

**SEP 29 2005**

**HAROLD S. MARENUS, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT**

**NOT FOR PUBLICATION**

**UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT**

6	In re:	)	BAP No.	AZ-03-1431-KMoS
		)		
7	MILIVOJ MARINKOVIC,	)	Bk. No.	02-00378
		)		
8	Debtor.	)		
		)		
9	_____	)		
		)		
10	MILIVOJ MARINKOVIC; MEL M.	)		
	MARIN,	)		
11		)		
	Appellants,	)		
12		)		
	v.	)	<b>MEMORANDUM*</b>	
13		)		
	MIDLAND LOAN SERVICES, INC.,	)		
14		)		
	Appellee.	)		
15		)		
16	_____	)		

Argued and Submitted on September 22, 2005  
at Phoenix, Arizona

Filed - September 29, 2005

Appeal from the United States Bankruptcy Court  
for the District of Arizona

Honorable James M. Marlar, Bankruptcy Judge, Presiding

\_\_\_\_\_  
Before: KLEIN, MONTALI, SMITH, Bankruptcy Judges.

\_\_\_\_\_  
\*This disposition is not appropriate for publication and may not be cited except when pertinent under the doctrine of law of the case or the rules of res judicata, including issue and claim preclusion. See 9th Cir. BAP Rule 8013-1.

1 This is an appeal from a bankruptcy court order denying a  
2 motion that it construed to be a motion under Federal Rule of  
3 Civil Procedure 60(b) for relief from a ruling made 18-months  
4 earlier regarding the automatic stay. The court's previous  
5 ruling purportedly granting relief from stay cleared the way for  
6 the dismissal of a state court receivership action that included  
7 a counterclaim made by one of the appellants.

8 The instant dispute swirls around the foreclosure of an  
9 apartment complex in Tucson, Arizona, that spawned four related  
10 state court actions and three bankruptcies, including the chapter  
11 11 case in which this appeal arises. The automatic stay  
12 regarding the apartment complex has also been annulled in an  
13 order that is not involved in this appeal.

14 We AFFIRM.

15  
16 FACTS

17 Debtor and co-appellant Milivoj Marinkovic owned and  
18 operated a 20-unit apartment complex ("property") located at 240  
19 West Sahuaro Street, Tucson, Arizona. Co-appellant Mel M. Marin  
20 (aka Mel Marinkovic) is the son of Milivoj Marinkovic.

21 On March 6, 1997, Marinkovic borrowed \$189,000 from Southern  
22 Pacific Thrift & Loan Association ("Southern Pacific") and  
23 secured the loan with the apartment complex.

24 On September 9, 1999, Southern Pacific assigned its interest  
25 in the Note and Deed of Trust to La Salle National Bank, as  
26 Trustee for J.P. Morgan Commercial Mortgage Finance Corporation.  
27 La Salle National Bank appointed Midland Loan Services, Inc.  
28 (appellee and hereinafter referred to as "Midland") as its agent

1 and attorney-in-fact with respect to the Note and Deed of Trust,  
2 pursuant to a Limited Power of Attorney.

3 Subsequently, Marinkovic defaulted on the Note. Midland  
4 commenced foreclosure proceedings, gave notice of a trustee's  
5 sale, and filed a receivership action in the Pima County  
6 (Arizona) Superior Court on February 12, 2001. Midland Loan  
7 Servs., Inc. vs. Marinkovic, No. C20010710. Marinkovic filed  
8 counterclaims against Midland, La Salle National Bank, and  
9 Southern Pacific Bank for breach of contract, false claims and  
10 fraud, and declaratory judgment and injunction.

11 Marin sought to prevent the trustee's sale by filing a  
12 lawsuit in the United States District Court for the District of  
13 Arizona on February 5, 2001, claiming protections under the  
14 Soldiers and Sailors Civil Relief Act. Marin v. LaSalle Nat'l  
15 Bank, So. Pac. Bank, & Midland Loan Servs., Inc., U.S.D. Ct., D.  
16 Ariz., No. 01-00050. On August 8, 2001, the district court  
17 entered a judgment granting defendants' motions to dismiss with  
18 prejudice. The court construed Southern Pacific's joinder in the  
19 motion to dismiss as a motion for summary judgment which it also  
20 granted.<sup>1</sup>

21 On March 6, 2001, less than one month after the receivership  
22 action was filed in state court, Marinkovic transferred his  
23 interest in the property into a revocable trust named Happy Trust  
24 Three and appointed his son, Marin, as trustee.

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26  
27 <sup>1</sup>On appeal, the Ninth Circuit affirmed the district court's  
28 judgment of dismissal because Marin was not a party to the  
contract under which he sought redress. Marin v. LaSalle Nat'l  
Bank, No. 01-17232.

1 On March 12, 2001, Marin removed the receivership action to  
2 the United States District Court for the District of Arizona,  
3 which was ultimately remanded to the state court on May 30, 2001.  
4 Midland Loan Servs., Inc. v. Marinkovic, U.S.D. Ct., D. Ariz.,  
5 No. 01-00102.

6 On the eve of the trustee's foreclosure sale, Marinkovic  
7 filed a chapter 13 case on August 22, 2001, case No. 01-03665, in  
8 the United States Bankruptcy Court for the District of Arizona,  
9 which case was dismissed on October 26, 2001.

10 On October 23, 2001, three days prior to the dismissal of  
11 the chapter 13 case, Marin filed a voluntary chapter 11 case on  
12 behalf of Happy Trust Three in the United States Bankruptcy Court  
13 for the Northern District of New York. Thereafter, Midland filed  
14 a motion in the New York bankruptcy court seeking: (1) to lift  
15 the stay with respect to the property; (2) to dismiss the chapter  
16 11 case with prejudice; (3) to issue an in rem injunction; and  
17 (4) for other just and proper relief. At the conclusion of an  
18 evidentiary hearing on Midland's motion on January 25, 2002, the  
19 New York bankruptcy court announced its ruling dismissing the  
20 case. Later, on the same day, Midland conducted a trustee's sale  
21 in Arizona and recorded a deed of trust on January 29, 2002.

22 Also on January 25, 2002, Marin transferred an 86-percent  
23 interest in the property to Marinkovic and Marinkovic's ex-wife  
24 Eva and a nine-percent interest to himself, leaving Happy Trust  
25 Three with a five-percent interest in the property.

26 The order dismissing the New York chapter 11 case of the  
27 Happy Trust Three was entered on docket on January 31, 2002,  
28 dismissing the case "as of" January 25, 2002. The order

1 explained that Happy Trust Three was ineligible to be a debtor  
2 under chapter 11 of the Code, because it was not a business trust  
3 and not intended to be a business trust, never engaged in  
4 business activities, never experienced a profit, and was unlikely  
5 to engage in business activities in the future. The order also  
6 noted that the chapter 11 case was the fifth judicial proceeding  
7 since February 2001 filed by Marin and/or Marinkovic in an  
8 attempt to block Midland's completion of the "foreclosure and  
9 trustee's sale" of the property. The order dismissing the  
10 chapter 11 case was ultimately affirmed by the Second Circuit.  
11 Marin v. Midland Loan Servs., Inc. (In re Happy Trust Three), No.  
12 03-5004, (2d Cir. 12/7/04).

13 Also during the interval between the January 25, 2002  
14 dismissal hearing in the New York bankruptcy case, and entry of  
15 the dismissal order on docket on January 31, 2002, Marinkovic  
16 filed the chapter 11 case in the United States Bankruptcy Court  
17 for the District of Arizona on January 30, 2002, in which this  
18 appeal arises.

19 On February 25, 2002, four weeks after the foreclosure sale,  
20 there was a hearing in Pima County (Arizona) Superior Court on  
21 Midland's motion to dismiss the receivership action, No.  
22 C20010710, which included a counterclaim by Marinkovic. The  
23 state court's minute entry states in pertinent part:

24 Mr. Marinkovic is present. ... The Court notes that, on  
25 February 5, 2002, after having reviewed the file and  
26 received Defendant's Notice of Filing Bankruptcy, this  
27 Court called the Honorable James M. Marlar, U.S.  
28 [Bankruptcy] Court Judge for the District of Arizona,  
and advised him of this hearing. Judge Marlar orally  
lifted the Stay with respect to this Motion To Dismiss.  
... The Court notes that Mr. Mel M. Marin is not a  
party to this case; the Court will not consider the

1 pleadings he has submitted. IT IS ORDERED that the  
2 Motion to Dismiss is GRANTED.

3 The dismissal order did not specify whether it was with or  
4 without prejudice. Marinkovic did not timely appeal the state  
5 court dismissal order and did not question the bankruptcy court's  
6 ruling regarding the automatic stay for 18 months. On April 22,  
7 2002, Marinkovic filed a motion in state court to reopen time to  
8 appeal, which was denied on June 7, 2002.

9 On February 26, 2002, the day after the state court  
10 dismissed the receivership action, Marinkovic commenced an  
11 adversary proceeding in the bankruptcy court to require Midland  
12 to turn over the property. Marinkovic v. Midland Loan Servs.,  
13 Inc., Adv. Pro. No. 02-0029, U.S. Bankr. Ct., D. of Ariz., filed  
14 Feb. 26, 2002. On March 22, 2002, Midland filed a motion for  
15 summary judgment. Marinkovic filed no opposition, but Marin (who  
16 was not a party) filed various documents in opposition. On  
17 August 2, 2002, the bankruptcy court granted the summary judgment  
18 motion, ruling:

19 (1) the January 25, 2002 Order of the United States  
20 Bankruptcy Court for the Northern District of New York  
21 was, is and shall be deemed effective as of January 25,  
22 200[2]; (2) the automatic stay applicable to the  
23 instant case shall be annulled as to the property in  
24 favor of Midland; and (3) that the trustee's sale, held  
25 on January 25, 200[2], effectively and completely  
26 eliminated all legal and equitable interests of the  
27 debtor and those claiming interests by, through or  
28 under him (emphasis supplied).

25 Id. at 45. The judgment was entered on August 29, 2002.<sup>2</sup>

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27 <sup>2</sup>This judgment was not directly appealed. However, on  
28 September 6, 2002, Marin, who was not a party, filed a motion for  
reconsideration of the August 29, 2002 judgment, which the

(continued...)

1 In yet another attempt to unwind the foreclosure, Marin  
2 filed a complaint in the Pima County (Arizona) Superior Court  
3 against the purchasers of the property. Marin v. Dean Bell;  
4 Magnolia Bearcat, LLC; Centaurus, LLC, No. C-20031459. Marin's  
5 complaint alleged conversion and conspiracy to commit fraud  
6 arising from defendant's purchase of the property at the  
7 foreclosure. Defendants filed a motion to dismiss on the basis  
8 that the claims were barred by the rules of res judicata ("claim  
9 and issue preclusion"), which motion was granted on June 6, 2003.  
10 The order explained that Marin filed and litigated related claims  
11 in two cases in the federal district court, two cases in Pima  
12 County Superior Court, and three cases in the bankruptcy court.<sup>3</sup>

13 Two months later, on August 5, 2003, the unsigned motion  
14 that is the subject of this appeal was filed in Marinkovic's  
15 Arizona chapter 11 case. The motion was entitled:

16 NOTICE AND MOTION OF CREDITOR/FAMILY TRUSTEE/SON TO  
17 CLARIFY ORDER GRANTING LEAVE TO SUPERIOR COURT TO  
18 DISMISS ACTION MIDLAND V. MARINKOVIC c-2001-0710 (Ariz.  
19 Sup. 2/25/02) AND TO LIFT-STAY TO ALLOW APPEAL AGAINST  
20 STATE ORDER

21 <sup>2</sup>(...continued)  
22 bankruptcy court denied on November 26, 2002. Adv. Pro. No. 02-  
23 00029. Marin later filed a motion to extend the time allowed to  
24 file an appeal of the November 26, 2002 order denying  
25 reconsideration of the August 29, 2002 judgment. The bankruptcy  
26 court denied the motion to extend time on February 3, 2003.  
27 Subsequently, Marin filed an appeal to the BAP in which  
28 Marinkovic joined. BAP. No. 03-1093. The appeal was  
consolidated with BAP No. 03-1047. The consolidated appeals were  
DISMISSED for failure to prosecute on November 2, 2004 [Brandt,  
Klein, Montali]. Marin and Marinkovic appealed the dismissal  
order to the Ninth Circuit [9th Cir. No. 05-15176, consolidated  
with 9th Cir. No. 05-15178]. The Ninth Circuit docket indicates  
that the appeals are still pending.

<sup>3</sup>Marin appealed the state court order and the Arizona Court  
of Appeals affirmed the state court on July 2, 2004.

1 The name Mel M. Marin appeared on the upper left-hand corner of  
2 the page. This motion requested two things. First, that the  
3 bankruptcy court clarify its 18-month old "unpublished order of  
4 February 2002" supposedly granting relief from the automatic stay  
5 with respect to the motion to dismiss in the receivership action.  
6 Midland Loan Servs., Inc. v. Marinkovic, No. C20010710. Second,  
7 the motion further requested relief from the automatic stay to  
8 allow Marinkovic and Marin to appeal the February 25, 2002  
9 dismissal order as to which the state court had refused on June  
10 7, 2002 to reopen the time to appeal.

11 On August 7, 2003, the bankruptcy court deemed the motion to  
12 be a request for relief from an order pursuant to Federal Rule of  
13 Civil Procedure 60(b) as incorporated by Federal Rule of  
14 Bankruptcy Procedure 9024. The court entered an order denying  
15 the motion, ruling in pertinent part:

16 Grounds for relief from the alleged offending  
17 order, made over 19 months ago, do not  
18 satisfy any of the grounds enumerated in  
19 F.R.Civ.P. 60(b)(4), (5) or (6), made  
20 applicable to bankruptcy proceedings by Bank.  
21 R. 9024 [Fed. R. Bankr. P. 9024]. If the  
22 grounds raised are F.R.Civ.P. 60(b)(1), (2),  
23 and (3), then the motion is untimely, as  
24 those matters must be made within a one-year  
25 period after entry of an Order.

26 This is the order that is the subject of the instant appeal.

27 As to the automatic stay of 11 U.S.C. § 362, the court  
28 explained: (1) the automatic stay need not be "lifted" to allow  
the parties to the state court action to take appeals; and (2) to  
the extent § 362 might have been applicable, it has already been  
lifted or is inapplicable because it applies to actions taken  
against the debtor, not by the debtor.



1 Marin timely appealed and Marinkovic joined in the appeal.<sup>4</sup>

2  
3 JURISDICTION

4 The bankruptcy court had jurisdiction via 28 U.S.C. §§ 1334  
5 and 157(b). We have jurisdiction under 28 U.S.C. § 158(a)(1).  
6

7  
8 <sup>4</sup>Marin filed the subject motion. Although Marinkovic was  
9 not a party to the motion and did not formally intervene, he is  
10 joined as a party for purposes of this appeal (Marin and  
11 Marinkovic are hereinafter collectively referred to as  
12 "appellants").

13 Appellants are no strangers to the Ninth Circuit. They have  
14 filed at least 31 appeals to the Circuit. The Ninth Circuit  
15 docket lists the following appeals: Midland Loan Service v.  
16 Marinkovic, No. 01-17174; Marin v. Midland Loan, No. 03-17080;  
17 Marinkovic v. Midland Loan, No. 03-17243; Marin v. Sanders, No.  
18 04-15738; Marin v. Sanders, No. 04-15739; Marin v. Midland Loan  
19 Service, No. 04-15741; Marin v. Midland Loan Service, No. 04-  
20 15742; Marinkovic v. City of Utica, No. 04-16199; Marin v.  
21 Midloan Loan Service, No. 05-15176; Marinkovic v. Midland Loan  
22 Service, No. 05-15178; Marinkovic v. Lautsch Law Corp., No. 01-  
23 56357; Marinkovic v. City of Utica, No. 04-16199; Marinkovic v.  
24 Casey, Gerry, Casey, No. 88-6401; Marinkovic v. Casey, Gerry,  
25 Casey, No. 92-55584; Marinkovic v. Casey, Gerry, Casey, No. 94-  
26 56042; Marinkovic v. USDC-CAS, No. 95-70364; Marinkovic v. Casey,  
27 Gerry, Casey, No. 96-56657; Marin v. LaSalle National, No. 01-  
28 17237; Marin v. Tarr, No. 02-15507; Marin v. Gary's Towing, No.  
04-15174; Marin v. Sanders, No. 04-15738; Marrin v. Tarr, No. 05-  
15440; Marin v. Pederson, No. 94-55841; Marin v. Denney, et al.,  
No. 94-55841; Marin v. Denney, No. 94-56452, Marin v. California  
State Bar, No. 98-56777; Marin v. State of Arizona, No. 99-17000;  
Marin v. Hazelton, No. 89-35747; Marin v. Hazelton et al;  
Marinkovic v. Lautsch Law Corp., No. 01-56357; Marinkovic v.  
USDC-CAS, No. 95-70364.

29 Nor is this list exhaustive. It does not include appeals to  
30 the BAP, other Circuits, or state courts. See, e.g., Mel M.  
31 Marin v. LDDS of Missouri, Inc., dba LDDS of Alabama, Inc., No.  
32 97-2430 (8th Cir. 1998); Marin v. City of Utica, et al., No. 04-  
33 6683 (2d Cir. 8/8/05); See also, In re Petition by Mel M. Marin,  
34 U.S. Postal Serv. Admin. Dkt. No. POB 02-231 (Aug. 5, 2002)  
35 (Appeal of Termination of P.O. Box 4312, Ithaca, N.Y. 14852-4312  
36 for "using P.O. Box 4312 for the primary purpose of having mail  
37 forwarded to other addresses ... contrary to the rule in DMM  
38 § D910.3.6.").

1 ISSUE

- 2 (1) Whether Marin has standing to appeal;  
3 (2) Whether the appeal is moot; and  
4 (3) Whether the bankruptcy court erred when it denied  
5 Marin’s motion for relief under Federal Rule of Civil  
6 Procedure 60(b).

7  
8 STANDARD OF REVIEW

9 Standing and mootness are reviewed de novo. Gilliam v.  
10 Speier (In re KRSM Properties, LLC), 318 B.R. 712, 715 (9th Cir.  
11 BAP 2004); Menk v. LaPaglia (In re Menk), 241 B.R. 896, 903 (9th  
12 Cir. BAP 1999). Bankruptcy court decisions regarding relief  
13 pursuant to Federal Rule of Civil Procedure 60 are reviewed for  
14 abuse of discretion. Morris v. Peralta (In re Peralta), 317 B.R.  
15 381, 384 (9th Cir. BAP 2004).

16  
17 DISCUSSION

18 I

19 The first issue designated by Marin is standing. We assume,  
20 without deciding, that appellants do have standing.

21  
22 II

23 Marin designates mootness as the second issue. Mootness,  
24 however, is a red herring.

25 Marin argues that if the appeal is moot, then the status quo  
26 regarding the rights of parties should be changed. While we  
27 doubt that Marin’s theory ultimately has merit, an appeal that

1 could lead to a change in the status quo is not, for that very  
2 reason, moot.

3  
4 III

5 The court construed Marin's motion to "clarify" the order  
6 made 18 months earlier purportedly granting, to the extent  
7 necessary, stay-relief to enable the Pima County Superior Court  
8 to dismiss the receivership action as a motion seeking relief  
9 pursuant to Federal Rule of Civil Procedure 60(b). Such a  
10 construction of an unfocused motion that does not state its  
11 procedural basis is an appropriate exercise of the court's  
12 obligation to construe the rules of procedure to "secure the  
13 just, speedy, and inexpensive determination of the matter." Fed.  
14 R. Bankr. P. 1001. Peralta, 317 B.R. at 385-86.

15 The question of whether Rule 60(b) relief should be afforded  
16 entails an exercise of discretion by the bankruptcy court that we  
17 can set aside only if the court did not apply a correct legal  
18 standard or if it rested its decision on a clearly erroneous  
19 finding of material fact and we are persuaded that there was a  
20 clear error of judgment. Peralta, 317 B.R. at 387-88. Here, the  
21 question is whether the court abused its discretion by refusing  
22 to act under Rule 60(b).

23  
24 A.

25 Because Marin's motion was made 18 months after the order,  
26 the bankruptcy court did not err in concluding that the motion  
27 was untimely under Rule 60(b)(1), (2) or (3), which motions must  
28 be brought within one year. Fed. R. Civ. P. 60(b); Lake v.

1 Capps (In re Lake), 202 B.R. 751, 758 (9th Cir. BAP 1996).

2 The bankruptcy court also correctly ruled that the grounds  
3 for relief from the order did not satisfy any of the grounds  
4 enumerated in Rule 60(b)(4), (5) or (6). Relief under Rule  
5 60(b)(4) is available only if a judgment is void. A final  
6 judgment "is void for purposes of Rule 60(b)(4) only if the court  
7 that considered it lacked jurisdiction, either as to the subject  
8 matter of the dispute or over the parties to be bound, or acted  
9 in a manner inconsistent with due process of law." Sasson v.  
10 Sokoloff (In re Sasson), \_\_ F.3d \_\_, 2005 WL 2210195, \*9 (9th  
11 Cir. 2005). Here, it is undisputed that the bankruptcy court  
12 acted within its jurisdiction. There is, accordingly, no void  
13 judgment. Likewise, Rule 60(b)(5) is not applicable because no  
14 prior judgment has been reversed or otherwise vacated. Finally,  
15 there are no extraordinary circumstances within the province of  
16 60(b)(6). Community Dental Servs., dba Smile Care Dental Group  
17 v. Tani, 282 F. 3d 1164, 1168 (9th Cir. 2002). The bankruptcy  
18 court did not abuse its discretion by refusing to act under Rule  
19 60(b).

20  
21 B.

22 Marin's "request" for relief from stay in order to prosecute  
23 an appeal from the February 25, 2002 dismissal of the Pima County  
24 Superior Court's receivership action represents an attempt to  
25 erect a "strawman" for the purpose of attempting to bootstrap  
26 himself into a position to appeal the dismissal of Marinkovic's  
27 counterclaim in the receivership action that was dismissed as  
28 part of the dismissal of the receivership action. The dismissal

1 order was not timely appealed in the first instance, and the Pima  
2 County Superior Court refused to grant an extension of time in  
3 which to appeal.

4 Marin's theory regarding the automatic stay has three  
5 independently fatal flaws. First, the automatic stay does not  
6 apply to an appeal when the debtor was in the position of  
7 plaintiff in the trial court. Ingersoll-Rand Fin. Corp. v.  
8 Miller Mining Co., 817 F. 2d 1424, 1426 (9th Cir. 1987).

9 Marinkovic's counterclaim was an action in which he was in the  
10 position of plaintiff in the trial court for the purposes of the  
11 Ninth Circuit Ingersoll-Rand doctrine. Thus, the automatic stay  
12 was never an impediment to an appeal of the dismissal of  
13 Marinkovic's counterclaim.

14 Second, the automatic stay, to the extent that it might have  
15 applied, was vacated by the bankruptcy court. The procedurally  
16 unusual manner in which that ruling purportedly was made (orally  
17 on the inquiry of the state court) might once have been able to  
18 be challenged. It is now, however, too late. Marinkovic was in  
19 court on February 25, 2002, when the Pima County Superior Court  
20 described the vacation of the stay, and thus, had actual notice  
21 of the circumstances. No attempt was made to call that ruling  
22 into question for 18 months. The bankruptcy court did not abuse  
23 its discretion by declining to revisit it after such a long  
24 period.

25 Finally, the bankruptcy court definitively annulled the  
26 automatic stay in its August 29, 2002 judgment in Marinkovic v.  
27 Midland Loan Servs., Inc., Adv. Pro. No. 02-0029. Thus,  
28 regardless of the effect of the oral grant of relief from stay in

1 February 2002, the annulment of August 2002 operated as  
2 retroactive relief from stay that cured any defect in the prior  
3 ruling.

4 These are all adequate, independent reasons for concluding  
5 that appellants' position regarding the effect of the automatic  
6 stay on their ability to appeal the state court's dismissal of  
7 Makinkovic's counterclaim is a strawman without substance. Their  
8 position lacks merit.

9 The dismissal by an Arizona state court of general  
10 jurisdiction of a counterclaim based on applicable nonbankruptcy  
11 law has whatever preclusive effect it has under Arizona law and  
12 is unaffected by the bankruptcy automatic stay for the reasons we  
13 have explained.<sup>5</sup>

#### 14 CONCLUSION

15 For the foregoing reasons, we AFFIRM.  
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25  
26 <sup>5</sup>Midland, at oral argument, withdrew its request for  
27 sanctions. We do not elect to award sanctions on our own  
28 initiative under Federal Rule of Bankruptcy Procedure 8020,  
notwithstanding that this appeal lacked substantial merit. Fed.  
R. Bankr. P. 8020.