

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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04 OCT 12 AM 9:39

In re:

Case No. 03-33611-GFK

Virgil Moeller,

Chapter 11

Debtor.

**RESPONSE TO MOTION OF TRUSTEE OBJECTING TO CLAIMS**

To: Nauri Jo Manty, Trustee, and other parties in interest:

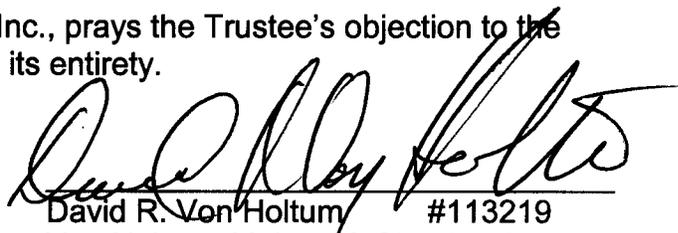
I.

Creditor, Prins Trucking, Inc., denies that the debt owed to it is the debt of Moeller Farms, Inc. as alleged in paragraph 9 of the Trustee's Notice and Motion.

II.

Creditor, Prins Trucking, Inc., specifically alleges that the debt owed to Prins Trucking, Inc. is the debt of Virgil Moeller because Moeller Farms, Inc. has been defunct since 1996.

Wherefore, Creditor, Prins Trucking, Inc., prays the Trustee's objection to the claim of Prins Trucking, Inc. be dismissed in its entirety.



David R. Von Holtum #113219  
Von Holtum, Malters & Shepherd  
Attorney for Creditor Prins Trucking, Inc.  
607 - 10<sup>th</sup> Street, PO Box 517  
Worthington, MN 56187-0517  
(507) 376-4166

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Debtor.

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**RESPONSE TO MOTION OF TRUSTEE OBJECTING TO CLAIMS**

To: Nauni Jo Manty, Trustee, and other parties in interest:

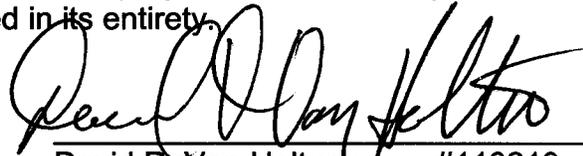
I.

Creditor, Sundrup Transfer, Inc., denies that the debt owed to it is the debt of Moeller Farms, Inc. as alleged in paragraph 9 of the Trustee's Notice and Motion.

II.

Creditor, Sundrup Transfer, Inc., specifically alleges that the debt owed to Sundrup Transfer, Inc. is the debt of Virgil Moeller because Moeller Farms, Inc. has been defunct since 1996.

Wherefore, Creditor, Sundrup Transfer, Inc., prays the Trustee's objection to the claim of Sundrup Transfer, Inc. be dismissed in its entirety.



---

David R. Von Holtum #113219  
Von Holtum, Malters & Shepherd  
Atty for Creditor Sundrup Transfer, Inc.  
607 - 10<sup>th</sup> Street, PO Box 517  
Worthington, MN 56187-0517  
(507) 376-4166

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In re:

Case No. 03-33611-GFK COURT  
ST. PAUL, MN

Virgil Moeller,

Chapter 11

Debtor.

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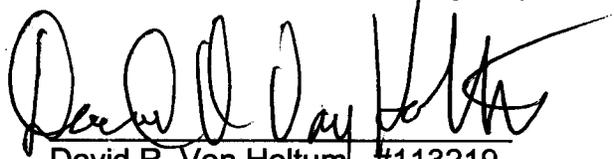
**MEMORANDUM IN SUPPORT OF RESPONSE TO MOTION**

Prins Trucking, Inc. and Sundrup Transfer, Inc. have filed claims against Virgil Moeller, the debtor. The Trustee has objected to the claims.

The Objections to the claim as filed indicate that Moeller Farms, Inc. is the real debtor. The Objections allege Prins Trucking, Inc. and Sundrup Transfer, Inc. have no claim against Virgil Moeller because Prins and Sundrup did business with the corporation Moeller Farms, Inc.

Page 4 of the FIRST AMENDED CHAPTER 11 TRUSTEE'S DISCLOSURE STATEMENT contains a statement which is as follows: "A farming corporation, Moeller Farms, Inc. ("Moeller Farms") became defunct in 1996. However, some titled assets remain in the name of Moeller Farms, and Debtor uses the "Moeller Farms" trade name." Given the fact that Moeller Farms, Inc. has been defunct since 1996, it appears that neither Sundrup or Prins were doing business with Moeller Farms, Inc. but were doing business with Virgil Moeller under the trade name of Moeller Farms.

Prins Trucking, Inc. and Sundrup Transfer, Inc. request the relief sought by the Trustee be denied to the Trustee.



David R. Von Holtum #113219  
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Attorney for Creditor Prins Trucking, Inc.  
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UNSWORN CERTIFICATE OF SERVICE

I, Carol Scherff, declare under penalty of perjury that on October 7, 2004, I mailed copies of the attached Response to Motion of Trustee Objecting to Claims on behalf of Prins Trucking, Inc., Response to Motion of Trustee Objecting to Claims on Behalf of Sundrup Transfer, Inc., Memorandum in Support of Response to Motion and Unsworn Certificate of Service on the following:

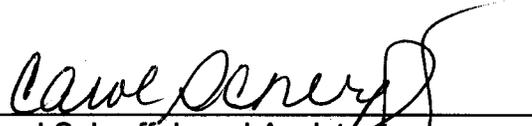
Nauni Jo Manty  
Rider Bennett  
Suite 2000  
333 South 7<sup>th</sup> Street  
Minneapolis, MN 55402

U. S. Trustee  
1015 US Courthouse  
300 South 4<sup>th</sup> Street  
Minneapolis, MN 55415

Mr. Virgil Moeller  
PO Box 109  
Spring Valley, MN 55975

Mr. Kurt M. Anderson  
PO Box 2434  
Minneapolis, MN 55402-0434

Executed on October 7, 2004

  
\_\_\_\_\_  
Carol Scherff, Legal Assistant  
Von Holtum, Malters & Shepherd  
607 - 10<sup>th</sup> Street, PO Box 517  
Worthington, MN 56187-0517