

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 11-1538

In re: David P. Lindsey,

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Debtor,

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Northland National Bank,

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Appellant,

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v.

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Appeal from the United States
Bankruptcy Appellate Panel
for the Eighth Circuit.

David P. Lindsey,

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[UNPUBLISHED]

Appellee.

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Submitted: September 26, 2011

Filed: September 29, 2011

Before MURPHY, ARNOLD, and BENTON, Circuit Judges.

PER CURIAM.

In this adversary proceeding brought pursuant to 11 U.S.C. § 523(a)(2)(B), Northland National Bank (Northland) appeals from the decision of the Bankruptcy Appellate Panel (BAP) affirming the bankruptcy court’s¹ judgment denying

¹The Honorable Jerry W. Venters, United States Bankruptcy Judge for the Western District of Missouri.

Northland's objection to debtor David Lindsey's discharge in bankruptcy. Having reviewed the bankruptcy court's factual findings for clear error and its conclusions of law de novo, we agree with the BAP that the bankruptcy court's findings were supported by the record and were not clearly erroneous. See In re Vote, 276 F.3d 1024, 1026 (8th Cir. 2002) (standards of review); see also 11 U.S.C. § 523(a)(2)(B) (discharge under provisions of bankruptcy code does not discharge individual debtor from debt to extent obtained by use of statement in writing that is (i) materially false; (ii) respecting debtor's financial condition; (iii) on which creditor to whom debtor is liable reasonably relied; and (iv) that debtor caused to be made or published with intent to deceive); First Nat'l Bank of Olathe v. Pontow, 111 F.3d 604, 608 (8th Cir. 1997) (to bar discharge under § 523(a)(2)(B), creditor must prove each statutory element by preponderance of evidence). Accordingly, we affirm. See 8th Cir. R. 47B.
