

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
SIXTH DIVISION

In RE:

Bky No.: 04-60106-DDO

Daniel S. Miller,
Debtor.

Adversary Case No. :04-6043

Daniel S. Miller,
Plaintiff,
vs.

ANSWER OF PETERSON FARMS

Daniel Altepeter, Darral Altepeter, John
Altepeter, Peter Anderson, Roger Anderson,
Doug Barth, Chuck Bina, Bremer Bank National
Association, Monte Casavan, Gregory Driscoll,
Dubuque Farming Association, Emmert Farms,
Farmers Coop Grain & Seed, Kyle Haake, Roger
Hagen, Russ Halverson, Gary Hoper, J&J Gust Farms,
J.O. Thorson Farms, Inc., JETN Farms, LLP,
Gorman Johnson, Loren Johnson, Walter Johnson,
Dan Juneau, Joe Juneau, Charles Kaml, Key West Farms,
KO-R Farms, Inc., K-Team, Gary Larson, Lonesome Land,
Matco, Inc., David McCollum, McWalter Farms, Inc.,
James A. Narum, Bradley Nelson, Doyle Nelson,
Jeremy J. Nelson, Patrick Noll, Erik Nymann,
Nymann Farms, Ose Farms a/k/a Joseph T. Ose,
Burl Peckman, Gary Peckman, Pederson Brothers, Peterson
Farms, PM Farming, Inc., Hans Reinhardt, Darrold Rodahl,
Larry Roisland, Gary Salentiny, Dennis Salentiny, Richard
Salentiny, Andrew Spaeth, John Spina, Howard Steinmetz,
Matt Thorson, Ronald Thorson, Tri-Mack Potato, Inc.,
United Grain & Livestock, Erwin Vanek, Dan Wichterman,
Steve D. Wollin and Gregory Wollin.

Defendants.

COMES NOW, Peterson Farms, by and through its undersigned attorney, as and for its answer to the amended complaint of the Plaintiff states and alleges as follows:

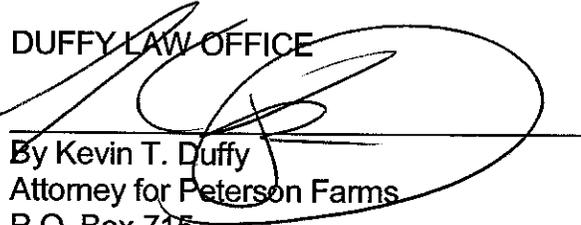
1. The answering Defendant denies each and every allegation statement or assertion contained in said amended complaint unless expressly admitted, qualified or otherwise explained.
2. The answering Defendant admits the allegations contained in paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 25, 32, and 92.
3. The answering Defendant is without a basis to form a belief as to the truth or veracity of the allegation contained in paragraphs 2, 10, 11, 12, 13, 15, 17, 18, 22, 23, 24, 30, 31, 33 through 91, 93 through 116, and 125 through 138.
4. The answering Defendant specifically alleges that the stored grain with the Plaintiff notwithstanding the fact that the Plaintiff claims it did not possess a bond sale to store grain through the State of Minnesota. The Plaintiff would grant the Defendant and other similarly situated farmers 60 days of free storage and than \$.02 per bushel per month thereafter. The Plaintiff would never receive rent storage payments directly. Instead, he would deduct the cost from the price that he provided for the grain in storage.
5. The answering Defendant specifically alleges that it is the owner of 160,793.49 bushels of wheat and 257,981.62 bushels of soybeans as referenced in paragraph 92 of the complaint.
6. The answering Defendant further alleges that it had a bailment arrangement with the Plaintiff as a result of the grain that is stored with the Plaintiff.
7. The answering Defendant specifically denies that the Plaintiff had any ownership interest whatsoever in the wheat and soybean bushels referred to above in paragraph 92 of the complaint.

WHEREFORE, the Defendant, Peterson Farms prays for an Order of the Court as follows:

1. Dismissing the Plaintiff's amended complaint with prejudice.
2. Determining that co-Defendant, Peterson Farms is the owner of 160,793.49 bushels of wheat and 257,981.62 bushels of soybeans as referenced in paragraph 92 of the complaint.
3. Determining that co-Defendant, Peterson Farms entered into a bailment relationship with the Plaintiff relating to its bushels of wheat and soybeans referred to above.
4. Determining that title to the bushels of wheat and soybeans referred to above never passed to the Plaintiff as a result of the bailment relationship existing between the Plaintiff and Peterson Farms.
5. Granting to Peterson Farms its attorneys fees, cost and disbursements, and other expenses associated with defending this matter.
6. Granting to Peterson Farms such other and further relief as to the Court deems just and equitable.

Dated: July 8, 2004.

DUFFY LAW OFFICE



By Kevin T. Duffy
Attorney for Peterson Farms
P.O. Box 715
Thief River Falls, MN 56701
Telephone: 218-681-8524
Attorney ID #134 600

Darral Altepeter
17062 400th SW
East Grand Forks MN 56721

John Altepeter
17062 400th SW
East Grand Forks MN 56721

Daniel Altepeter
17062 400th SW
East Grand Forks MN 56721

Andrew Spaeth
657 Adams Ave. N.W.
Bemidji MN 56601

Roger Anderson
21237 180th Ave. NW
Viking MN 56760

Doug Barth
16614 180th St. NE
Thief River Falls MN 56701

Chuck Bina
5851 115th Ave. NE
Lankin ND 58250-9431

Bremer Bank National Association
3100 South Columbian Road
Grand Forks ND 58401

Monte Casavan
16448 140th Ave. SW
Red Lake Falls MN 56750

Emmert Farms
1881 140th Ave.
Baldwin WI 54002

Dubuque Farming Association
1843 18th Street NE
Grand Forks ND 58203-8922

Dan Juneau
17399 240th Street SE
Red Lake Falls MN 56750

Roger Hagen
13929 State Hwy 220 SW
East Grand Forks MN 56721-9015

Farmers Co-op Grain & Seed
East 8 & Davis Avenue North
Thief River Falls MN 56701

Kyle Haake
36171 210th Street SW
Fisher MN 56723-9460

J & J Gust Farms
34380 County Road 8
Strathcona MN 56759

Gary Hoper
43802 340th Ave. N.W.
Stephen MN 56757-9617

Russ Halverson
2 Forest Court NW
East Grand Forks MN 56721-1052

Loren Johnson
1432 5th Ave. NW
East Grand Forks MN 56721

JETN Farms, LLP
c/o Earl Pederson
3077 County Hwy. 178
Bejou MN 56516

J.O. Thorson Farm, Inc.
42424 - 240th Street S.W.
East Grand Forks MN 56721

K-Team
c/o David Kirsch
1935 300th Street
Waubun MN 56589-9123

Gorman Johnson
1932 5th Ave. NW
East Grand Forks MN 56721

KO-R Farms, Inc.
12389 - 410th Ave. N.W.
East Grand Forks MN 56721

Charles Kaml
25342 - 180th Street
Greenbush MN 56726

Key West Farms
38543 County Road 15
Pine River MN 56474

Joe Juneau
Dan Juneau, P.O.A.
17399 - 240th St. SE
Red Lake Falls MN 56750

David McCollum
1882 180th Street
Mahnomon MN 56557-9083

Gary Larson
P.O. Box 2053
Bejou MN 56516

Matco, Inc.
RR 3, Box 211
Fosston MN 56542

Erik Nymann
RR 1, Box 97
Plummer MN 56748

McWalter Farms, Inc.
506 12th St. N.E.
East Grand Forks MN 56721

Bradley Nelson
27 Garden Court NW
East Grand Forks MN 56721

Doyle Nelson
20589 220th Ave. NE
Goodridge MN 56725

James Narum
2953 420th Street
Gary MN 56545

Jeremy Nelson
20879 200th Ave. NE
Thief River Falls MN 56701

Patrick Noll
1284 State Hwy 200
Mahnomen MN 56557

Ose Farms a/k/a Joseph T. Ose
13748 230th St. NE
Thief River Falls MN 56701-8614

Gary Peckman
20239 West 351st Street
Paola KS 66071

Peterson Farms
31760 County Road 11
PO Box 97
Wendell MN 56590

Burl Peckman
17524 West 351st Street
Paola KS 66071-6253

Peter Anderson
38356 280th St. SW
Fisher, MN 56723-9342

Darrold Rodahl
18646 270th Street NE
Thief River Falls MN 56701-8648

Dennis Salentiny
22933 140th Street S.W.
Crookston MN 56716

Gary Salentiny
22933 140th St. SW
Crookston MN 56716

Larry Roisland
26708 Center St. E.
Thief River Falls MN 56701

Hans Reinhardt
10453 89th St. NE
Langdon ND 58249

Richard Salentiny
12330 260th Ave. SE
Plummer MN 56748-9650

Tri-Mack Potato, Inc.
c/o Donald Mack Jr.
420 17th St. NW
East Grand Forks MN 56721

John Spina
20318 420th Ave.
Roseau MN 56751

Erwin Vanek
37138 180th St. SW
East Grand Forks MN 56721

Steven D. Wollin
PO Box 100
Greenbush MN 56726

Howard Steinmetz
1440 190th Ave.
Mahnomen MN 56557

Ronald Thorson
819 12th Street SE
East Grand Forks MN 56721

United Grain & Livestock
18646 270th Street NE
Thief River Falls MN 56701

Matt Thorson
819 12th St. SE
East Grand Forks MN 56721

Walter Johnson
37060 - 275th Ave. SW
Crookston MN 56716

Pederson Brothers
3077 Cty. Highway 178
Bejou MN 56516

Gregory Driscoll
40580 170th Street SW
East Grand Forks MN 56721

Dan Wichterman
18497 170th St. SE
Plummer MN 56748

Gregory Wollin
164 S. Main Street
P.O. Box 100
Greenbush MN 56726

Edward F. Klinger
Vogel Law Firm
215 - 30th Street North
P. O. Box 1077
Moorhead, MN 56560-1077

Allen J. Flaten
Attorney at Law
Bremer Financial Center, Suite 200
3100 So. Columbia Road
P. O. Box 13417
Grand Forks, ND 58208-3417

Raymond German
208 3rd Ave. N.W.
P. O. Box 528
East Grand Forks, MN 56721

Phillip L. Kunkel
Gray, Plant, Mooty
1010 West St. Germain, Ste. 600
St. Cloud, MN 56301

Kip M. Kaler
Kaler Doeling Law Office
P. O. Box 423
Fargo, ND 58107-0423

PM Farming Inc.
P.O. Box 555
East Grand Forks MN 56721

Michael Dove
Attorney at Law
2700 S Broadway
PO Box 458
New Ulm, MN 56073-0458

Carl E. Malmstrom
Attorney at Law
1105 Highway 10 East
P. O. Box 1599
Detroit Lakes, MN 56502

Brian F. Leonard
100 South Fifth Street
Suite 2500
Minneapolis, MN 55402-1216

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

Jon R. Brakke
218 NP Avenue
P. O. Box 1389
Fargo, ND 58107-1389

David T. DeMars
Attorney at Law
15 Broadway, Suite 510
P. O. Box 110
Fargo, ND 58107-0110

Robert A. Woodke
Brouse, Woodke & Meyer
312 America Ave. N.W.
P. O. Box 1273
Bemidji, MN 56619-1273

David L. Johnson
Dakota Center Bldg., Suite 600
51 Broadway
P. O. Box 2189
Fargo, N.D. 58108

Mr. Brian F. Leonard
Trustee
100 South Fifth Street
Suite 1200
Minneapolis, MN 55402