

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
DIVISION

In Re:

Bky. No. 03-48513 NCD

Russell L. Livingood and Carolyn E. Livingood ,

Adv. No. 04-4127

Debtor(s).

**DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT**

Home Town Bank,

Plaintiff,

vs.

Russell L. Livingood and Carolyn E. Livingood,

Defendants.

TO: HOME TOWN BANK THROUGH ITS ATTORNEY MICHAEL S. DOVE, GISLASON
& HUNTER LLP, 2700 SOUTH BROADWAY, P.O. BOX 458, NEW ULM, MN
56073-0458

I.

Defendants deny each and every allegation contained in Plaintiff's Complaint unless
herein admitted or qualified.

II.

Defendants admit paragraphs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 18 and 24, of Plaintiff's
Complaint.

III.

Defendants deny paragraphs 8, 14, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30
and 31 of Plaintiff's Complaint.

WHEREFORE, Defendants request the Court to dismiss Plaintiff's cause of action awarding costs expended herein and for such other relief as the Court may deem just according to law.

Dated: 5-4-04

KALENDA & ASSOCIATES

By: /e/Robert L. Kalenda
Robert L. Kalenda
Attorney for Defendants
919 West St. Germain, Suite 2000
St. Cloud, MN 56301
(320) 255-8840
MN Registration #53260

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

I, Terri Averill, employed by Kalenda & Associates, Attorneys licensed to practice law in this Court, with its office address at 919 West St. Germain, Suite 2000, St. Cloud, Minnesota, having first been duly sworn under oath, states that on this 4 day of May, 2004 I served Defendants' Answer to Plaintiff's Complaint upon the entities named below by mailing them a copy thereof and enclosing the same in an envelope with First Class Mail, postage prepaid and depositing the same in the Post Office at St. Cloud, Minnesota, addressed to each of them as follows:

OFFICE OF THE UNITED STATES TRUSTEE
300 SOUTH 4TH STREET #1015
MINNEAPOLIS MN 55415-1329

MR BRIAN LEONARD
100 S 5TH ST STE 1200
MINNEAPOLIS MN 55402

MICHAEL DOVE
GISLASON & HUNTER LLP
2700 SOUTH BROADWAY
NEW ULM MN 56073

I declare under penalty of perjury that the foregoing is true and correct.

Terri Averill
Terri Averill

Subscribed and sworn to before me
this 7 day of May, 2004.

Bernie L. Johnston

Notary Public

