

**UNITED STATES BANKRUPTCY COURT
SIXTH DISTRICT OF MINNESOTA**

In Re:

CHAPTER 12 BANKRUPTCY
BKY # 03-60569-DDO

Andrew E. Poxleitner
Debra K. Poxleitner,

Debtors.

**NOTICE OF HEARING AND
MOTION FOR INTERIM COMPENSATION**

TO: Debtor and all Interested Parties and the other entities specified in Local Rule 1204(a).

1. Kevin T. Duffy, as counsel for the debtors, moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a telephonic hearing on this motion on **September, 28 2004, at 1:00 o'clock P.M.**, at 118 S. Mill St., United States Post Office Bldg, Fergus Falls, Minnesota.

3. Any response to this motion must be filed and delivered not later than 1:00 o'clock P.M. on September 27, 2004, which is 24 hours before the time set for the hearing, or filed and served by mail not later than September 25, 2004 which is three days before the time set for the hearing.
UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sections 157 and 1334, Bankruptcy Rule 5005 and Local Rule 201. This proceeding is a core proceeding. The Petition commencing this chapter 12 case was filed on May 2, 2003. The debtors have filed a chapter 12 plan of reorganization dated July 30, 2003. The confirmation on this plan has not yet been held. The confirmation hearing is stayed pending the resolution of the debtors adversarial complaint which is on file with the court. This chapter 12 proceeding is now pending in this court.

5. This motion arises under 11 U.S.C. Section 330 and Fed. R. Bankr. P. 2016. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules 2016-1(c). Movant request the relief with respect to the Court approving his application for compensation included as part these pleadings.

6. Kevin T. Duffy has been acting as counsel for the debtors in the above chapter 12 case. Kevin T. Duffy has also been acting as counsel for the debtors in their adversarial case, ADV. No.: 03-6045. Even though an order has not yet been entered confirming the debtors chapter 12 case, substantial work has been completed thus far by Kevin T. Duffy on behalf of the debtors and approval for interim compensation would be appropriate in this case given the amount services which have been provided thus far.

7. The applicant has the right pursuant to 11 U.S.C. § 330 to file an application for interim compensation for the payment of attorneys fees and costs in the chapter 12 case and the related adversarial proceeding.

8. The movant, Kevin T. Duffy, has been in communication with counsel for the various secured creditors in this case as well as the Chapter 12 Trustee and does not anticipate that there will be any objection whatsoever to this motion for interim compensation.

9. This motion contains sufficient reference to facts and law such that there is no need for a memorandum in support of this motion.

WHEREFORE, movant, Kevin T. Duffy, hereby request that the court grant his request for interim compensation be approved for the total amount of \$6,523.50 which includes attorneys fees and costs. Movant further request such other and further relief that may seem just and equitable.

Dated: September 1, 2004.

/e/ Kevin T. Duffy
Kevin T. Duffy, Atty ID 134-600
Attorney for Debtor
P.O. Box 715
Thief River Falls, MN 56701
(218) 681-8524

**UNITED STATES BANKRUPTCY COURT
SIXTH DISTRICT OF MINNESOTA**

In Re:

CHAPTER 12 BANKRUPTCY
BKY # 03-60569-DDO

Andrew E. Poxleitner
Debra K. Poxleitner,

Debtors.

**APPLICATION FOR INTERIM COMPENSATION
AND EXPENSES BY ATTORNEY FOR DEBTORS**

The undersigned applicant, pursuant to Local Rules 2016-1(c) states that:

1. That the Chapter 12 plan of the debtors has been filed with the court as of August 21, 2003 and the applicant is the attorney for the debtors. The applicant has filed a statement under Bankruptcy Rule 2016(b) and has completed all necessary legal services to date in this chapter 12 case. It should be noted that the confirmation hearing has yet to be held in this matter because of a pending adversarial case. Your applicant has provided services not only with respect to the chapter 12 reorganization but also the adversarial proceeding which has been brought by the debtors as Plaintiff against T&W Funding along with other Defendants. Attached hereto and incorporated herein as part of this application by reference is exhibit "A" is a copy of the order approving the employment of Kevin T. Duffy in this case.

2. The reasonable value of services since the last order for interim compensation is \$6,523.50. Debtors have paid the previously approved fees and costs in full. There is no balance in Applicant's Escrow Account on behalf of the Debtors. Attached hereto and incorporated herein as part of this application by reference as exhibit "B" is a statement for services rendered and for out of pocket fees and expenses. The debtor has agreed to pay the applicant for such services and reimburse the applicant for such expenses. The debtors owe the applicant \$6,523.50 for services rendered to date in the case.

Applicant has not shared or agreed to share with any other person, any compensation paid or to be paid in this case.

WHEREFORE, the applicant requests the court to award and approve Interim compensation in this case for the full amount of \$6,523.50 dollars which represents attorneys

fees of \$6,382.50 dollars and out of pocket costs of \$141.00 dollars. The applicant further applies for such other and further relief as to the Court may deem just and equitable. This application is made pursuant to 11 U.S.C. § 330 and Local Rule 2016-1.

Dated: September 1, 2004.

/e/ Kevin T. Duffy
Kevin T. Duffy, Atty ID # 134-600
Attorney for Debtor
PO Box 715
Thief River Falls, MN 56701
218-681-8524
fax 218-681-8525

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Andrew E. and Debra K. Poxleitner.
Debtors.

Chapter 12 Case

BKY No.: 03-60569

ORDER AUTHORIZING DEBTORS TO EMPLOY ATTORNEY

Upon the Application of the Debtors to employ an attorney, it appearing that it is necessary for the Debtors to employ an attorney, and it appearing that the attorney selected by the Debtors does not represent and has agreed not to represent any other entity in connection with this case while employed by the Debtors, and it appearing that the attorney selected by the Debtors is disinterested within the meaning of Title II,

IT IS HEREBY ORDERED that the Debtors may employ Kevin T. Duffy and the law firm of Duffy Law Office under general retainer upon the basis set forth in the Application, subject to the limitations set forth in 11 U.S.C. Section 328.

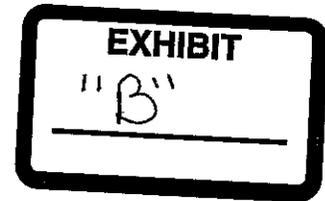
Dated this 5th day of August, 2003

By: /s/ Dennis D. O'Brien
Dennis D. O'Brien
United States Bankruptcy Judge
District of Minnesota

e21

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 8/5/03
Patrick G. De Wane, By SR

Duffy Law Office
P.O. Box 715
Thief River Falls, MN 56701
Telephone: 218-681-8524



TO: Andrew & Debra Poxleitner
20997 Battle River Rd NE
Kelliher, MN 56650

RE: BKY No. 03-60569

August 31, 2004

<u>Date</u>		<u>Hour</u>
12-02-2003	rev ltr from Flaten relative to motion for compensation; ph conf w/ Atty Flaten	.4
12-03-2003	ltr to clients conc application	.25
12-17-2003	ph conf w/ court conc case and trial	.3
12-17-2003	memo to client conc case	.2
12-18-2003	rev ltr from Judge O'Brien; ltr to clients w/ order on compensation	.25
01-08-2004	ltr to clients conc case and order issued by Judge O'Brien	.3
01-12-2004	ltr to Atty Melloy conc case; rev order from Judge O'Brien on motion for summary judgment	.5
01-27-2004	ph conf w/ court and atty Melloy conc sch conf	.3
02-11-2004	rev file add three additional creditors to unsecured list; ltr to credit; efile notice of added creditors	.5
03-18-2004	ltr to Atty Melloy conc settlement of case	.25
04-12-2004	ltr to clients conc depositions; ltr to Atty Melloy conc deposition date and time	.3
04-12-2004	prep notice to take oral deposition; ph conf w/ Melloy's office; ph conf w/ Court Reporter; ltr to Atty Melloy; prep aff of serv	.8
04-14-2004	rev file; ltr to Atty Melloy on case	.3
04-15-2004	rev ltr from Atty Melloy for settlement of case; ltr to clients w/ settlement offer	.4
04-15-2004	ltr to Atty Melloy conc depositions	.25
04-19-2004	ltr to Atty Melloy conc settlement of case; ph conf w/ client	.4
04-20-2004	rev ltr from Atty Melloy conc depositions	.25
04-22-2004	ph conf w/ Atty Melloy; ltr to Atty Melloy on discovery issues	.4
04-27-2004	ltr to clients conc settlement of case & proposal from Atty Melloy; rev proposal letter from Atty Melloy	.4
05-10-2004	faxed ltr to Carl Drahos conc case; ph conf w/ Atty Drahos	.5
05-12-2004	rev faxed letter from Atty Melloy on depositions	.2
05-13-2004	ltr to Atty Melloy conc depositions; ph conf w/ Atty Melloy	.3
05-18-2004	rev ltr from Atty Melloy on depositions of the Poxleitners; ph conf	

	w/ Atty Melloy; ltr to clients conc deposition in Bemidji	.4
05-18-2004	memo to clients conc case	.2
05-21-2004	ph conf w/ Andrew conc case and depositions	.3
05-31-2004	rev file; prep for deposition	.75
06-01-2004	roundtrip travel to Bemidji; conf w/ clients; attend Andrew & Debra depositions	6.0
07-23-2004	ph conf w/ Andrew conc case & interim credit	.25
07-26-2004	ltr to Randy Skjerven conc Poxleitner case and motion for credit	.25
07-29-2004	prep motion for credit; rev file	1.5
08-09-2004	rev file; prep stipulation for exhibits; prep stipulation for trial facts; begin work on proposed stipulated findings of fact; ph conf w/ Atty Melloy	1.75
08-12-2004	ph conf w/ Atty Melloy; rev stipulations	.75
08-16-2004	ph conf w/ Atty Melloy; rev stipulations from Atty Melloy; ph conf w/ clients	1.5
08-19-2004	work on trial memorandum and proposed findings and conclusions; rev modifications to stipulated documents prepared by Atty Melloy; ph conf w/ Andrew; ph conf w/ Farm Credit Services	3.5
08-20-2004	work on trial memorandum & conclusions of law; ltr to Melloy on case; ph conf w/ Andrew on case; ph conf w/ Kevin Gertis	5.1
08-21-2004	conf w/ clients in preparation of case & questions	2.25
08-23-2004	work on case; ph conf w/ clients; ph conf w/ court reporter; ph conf w/ Atty Melloy	2.2
08-24-2004	rev file; prep questions for hearing; prep exhibits	2.5
08-25-2004	roundtrip travel to Fergus Falls; conf w/ clients; conf w/ Attorney Melloy; attend hearing w/ Judge O'Brien	6.0

Total Hours	42.55
Hourly Rate	<u>\$150.00</u>

Sub total:	\$ 6,382.50
Fees:	<u>\$ 141.00</u>
Balance Due	\$ 6,523.50

Fees:

6-01-04 roundtrip travel to Bemidji (190 miles)
8-25-04 roundtrip travel to Fergus Falls (280miles)
470 miles x \$0.30 = \$141.00

UNITED STATES BANKRUPTCY COURT
SIXTH DISTRICT OF MINNESOTA

In re:

Andrew E. Poxleitner
Debra K. Poxleitner,

BKY No: 03-60569

Debtor.

Chapter 12 Case

UNSWORN CERTIFICATE OF SERVICE

I, Tonya R. Klemetson, declare under penalty of perjury that on September 1, 2004, I mailed copies of the foregoing Interim Credit Pursuant to 11 U.S.C. Section 364 by first class mail postage prepaid to each entity named below at the address stated below for each entity:

United States Trustee
1015 U. S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

Andrew & Debra Poxleitner
20997 Battle River Rd NE
Kelliher, N 56650

Mr. Michael J. Farrell
Chapter 12 Trustee
P.O. Box 519
Barnesville, MN 56514

Kevin Stroup
Stoneberg Giles & Stroup PA
300 O'Connell St
Marshall, MN 56258-2638

Farm Service Agency
Minnesota State FSA Office
375 Jackson St Ste 4004
St. Paul, MN 55101

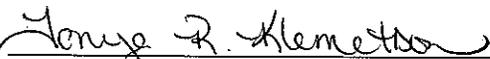
Alan Flaten
Attorney at Law
PO Box 13417
Grand Forks, ND 58208-3417

Thomas P. Melloy
Gray, Plant Mooty and Bennett PA
500 IDS Center
80 South Eighth St
Minneapolis, MN 55402-3796

Roylene A. Champeaux
Asst. U.S. Attorney
600 U.S. Courthouse
300 South 4th St Rm 600
Minneapolis, MN 55415

Executed on: September 1, 2004.

Signed:


Tonya R. Klemetson
DUFFY LAW OFFICE
P.O. Box 715
Thief River Falls, MN 56701
218-681-8524

AMPI
PO BOX 205
200 RAILROAD ST
PAYNESVILLE, MN 56362

BAGLEY VETERINARY CENTER
ROUTE 2 BOX 12A
BAGLEY, MN 56624

BLACKDUCK CO-OP AG SERVICES
PO BOX 159
BLACKDUCK, MN 56630

CASE IH
700 STATE STREET
RACINE, WI 53404

CHASE
PO BOX 52108
PHOENIX, AZ 85072-2108

CLEARWATER VET SERVICES LTD
PO BOX 10
GONVICK, MN 56644

DISCOVER
PO BOX 30395
SALT LAKE CITY, UT 84130-0395

FARM CREDIT SERVICE
HWY 2 EAST
PO BOX 636
FOSSTON, MN 56542

FARM CREDIT SERVICES
HWY 2 EAST
PO BOX 636
FOSSTON, MN 56542

FCNB
9310 SW GEMINI DRIVE
BEAVERTON, OR 97008-001

FRENZEL FERTILIZERS, INC.
PO BOX 430
BLACKDUCK, MN 56630

GEHL COMPANY
143 WATER STREET
PO BOX 179
WEST BEND, WI 53095-0179

JOHN J. MITCHELL
ATTORNEY AT LAW
811 FIRST AVE
COLMAN BLDG., STE 620
SEATTLE, WA 98104

K&L INC
41103-335TH AVE SE
COUNTY RD #1 S
FOSSTON, MN 56542-9484

NORTH COUNTRY REG HOSPITAL
1300 ANNE ST NW
BEMIDJI, MN 56601

NORTHLAND COMMUNITY BANK
1080 PAUL BUNYAN DRIVE NW
PO BOX 1217
BEMIDJI, MN 56601

NORTHWEST MECHANICAL
3516 IRVINE AVE NW
BEMIDJI, MN 56601

PROVIDENT BANK
ONE EAST FOURTH STREET
MS234D
CINICINNATI, OH 45202

SEARS CARD
PAYMENT CENTER
86 ANNEX
ATLANTA, GA 30386-0001

T & W FINANCIAL SERVICES CO., L
PO BOX 3028
FEDERAL WAY, WA 98063

TED'S DAIRY
811 5TH ST NE
RED LAKE FALLS, MN 56750

WINGER IMPLEMENT
HWY 59 SOUTH
PO BOX 159
WINGER, MN 56592-0159

**UNITED STATES BANKRUPTCY COURT
SIXTH DISTRICT OF MINNESOTA**

In Re:

CHAPTER 12 BANKRUPTCY
BKY # 03-60569-DDO

Andrew E. Poxleitner
Debra K. Poxleitner,

Debtors.

ORDER FOR INTERIM COMPENSATION

Fergus Falls, Minnesota
September 28, 2004

The above-entitled matter came before the court pursuant to an application for interim compensation and costs filed by Kevin T. Duffy as attorney for the debtors in this chapter 12 case and as Plaintiffs in their adversarial case, ADV. No.: 03-6045. Kevin T. Duffy, Attorney at Law, Thief River Falls, Minnesota represents the debtors and is the applicant, applying for interim attorneys fees and costs. No objections have been filed to the application. Based upon all the files, records and proceedings herein, the application filed by counsel and the Court being duly advised on the premises,

IT IS HEREBY ORDERED:

1. That Kevin T. Duffy be and hereby is authorized to receive interim compensation from the debtor in this case pursuant to 11 U.S.C. Section 330 as follows:

a. Total Attorneys fees:	\$6,382.50
b. Total Costs:	\$ 141.00
c. Less Retainer Paid:	\$ -0-
d. Total still due and owing by Debtor:	\$6,523.50

DATED: _____

Dennis D. O'Brien
United States Bankruptcy Judge
District of Minnesota