

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:

ALLEN BOIT AND
JEWEL MARKS-BOIT,

BANKRUPTCY NO. 04-60443
CHAPTER 13 CASE

DEBTORS.

**OBJECTION TO MOTION FOR SALE OF
MAHNOMEN LIVESTOCK, INC. AND HORSE BARN**

TO: ALL PARTIES IN INTEREST UNDER LOCAL RULE 9013-3.

1. Fred Zavitz and Casey and Deborah Brantner are creditors and interested parties in the above-mentioned case.
2. A hearing on the above Motion has been set for 10:00 a.m. on September 28, 2004, in Courtroom 2 - 2nd Floor, 118 South Mill Street, Fergus Falls, Minnesota 56537.
3. The Court has jurisdiction pursuant to 28 U.S.C. § § 157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 was filed on April 14, 2004. This case is now pending in this Court.
4. On or around May 27, 2004, the undersigned filed a Notice of Appearance and Request for Service of Papers in this case. I first learned of the Motion today through the chapter 13 trustee. I was not on the service list.
5. Exception is taken to the value placed on the asset(s) and the alleged security interest of Wells Fargo Bank.

6. Discovery will be necessary in connection with this Motion.
7. Fred Zavitz and Casey and Deborah Brantner request an evidentiary hearing in connection with this Motion.
8. Fred Zavitz and Casey and Deborah Brantner may appear and testify. In addition, the Debtors and the daughter may be called as adverse witnesses.
9. It is anticipated that exhibits would consist of the Plan, Petition, Schedules, and Statements as well as other documents consisting of cash flow projections, unsigned lease and bill of sale, a loan commitment made to Angie Holen (Boit's daughter) by MMCDC, contracts, invoices, and loan papers.

WHEREFORE, Fred Zavitz and Casey and Deborah Brantner request that the Motion be continued and such other action as the Court deems fit.

Dated this 27th day of September, 2004.

McNAIR, LARSON & CARLSON, LTD.
By: 

DAVID L. JOHNSON, ID #3484
51 Broadway, Suite 600
Post Office Box 2189
Fargo, North Dakota 58108
(701) 293-9190
Attorneys for Fred Zavitz and Casey and
Deborah Brantner

AFFIDAVIT OF SERVICE BY MAILING

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

SS:

RE: Allen Boit and Jewel Marks-Boit
Bankruptcy No. 04-60443 - Chapter 13 Case

Dorene K. Culp, being first duly sworn on oath deposes and says that she is a secretary in the office of McNair, Larson & Carlson, Ltd., Attorneys at Law, Post Office Box 2189, 51 Broadway, Dakota Center, Fargo, North Dakota; that on the 27th day of September 2004, she served:

**OBJECTION TO MOTION FOR SALE OF
MAHNOMEN LIVESTOCK, INC. AND HORSE BARN**

on the following persons by placing a copy thereof in an envelope addressed to them as follows:

Allen and Jewel Boit
1482 State Hwy 200
Mahnomen, MN 56557

Michael J. Farrell
Bankruptcy Trustee
P. O. Box 519
Barnesville, MN 56514

VIA FACSIMILE AND U.S. MAIL

(218) 681-8525

Kevin T. Duffy
Attorney at Law
P. O. Box 715
Thief River Falls, MN 56701

United States Trustee
U.S. Courthouse, Suite 1015
300 South Fourth Street
Minneapolis, MN 55415

which address is the last address of said attorneys known to her, and the envelope with postage prepaid was deposited by her in the United States Mail at Fargo, North Dakota, for delivery by the United States Post Office Department as directed by said envelope.

Dorene K. Culp
DORENE K. CULP

Subscribed and sworn to before me this
27th day of September, 2004.

DAVID L. JOHNSON, Notary Public
Cass County, North Dakota
My Commission Expires: 03/13/2009

DAVID L JOHNSON
Notary Public
State of North Dakota
My Commission Expires Mar. 13, 2009