

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bky. No.: 04-43949
Chapter 11 Case

Ricky and Jan Anderson,

Debtors.

**VERIFIED NOTICE OF CORRECTION OF MOTION FOR
ASSUMPTION OF NON RESIDENTIAL REAL PROPERTY LEASES
AND RELATED AGREEMENTS**

TO: The Persons and entities specified in Local Rule 9013-3(a)(2) and non-debtor parties to leases and agreements.

1. The undersigned counsel for Debtors has been informed of an oversight which necessitates the correction of the list of leases to be assumed as a result of the motion on file.

2. As previously noticed, the Court has scheduled a hearing on the motion at 10:00 a.m. on October 6, 2004, before the Hon. Robert J. Kressel in Bankruptcy Courtroom No. 8 West, United States Bankruptcy Court, 300 South Fourth Street, Minneapolis, Minnesota 55415.

3. Roy Montgomery contacted the Debtors regarding the following two entries in the list of leases and related agreements included in the original motion:

| Lessor (and in some instances spouse) or Lessee Name and Address (non-debtor party) | Description of Lease (acres are tillable acres) | Begins at Appendix Page No. (Appendix attached to original motion served previously) |
|--|--|--|
| Roy Montgomery 520 Second St SE Plainview, MN 55964 | 62 acres of land leased to the debtors at \$190.32 per acre for a total of \$11,800 through 2006. Holden Farms has sublet this land. | 27 |
| Montgomery Realty Employees Pension Plan for the benefit of Roy Montgomery, Lessor 520 Second St. SE Plainview, MN 55964 | 79.4 acres of land leased to the debtors at \$52.90 per acre for a total of \$4,200 through 2006. Holden Farms has sublet this land. | 33 |

4. Mr. Montgomery provided documentation that the two leases and related options were terminated prior to the filing of the bankruptcy petition in this matter. Copies of recording information and the termination documents are attached as Exhibit 1. As a consequence of the termination, Debtors are not seeking assumption of these two leases and any related options.

5. Debtors also plan to submit an amended proposed order.

Dated: October 1, 2004.

/s/ Brian L. Boysen

Brian L. Boysen, #0010522, of Counsel to
Kurt M. Anderson # 2148
Attorney for Debtors
P.O. Box 2434
Minneapolis, Minnesota 55402-0434
(612) 333-3185

VERIFICATION

We hereby declare under penalty of perjury that we have read the foregoing document; and that the facts stated therein are true and correct.

Executed on: 10-1-04

Ricky Arthur Anderson
Ricky Arthur Anderson

Executed on: 10-1-04

Jan Lee Anderson
Jan Lee Anderson

CERTIFICATE OF RECORDING

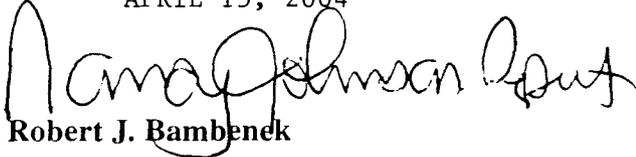
State of Minnesota, County of Winona ss

I hereby certify that this instrument was recorded as document number 485382

on APRIL 15, 2004

at 10:10 am

Fees paid: 20.00 RE


Robert J. Bambenek

Return to:

ROY MONTGOMERY

Winona County Recorder

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TERMINATION OF LEASES AND OPTIONS

Termination of Leases and Options

This is a termination and cancellation of certain leases and options by and between Ricky A. Anderson and Jan L. Anderson and Montgomery Realty Employees Pension Plan and Roy Montgomery covering the following two described properties:

The East One-Half of the East One-Half of the Northwest Quarter (E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$) and the West One-Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirty-Five (35), all in Township One Hundred Six (106) North, Range Ten (10) West.

Approximately 65 acres, which lies north of the Dakota, Minnesota and Eastern Railroad Company rail line; the south 49 acres of the East One-half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twenty-two (22); and the east 62 acres of the East One-half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), all in Township One Hundred Six (106) North, of Range Ten (10) West.

Whereas the parties herein have mutually agreed to cancel and terminate all said leases and options and any amendments thereto, and the parties herein agree to hold each other harmless of any and all obligations of all the terms and conditions that were set forth in said leases and options. This agreement is effective immediately upon the parties signature of this document.

(notarized signatures on page 2)

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NA

DECLARATION OF SERVICE BY MAIL

Brian L. Boysen declares under penalty of perjury that on October 1, 2004, he served the following:

VERIFIED NOTICE OF CORRECTION OF MOTION FOR ASSUMPTION OF NON RESIDENTIAL REAL PROPERTY LEASES AND RELATED AGREEMENTS

Exhibit 1

Proposed Order

This Proof of Service

on the Service List (see below)

he also served a copy of the original motion package in this matter on John Deere Credit at the address shown below;

By mailing copies thereof, enclosed in an envelope, first class postage prepaid, and by depositing the same in the United States Mail directed to each entity at the addresses indicated thereon.

VERIFICATION

I hereby declare under penalty of perjury that I have read the foregoing Declaration of Service by U.S. Mail and that the facts stated therein are true and correct.

Executed on: October 1, 2004

/e/ Brian L. Boysen

Service List

RICKY ARTHUR ANDERSON
JAN LEE ANDERSON
25795 CTY RD 37
ST CHARLES MN 55972

PHI FINANCIAL SERVICES INC
C/O JOSEPH A WENTZELL
2855 ANTHONY LN S STE 200
ST ANTHONY MN 55418

EASTWOOD BANK
C/O DUNLAP & SEEGER PA
206 S BROADWAY STE 505
PO BOX 549
ROCHESTER MN 55903-0549

US DEPT OF AGRICULTURE
C/O ROYLENE A CHAMPEAUX
600 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415

US TRUSTEE
1015 US COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415

US ATTORNEY
600 US COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415

MN DEPT OF REVENUE
COLLECTION ENFORCEMENT
551 BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164

AGRIVENTURE CREDIT CO LLC
12700 W DODGE RD
PO BOX 2047
OMAHA NE 68103-2047

RIDER BENNETT, LLP
WILLIAM P. WASSWEILER
ATTORNEY FOR DEERE CREDIT
SERVICES, INC.
333 SOUTH SEVENTH STREET
SUITE 2000
MINNEAPOLIS, MN 55402

INTERNAL REVENUE SERVICE
SPECIAL PROCEDURES BRANCH
316 N ROBERT ST STOP 5700
ST PAUL MN 55101

ALTURA STATE BANK
411 MAIN ST NW
ALTURA MN 55910

JON WELCH
FINANCIAL MANAGEMENT CNSL
6901 VALLEY HIGH RD NW
BYRON MN 55920

IRS DISTRICT COUNSEL
650 GALTIER PLAZA
175 E 5TH ST
ST PAUL MN 55101

EASTWOOD BANK
140 MAIN ST
PO BOX 125
ROLLINGSTONE MN 55969

NEW HOLLAND CREDIT
PO BOX 3600
LANCASTER PA 17604-3600

SECURITIES & EXCHANGE COMM
BANKRUPTCY SECTION
500 W MADISON #1400
CHICAGO IL 60661-2511

HOLDEN FARMS INC
401 S DIVISION STE B
PO BOX 257
NORTHFIELD MN 55057

SUMMER BAY PARTNERSHIP
25 TOWN CENTER BLVD STE C
CLERMONT FL 34711

ATTN DEBRA DELARIA
PHI FINANCIAL SERVICES
PO BOX 1050
JOHNSTON IA 50131-9415

ATTN RON GATZLAFF
ALTURA HARDWARE INC
PO BOX 186
ALTURA MN 55910

ATTN ANNE HEDBERG
HODGMAN DRAINAGE CO INC
60731 120TH AVENUE
CLAREMONT MN 55924

CHUCK AND SUE HENRY
2523 NORTHRIDGE LANE NE
ROCHESTER, MN 55906

DAVID J. AND KAREN L. FINNEGAN
212 ELM STREET
FARMINGTON, MN 55024

ERVIN AND SHIRLEY SPITZER
24464 COUNTY ROAD 37
SAINT CHARLES, MN 55972

GARY AND LINDA HEAP
4853 ROUTE 52
MINOOKA, IL 60447-9670

ROBERT AND MARY BARTA
325 7TH AVE SE
PLAINVIEW, MN 55964

IVENE HENRY
2523 NORTHRIDGE LANE NE
ROCHESTER, MN 55906

LARSON BROTHERS
14424 RADISSON RD. NE
ANDOVER, MN 55304

LAWRENCE AND KATHLEEN
PUTZIER
112 W 5TH ST
SAINT CHARLES, MN 55972

LLOYD AND LINDA WIESE
230 EDGEVIEW DR.
ROLLINGSTONE, MN 55969

PATTY J. BUCKBEE
320 N CENTER ST.
P.O. BOX 435
UTICA, MN 55979

RON AND MICHELLE BERNDT
BLUEBIRD ACRES
16948 COUNTY ROAD 4
UTICA, MN 55979

ROY MONTGOMERY
520 SECOND ST SE
PLAINVIEW, MN 55964

MONTGOMERY REALTY
EMPLOYEES PENSION PLAN FOR
THE BENEFIT OF ROY
MONTGOMERY, LESSOR
520 SECOND ST. SE
PLAINVIEW, MN 55964

PURDY AND MINNIE WRIGHT
15833 SANDSTONE DRIVE
UTICA, MN 55979

JOHN DEERE CREDIT
6400 NW 86TH ST
PO BOX 6600
JOHNSTON IA 50301-6600

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bky. No.: 04-43949
Chapter 11 Case

Ricky and Jan Anderson,

Debtors.

**ORDER AUTHORIZING ASSUMPTION OF NON RESIDENTIAL REAL PROPERTY
LEASES AND RELATED AGREEMENTS**

The Debtor has moved for authority to assume various non-residential real property leases and to assume related agreements, as follows:

| Lessor / Lessee Name and Address (non-debtor party) | Description of Lease (acres are tillable acres) |
|--|---|
| Chuck and Sue Henry 2523 Northridge Lane NE Rochester, MN 55906 | 68 acres of land leased to the debtors at \$160 per acre for a total of \$10,880 through 2004, then year to year. Holden farms has sublet this land. |
| David J. and Karen L. Finnegan 212 Elm Street Farmington, MN 55024 | 130.7 acres of land leased to the debtors at \$153.02 per acre for a total of \$20,000 through 2006, then year to year. Holden Farms has sublet this land. |
| Ervin and Shirley Spitzer 24464 County Road 37 Saint Charles, MN 55972 | 33 acres of land leased to the debtors at \$136.36 per acre for a total of \$4,500 through 2005. Holden Farms has sublet this land |
| Gary and Linda Heap 4853 Route 52 Minooka, IL 60447-9670 | 369.2 acres of land leased to the debtors at \$142.20 per acre for a total of \$52,500 through 2012. Holden Farms has sublet this land. |
| Holden Farms Inc. 401 So. Division, Suite B PO Box 257 Northfield, MN 55057 | Holden Farms has rented 89.4 acres of the debtor's owned land at \$118.01 per acre for a total of \$10,550 through 2004 |
| Ivene Henry 2523 Northridge Lane NE Rochester, MN 55906 | 277 acres of land leased to the debtors at \$160 per acre for a total of \$44,320 through 2004. Holden Farms has sublet this land. |
| Larson Brothers 14424 Radisson Rd. NE Andover, MN 55304 | 381.6 acres of land leased to the debtors at \$145.83 per acre for a total of \$55,650 through 2004. Holden Farms has sublet this land. |
| Lawrence and Kathleen Putzier 112 W 5 th St Saint Charles, MN 55972 | 150.6 acres of land leased to the debtors at \$132.8 per acre for a total of \$20,000 through 2004. Holden Farms has sublet this land. |
| Lloyd and Linda Wiese 230 Edgeview Dr. Rollingstone, MN 55969 | 182 acres of land leased to the debtors at \$120.88 per acre for a total of \$22,000 through 2004. Starting 2005 the rent is \$25,500 annually (\$140.11/acre) Holden Farms has sublet this land. |

| Lessor / Lessee Name and Address (non-debtor party) | Description of Lease (acres are tillable acres) |
|--|---|
| Patty J. Buckbee 320 N Center St. P.O. Box 435 Utica, MN 55979 | Elevator and Drying Site leased to debtor, Ricky A. Anderson for \$8,100 annually through 2006. |
| Robert and Mary Barta 325 7 th Ave SE Plainview, MN 55964 | 115 acres of land leased to the debtors at \$147.83 per acre for a total of \$17,000 through 2005, then year to year. Holden Farms has sublet this land. |
| Ron and Michelle Berndt Bluebird Acres 16948 County Road 4 Utica, MN 55979 | 60.8 acres of land leased by Ron Berndt to debtor Rick Anderson of Circle A Farms at \$82.24 per acre for a total of \$5,000 through 2005. Holden Farms has sublet this land. |
| Purdy and Minnie Wright 15833 Sandstone Drive Utica, MN 55979 | 63 acres of land leased to the debtors at \$79.60 per acre for a total of \$5,062.50 through 2004. Holden Farms has sublet this land. |
| Holden Farms Inc. 401 So. Division, Suite B PO Box 257 Northfield, MN 55057 | Sublease and assignment document for 2004 |
| Holden Farms Inc. 401 So. Division, Suite B PO Box 257 Northfield, MN 55057 | Lease modified prior to filing to be limited to manure removal provisions. |

The motion is granted.

So ordered this ____ day of _____, 2004.

Hon. Robert J. Kressel
United States Bankruptcy Judge