

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

GARY L. STEWART
DARLA J. STEWART,

Debtor.

BKY Case No. 02-32136-GJK

Chapter 7

FIDELITY & DEPOSIT COMPANY
OF MARYLAND,

Plaintiff,

vs.

GARY L. STEWART
DARLA J. STEWART,

Defendants.

Adv. Proc. No. 03-3125 GJK

**PLAINTIFF'S
EXHIBIT LIST**

TO: The Honorable Gregory F. Kishel, Chief United States Bankruptcy Judge, and Defendants Gary L. Stewart and Darla J. Stewart and their attorney, Joel A. Montpetit, Esq., 222 Grand Avenue West, Suite 100, South St. Paul, MN 55075-1139

Pursuant to the Court's October 21, 2003, Order for Trial, Plaintiff Fidelity and Deposit Company of Maryland hereby identifies the following as exhibits that may be introduced into evidence at trial in the above-captioned matter. Plaintiff reserves its right to introduce such other exhibits as may become necessary to rebut any testimony or evidence offered by the Defendants herein.

PLAINTIFF'S EXHIBIT NO.	DOCUMENT TITLE/DESCRIPTION
1.	Gary Stewart's Answers to Fidelity & Deposit Company of Maryland's Interrogatories
2.	Darla Stewart's Answers to Fidelity & Deposit Company of Maryland's Interrogatories

PLAINTIFF'S EXHIBIT NO.	DOCUMENT TITLE/DESCRIPTION
3.	Gary Stewart's Answers to Fidelity & Deposit Company of Maryland's Document Requests
4.	Darla Stewart's Answers to Fidelity & Deposit Company of Maryland's Document Requests
5.	Gary Stewart's Answers to Fidelity & Deposit Company of Maryland's Requests for Admission
6.	Darla Stewart's Answers to Fidelity & Deposit Company of Maryland's Requests for Admission
7.	December 11, 1995, Mortgage between Gary L. Stewart, Darla J. Stewart and FBS Mortgage Corporation
8.	May 1, 1996, Assignment of Mortgage/Deed of Trust
9.	April 23, 1999, Mortgage between Gary L. Stewart, Darla J. Stewart and Firststar Bank U.A.A., N.A.
10.	Property Owner(s) Affidavit dated August 21, 2000
11.	Home Equity Line of Credit dated August 21, 2000
12.	August 21, 2000, Mortgage between Gary L. Stewart, Darla J. Stewart and First Federal fsb
13.	Property Owner(s) Affidavit dated September 1, 2000
14.	Home Equity Line of Credit Amendment dated September 1, 2000
15.	Home Equity Loan Modification Agreement dated September 1, 2000
16.	Statement of amount owing
17.	Vermillion State Bank credit application for Gary Stewart dated April 9, 1999
18.	Home Equity Line of Credit Agreement dated December 1, 2000, between Vermillion State Bank, as lender, and Gary and Darla Stewart, as borrower
19.	Mortgage dated December 1, 2000, between Vermillion State Bank, as mortgagee, and Gary and Darla Stewart, as mortgagors
20.	Loan Comments form dated December 1, 2000
21.	Promissory Note dated April 9, 1999, between Vermillion State Bank, as lender, and Gary Stewart, as borrower
22.	Renewal Promissory Note dated November 30, 1999, between Vermillion State Bank, as lender, and Gary Stewart as borrower

PLAINTIFF'S EXHIBIT NO.	DOCUMENT TITLE/DESCRIPTION
23.	Cashier's check of April 9, 1999 payable to Gary Stewart in the amount of \$25,000; General Ledger Debit Slip dated April 9, 1999 in the amount of \$25,000; Deposit (Credit) Slip dated November 30, 1999, in the amount of \$25,000; Loan Credit Slip dated November 30, 1999 in the amount of \$25,000; General Ledger Debit Slip dated November 30, 1999, in the amount of \$50,000; and DDA Misc. Deposit Slip dated December 7, 2000 in the amount of \$75,000.
24.	Assignment of Mortgage, dated March 1, 2002 between First Federal FSB and Fidelity and Deposit Company of Maryland
25.	Allonge Endorsement to Credit Agreement, dated March 6, 2003
26.	Any documents necessary for impeachment

DATED: January 9, 2004

FABYANSKE, WESTRA & HART, P.A.

By: /e/ Michael A. Rosow
Paul L. Ratelle (#127632)
Michael A. Rosow (#317998)
800 LaSalle Avenue, Suite 1900
Minneapolis, MN 55402
(612) 338-0115
ATTORNEYS FOR PLAINTIFF

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Defendants.

UNSWORN PROOF OF SERVICE

Susanne M. Hoffman of Fabyanske, Westra & Hart, P.A., attorneys licensed to practice law in this court, with their office address at 800 LaSalle Avenue, Suite 1900, Minneapolis, Minnesota, declares under penalty of perjury that on the 9th day of January, 2004, I served the Plaintiff's Exhibit List in this Adversary Proceeding on the following person, by placing a true and correct copy thereof in a sealed envelope, postage prepaid and depositing the same in the U.S. Mail in Minneapolis, Minnesota addressed as follows:

Joel A. Montpetit
Montpetit, Freiling & Kranz
222 Grand Ave. West, Suite 100
South St. Paul, MN 55075-1139

And I declare, under penalty of perjury, that the foregoing is true and correct. Dated this 9th day of January, 2004.

/e/ Susanne M. Hoffman

Susanne M. Hoffman