

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
DIVISION

In Re:

Bky. No. 04-42565

Kevin Smith,
Debtor(s).

Adv. No. 04-4213

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

Rabo AgServices, Inc.,

Plaintiff,

vs.

Kevin Smith,

Defendants.

TO: Rabo AgServices, Inc. through its attorney, Peter D. Favorite, Gislason & Hunter, PO
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, 8, 9, 10, 11 and 12, of Plaintiff's
Complaint.

IV.

Defendants deny paragraphs 13, 14c, 15, 16, 17, 18 and 19 of Plaintiff's Complaint.

Defendant denies paragraph 14a. Defendant had approval from Plaintiff to use the
proceeds from the proceeds to be used to pay Defendant's farm expenses.

Defendant denies paragraph 14b. All proceeds received were from crop insurance and forwarded to Plaintiff.

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: 10-1-04

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.

AFFIDAVIT OF SERVICE

COUNTY OF STEARNS)

I, Theresa Loch, 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 1 day of October, 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

PETER D. FAVORITE
GISLASON & HUNTER
PO BOX 458
NEW ULM MN 56073-0458

TERRI GEORGEN
TRUSTEE IN BANKRUPTCY
PO BOX 1635
ST PAUL MN 55116

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

Theresa M. Loch

Theresa Loch

Subscribed and sworn to before me
this 1 day of October, 2004.

Bonnie L. Johnston

Notary Public

