOTHY R. WALBRIDGE, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

In re:)
)
CARROLL W. CALDWELL and)
DORIS E. CALDWELL,)
)
Debtors.)

Case No. 98-01538-M

Chapter 7

_____)
)
CARROLL W. CALDWELL and)
DORIS E. CALDWELL,)
)
Plaintiffs,)

v.)

Adversary Proc. No. 98-0145-M

UNITED STATES OF AMERICA,)
ex rel. INTERNAL REVENUE SERVICE,)
)
Defendant.)

_____)

JUDGMENT

THIS MATTER comes before the Court upon plaintiff's Complaint to Determine Dischargeability of Debt filed on May 11, 1998 in which plaintiffs request the Court to determine the dischargeability of plaintiffs' federal income tax liabilities.

WHEREFORE it appearing to the Court that plaintiffs and the United States of America are in agreement as to the disposition of the above-captioned adversary proceeding as to them pursuant to the joint stipulation filed herewith, it is

ORDERED AND ADJUDGED that the stipulation between plaintiffs and the United States of America is hereby APPROVED and ADOPTED by the Court, and it is

FURTHER ORDERED as follows:

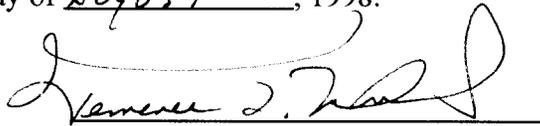
DOCKETED 8-31-98
Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

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1. The plaintiffs filed a Chapter 7 petition in bankruptcy on April 21, 1998.
2. On May 11, 1998, the plaintiffs filed the above-captioned adversary action seeking a determination of the dischargeability of federal income tax liabilities owed to the United States.
3. The plaintiffs' federal income taxes, interest and penalties for the 1988 and 1990 tax years are dischargeable, pursuant to 11 U.S.C. Sections 507 and 523, if and when a discharge is entered.
4. The plaintiffs' federal income taxes and interest for the 1994 tax year are not dischargeable, pursuant to 11 U.S.C. Section 507(a)(8)(A)(ii) and 523(a)(1)(A). The penalties associated with the 1994 tax year are dischargeable, pursuant to 11 U.S.C. Section 723(a)(7).
5. The plaintiffs' taxes and interest relating to their 1994 Trust Fund Recovery Taxes ("FICA"), are not dischargeable, pursuant to 11 U.S.C. Section 507(A)(8)(C) and 523(a)(1)(A). The penalties, however, are dischargeable, pursuant to 11 U.S.C. Section 523(a)(7).
6. The plaintiffs' taxes, interest, and penalties relating to their 1995 Trust Fund Recovery Taxes ("FICA"), are not dischargeable, pursuant to 11 U.S.C. Section 507(A)(8)(C) and 523(a)(1)(A).
7. The plaintiffs' federal income taxes, interest, and penalties for the 1995 and 1996 tax years are not dischargeable, pursuant to 11 U.S.C. Sections 507(a)(8)(A)(i) and 523(a)(1)(A).

8. The United States properly filed a pre-petition Notice of Federal Tax Lien in Tulsa County, Oklahoma in connection with the Carroll W. Caldwell's 1987 and 1988 federal income tax liabilities which continues in effect and attaches to all existing property and rights to property, including exempt property, belonging to Carroll W. Caldwell both on and prior to the filing of the bankruptcy petition. See 11 U.S.C. Section 522(c)(1) and 26 U.S.C. Section 6321.

IT IS SO ORDERED this 7th day of August, 1998.

A handwritten signature in cursive script, appearing to read "Terrence L. Michael", written over a horizontal line.

TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY COURT