

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bky. #: 03-38294

ERIK MICHAEL HOLLERUD
DBA HOLLERUD OIL COMPANY

Debtor(s)

BRADLEY NEWMAN

Plaintiff(s)

v.

ERIK MICHAEL HOLLERUD
DBA HOLLERUD OIL COMPANY

Adv. #: 04-3086

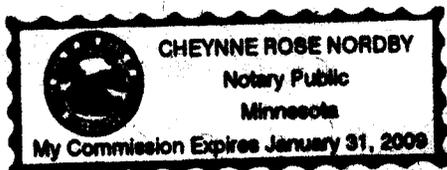
Defendant(s)

AFFIDAVIT

Mark C. Halverson, attorney for Defendant Erik Michael Hollerud, submits this Affidavit in support of Defendant's request for an Award of Attorney's Fees in the encaptioned matter.

1. Attached hereto as Exhibit 1 is a true and correct billing statement indicating reasonable fees in the amount of \$ 4,507.80 have been incurred in defending this pretended cause of action.
2. At the outset of this matter, Defendant's attorney advised both the Plaintiff and his putative attorney that an award of fees would be requested at the conclusion of these proceedings if Plaintiff persisted. See Exhibit 2 attached hereto.

Further your affiant sayeth not.



/e/ Mark C. Halverson

Mark C. Halverson I.D. # 124217
Halverson Law Office
600 S. 2nd Street
PO Box 3544
Mankato, MN 56002
Telephone: 507-345-1535
Attorney for Defendant

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

Cheyenne Rose Nordby
Notary Public

Erik Michael Hollerud
707 6th Street NW
Austin, MN 55912-2145

September 27, 2004

RE: Bradley Newman v. Erik Michael Hollerud, dba Hollerud Oil Company

DATE	DESCRIPTION	HOURS	AMOUNT	LWY
3/19/04	Review Summons and Complaint	.5	97.50	MCH
3/22/04	Review Notice from Bankruptcy Clerk	.1	19.50	MCH
4/5/04	Review Notice from Bankruptcy Court	.1	19.50	MCH
4/13/04	Letter to Bankruptcy Court	.4	78.00	MCH
	Letter to Client	.4	78.00	MCH
5/3/04	Review 2 nd Summons and Service Documents	.2	39.00	MCH
5/6/04	Review Scheduling Conference Order Calendar Scheduling Conference	.2	39.00	MCH
5/17/04	Meeting with Client re: Complaint	.5	97.50	MCH
	Letter to Grundhoefer Law Firm	.9	175.50	MCH
5/27/04	Review Letter from Plaintiff's Attorney	.3	58.50	MCH
6/1/04	Draft and Execute Answer	.8	156.00	MCH
6/2/04	Serve and File Answer	.2	39.00	MCH
6/3/04	Prepare for Conference	.4	78.00	MCH
	Travel Round Trip: Mankato-St. Paul	4.5	877.50	MCH
6/7/04	Review Scheduling Order Calendar Scheduling Order	.1	19.50	MCH
7/27/04	Meeting with Client re: Summary Judgment Affidavit	1.5	195.50	MCH
8/9/02	Draft Affidavit	1.2	234.00	MCH
8/11/02	Revise and Forward Affidavit	.6	117.50	MCH
8/16/04	Draft Summary Judgment, Motion, Answer, etc.	1.2	234.00	MCH

8/16/04	Revise, Serve and File Summary Judgment Material	1.4	273.50	MCH
9/15/04	Review Plaintiff's Affidavit	.4	78.00	MCH
9/25/04	Prepare for Hearing	.8	156.00	MCH
	Review Billing and Draft Affidavit re: Fees	.7	136.50	MCH
9/27/04	Estimated Travel Round Trip: Mankato-St. Paul	4.5	877.50	MCH
9/27/04	Attend Hearing (estimated time)	.7	136.50	MCH

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Mark C. Halverson	22.60	\$195.00/hour	\$5,284.50
TOTAL FEES			\$4,407.00

DISBURSEMENTS

6/3/04	Mileage: 168 miles @ \$.30/mile	\$50.40
9/27/04	Mileage: 168 miles @ \$.30/mile	\$50.40
TOTAL DISBURSEMENTS		\$100.80

TOTAL BILLING **\$4,507.80**

HALVERSON LAW OFFICE

ATTORNEYS AT LAW

600 SOUTH SECOND STREET

P.O. BOX 3544

MANKATO, MINNESOTA 56002-3544

MARK C. HALVERSON
ALSO ADMITTED IN WISCONSIN
BOARD CERTIFIED, BUSINESS BANKRUPTCY-
AMERICAN BOARD OF CERTIFICATION

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(507) 345-1535
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E-MAIL
halanlaw@halverson.com

May 17, 2004

GRUNDHOEFER, NEUVILLE & LUDESCHER, PA
PO BOX 7
NORTHFIELD MN 55057-0007

Re: *Bradley Newman vs. Erik Michael Hollerud*
Adversary Proceeding #04-3086

Greetings:

It appears that your law firm is representing the plaintiff, Bradley Newman, in this proceeding, as it is clear various pleadings and other documents are originating from your office. Therefore, I am addressing this letter to your firm, not only as a representative of Mr. Newman, but as it might regard your own exposure.

As you no doubt know, I represented Erik Hollerud in the underlying bankruptcy. There is a reasonable possibility I will represent him in the adversary proceeding, as well.

Thus far, other than to point out a failure to properly comply with service rules, I have not entered a response. It would appear prudent to do so in the near future.

Please be advised that it is my opinion Mr. Newman's claims are totally without merit. I am reasonably certain this adversary proceeding will be dismissed at some point short of trial, or at least that judgment will be entered for the defendant.

If indeed that does transpire, it is my intent to pursue reimbursement of costs, expenses and attorney's fees incurred in defending this matter.

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I am advising you of this at this point in time, not only to allow Mr. Newman an opportunity to dismiss this claim before significant costs are incurred, but also to have a written record that such a demand was made to support such a claim when/if it does become right.

Thank you for your consideration of this matter.

Sincerely,



Mark C. Halverson

MCH/jsc

cc: Bradley Newman
Erik Hollerud
Court File

Exhibit 2