

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: Chapter 7 case
James Bruce Preece, BKY 03-44978(NCD)
Debtor ADV 03-4285
Central Boiler, Inc.,
Plaintiff, **ANSWER**
vs.
James Bruce Preece,
Defendant

For his Answer to the Complaint herein, Defendant states:

- 1) That he denies every allegation thereof, except as may be admitted hereinafter.
- 2) That he admits the allegations of paragraphs 1 through 5, 7 through 10, 12, and 19 of the Complaint.
- 3) That regarding paragraph 6 of the Complaint, Defendant admits that he is responsible for his own actions, but he denies that he is responsible for the actions of Helicopter Flight, Inc., or that he is the alter ego of that entity.
- 4) Defendant admits that Helicopter Flight, Inc., is indebted to the Plaintiff in an amount presently undetermined, related to an unconsummated contract for the sale of a helicopter to the Plaintiff. Defendant specifically denies that any wrongful act, as

alleged in the Complaint or otherwise, was responsible for the failure of said contract or for any of Plaintiff's alleged damages.

- 5) Further answering, Defendant asserts that Plaintiff's tenders of funds and other property to Helicopter Flight, Inc., were not made in trust, were not earmarked to any particular transaction other than a prepayment for the machine to be purchased, and constituted only general unsecured contractual obligations of Helicopter Flight, Inc., to the Plaintiff pending consummation of the sale.
- 6) Defendant further asserts that the failure of Helicopter Flight, Inc. to deliver the subject helicopter to Plaintiff was the result of general business losses, and other transactions and occurrences over which Defendant had no control

WHEREFORE, Defendant prays that the Complaint be dismissed.

Dated: October 31, 2003

THOMAS F. MILLER, P.A.

BY /s/ THOMAS F. MILLER

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Attorney for Defendant

IN RE: CENTRAL BOILER, INC. VS. JAMES BRUCE PREECE, ADV 03-4285

UNSWORN DECLARATION FOR PROOF OF SERVICE

I, the undersigned Thomas F. Miller, hereby declare under penalty of perjury that on October 31, 2003, I served the within **Answer** and this **Unsworn Declaration** upon the following, by sending copies thereof by first class mail, postage prepaid, to him at the following address:

Edward F. Klinger, Esq.
GUNHUS, GRINNELL, KLINGER ET AL
215 – 30th Street North
P.O. Box 1077
Moorhead, MN 56561-1077

Dated: October 31, 2003

/e/ Thomas F. Miller
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