

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

BYK Case No. 03-48513

In Re:

Russell L. Livingood
Carolyn Livingood,

Debtors.

Adv. Proc. No.: 04-4146

Brian F. Leonard, Trustee,

Plaintiff,

vs.

ANSWER

Miloma Agri Services, Inc.
35319 880th Street
Heron Lake, MN 56137

Defendant.

COMES NOW Miloma Agri Service by and through its undersigned counsel and for its Answer to this Adversary Complaint states as follows:

I.

Defendant denies each and every allegation contained in the Plaintiff's Complaint and puts the Plaintiff to its burden of proof thereon unless otherwise admitted or explained below. Defendant Miloma Agri Services is no longer doing business. Defendant Miloma Agri Services terminated on October 9, 2003.

II.

Defendant denies that any payments to Defendant by the Debtor was a preference of any kind. Defendant supplied feed to Debtor's swine operation and was paid in the regular course of business for those feed deliveries. Future deliveries and continued deliveries were dependant upon the payments received by Defendant from Debtor.

III.

Upon information and belief the payment referred to in paragraph 6 of Plaintiff's Adversary Complaint were received prior to September 15th drawn on a Willmar, Minnesota bank and were replacements for drafts on non-sufficient accounts from Hometown of Olivia, Minnesota issued to Miloma Agri Service prior to September 2003.

WHEREFORE Defendant requests that Plaintiff's pretended cause of action be dismissed in all things and for such other and further relief as the Court may deem just and equitable.

Dated and signed this 3rd day of June, 2004.

HEDEEN, HUGHES & WETERING

/s/ William J. Wetering
William J. Wetering
Attorney for Defendant
1206 Oxford Street
PO Box 9
Worthington MN 56187
(507) 376-3181
Attorney No. 184007

STATE OF MINNESOTA)
) SS.
COUNTY OF NOBLES)

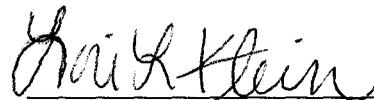
ACKNOWLEDGMENT OF SERVICE

Lori L. Klein of the City of Fulda, County of Murray, State of Minnesota, being duly sworn, says that on the 3rd day of June, 2004, she mailed the original Answer in the Russell L. Livingood, Carolyn Livingood, Debtors Brian F. Leonard, Plaintiff vs. Miloma Agri Services, Inc., Defendant case to the following:

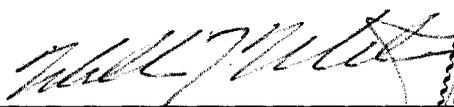
Brian F. Leonard
Attorney at Law
100 South Fifth Street, Suite 250
Minneapolis, MN 55402-1216

Robert L. Kalenda
Attorney at Law
919 W St German St #2000
St. Cloud, MN 56301

by mailing to the above addresses a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Worthington, Minnesota


Lori L. Klein

Subscribed and sworn to before
me, this 3rd day of June, 2004.


Notary Public

