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No. 96-1085

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United States of America,

Appellee,

v.

Gerald A. Rempfer,

Appellant,

David Rempfer; Oscar Rempfer;  
Menno State Bank,

Defendants.

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\* Appeal from the United States  
\* District Court for the  
\* District of South Dakota.

\* [UNPUBLISHED]

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Submitted: June 14, 1996

Filed: June 21, 1996

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Before FAGG, BOWMAN, HANSEN, Circuit Judges.

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PER CURIAM.

Gerald E. Rempfer appeals from the district court's<sup>1</sup> order denying his motion to dismiss and granting summary judgment to the United States in this action arising out of a promissory note. Having carefully reviewed the record and the parties' briefs, we conclude the judgment of the district court was correct. Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.