

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

**ASHLEY CREEK ACRES, LLP,**

Debtor.

Chapter 7  
Bky. Case No. 04-30777

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**NOTICE OF HEARING ON OBJECTION TO TRUSTEE'S  
NOTICE OF SALE DATED JULY 29, 2004**

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To: The United States Trustee; the Debtor's attorney, Paul F. Leutger; the attorney for First District Association, Joel J. Dahlgren; and M. Barry Darval and Thomas Lallier, attorneys for Roger Indieke/Dairy Progeny Management:

**NOTICE IS HEREBY GIVEN** that on **Wednesday, September 22, 2004 at 10:00 a.m.**, a hearing will be held on the sale of the following nonexempt property: Cumulative Equity Retentions by First District Association (Dairy Cooperative) 101 S. Swift Ave., Litchfield, Minnesota. The first possible payment could be in the year 2009 @\$190.69 for calendar year 1999 retention. The second possible payment could be in 2010 @\$51,391.13 for calendar year 2000 retention. The third possible payment could be in 2011 @\$56,401.28 for calendar year 2001 retention. The fourth possible payment could be in 2012 @\$36,458.53 for calendar year 2002 retention. The fifth possible payment could be in 2013 @\$7,073.06 for calendar 2003 retention (hereinafter the "Equity Retentions"). **The hearing will be held before The Honorable Dennis D. O'Brien, 316 North Robert Street, Courtroom 228A, St. Paul, Minnesota.**

The Trustee has received an offer by the Board of Directors of First District Association to purchase the Equity Retentions for \$19,476.25, and noticed the sale. The Trustee has received an objection to the Notice of Sale, and a competing offer to purchase the Equity Retentions for

\$26,000.00. The Trustee will sell to the highest bidder, "as is" and "where is" without **any representations or warranties as to whether the Equity Retentions are transferable to the purchaser. The Trustee will not guaranty or warrant that the purchaser will obtain good title or will be able to transfer title. The Equity Retentions are subject to any objections of transferability of First District Association.** At this point in time, the Trustee is inclined to accept the highest offer. The Trustee will, however, entertain other offers at the time of the hearing. The Trustee will accept the highest and best offer and will seek Court approval of the offer accepted.

Dated: August 24, 2004

RIDER BENNETT, LLP

By: \e\ Nauri Jo Manty  
Nauri Jo Manty, Trustee  
333 South Seventh Street  
Suite 2000  
Minneapolis, MN 55402  
(612) 340-8900

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**UNSWORN CERTIFICATE OF SERVICE**

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I, Ruth A. Merrill, declare under penalty of perjury that on August 24, 2004 I served copies of the foregoing in the manner described below, to each entity named below at the address stated below for each entity:

M. Barry Darval  
Darval, Wermerskirchen & Frank, P. A.  
1601 East Highway 12  
P O Box 1175  
Willmar, MN 56201

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

Ashley Creek Acres, LLP  
1906 Eleanor Avenue  
St. Paul, MN 55116

Paul F. Leutger  
2536 Burnham Road  
Minneapolis, MN 55416

First District Association,  
Attn: Clint Fall  
101 Swift Avenue So.  
Litchfield, MN 55355

Joel J. Dahlgren  
80 South 8<sup>th</sup> Street, Suite 4200  
Minneapolis, MN 55402-2205

Thomas J. Lallier  
Foley & Mansfield, P.L.L.P.  
250 Marquette Avenue South, Suite 120  
Minneapolis, MN 55401

RIDER BENNETT, LLP

By \e\ Ruth A. Merrill  
Ruth A. Merrill  
Legal Administrative Assistant  
333 South Seventh Street  
Suite 2000  
Minneapolis, MN 55402  
(612) 335-3950

Dated: August 24, 2004