

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In RE: Case File No. 04-50507
Chapter 7
Randall L. Kollodge and Adv. Proc. No. 04-5034
Diane M. Kollodge,

Debtors,

PROPOSED STIPULATION

Jeannie M. Kollodge,

Plaintiff,

vs.

Randall L. Kollodge,

Defendant.

That this Stipulation is submitted pursuant to the Court's Order for Trial, dated September 3, 2004.

The Defendant's attorney has provided copies of all exhibits to counsel for the Plaintiff. However, Defendant's counsel believes that Plaintiff's counsel is unable to Stipulate to these items because of the strained relationship between Plaintiff's counsel and client, which is reflected in his Motion to Withdraw. Regardless, this proposed Stipulation has also been submitted to counsel.

a) Proposed Exhibits: The Defendant proposes the following exhibits to be stipulated and offered at Trial. The defense counsel has received this list of proposed exhibits from Plaintiff, as well as copies of the same.

Exhibit A: Defendant's year 2000 W2 and State and Federal Tax Returns

Exhibit B: Defendant's year 2001 State and Federal Tax Returns

Exhibit C: Defendant's year 2002 W2 and State and Federal Tax Returns

Exhibit D: Defendant's year 2003 W2 and State and Federal Tax Returns

- Exhibit E: Tyke's Carpet Sales, Inc. Security Agreement dated January 1, 1997
- Exhibit F: Defendant's Security Agreement dated January 1, 1997
- Exhibit G: Tyke's Carpet Sales, Inc. State of Minnesota UCC-1 Financing Statement
- Exhibit H: Stipulation Regarding Default and Voluntary Surrender of Collateral between Randall L. Kollodge, Bryon J. Bassett, William H. Bassett and Shirley Bassett, dated November 20, 2000
- Exhibit I: Morrison County Findings of Fact, Conclusions of Law, Order for Judgment and Judgment dated August 15, 2000.
- Exhibit J: Morrison County Supplemental Findings of Fact, Conclusions of Law, Order for Judgment and Judgment dated October 5, 2000.
- Exhibit K: Morrison County Amended Findings of Fact, Conclusions of Law, Order for Amended Judgment and Amended Judgment and Decree of Dissolution of Marriage (unsigned).

Depositions:

- b) The Defendant does not have any depositions proposed to be offered in evidence.

Uncontested facts proposed by Defendant:

- c) The following are facts undisputed:

1) The Supplemental Findings of Fact, Conclusions of Law, Order for Judgment and Judgment were entered following a trial in the dissolution between Jeannie M. Kollodge and Randall Lawrence Kollodge on October 5, 2000.

2) That the Judgment awarded Plaintiff, among other things the sum of \$33,349.10.

3) That the sum in paragraph 2 above was based on the courts decision concerning a family business of the Defendant's family, and the "fact" that the marital value of the Defendant's share of the family business was found to be \$61,559.60.

4) That the Defendant and his brother were purchasing the family business (Tyke's Carpet Sales, Inc.).

5) That the Defendant and his brother were forced to default on the purchase of the family business and were forced to voluntarily surrender the collateral to the sellers.

6) That the Defendant did not receive any proceeds from the business, does not own the business, and does not have any of the assets of the business.

7) That the Defendant, Randall Kollodge did not receive any portions of the \$61,555.60 that was found to be marital property in the dissolution decree.

8) That the Defendant, Randall Kollodge will not receive any portion of the \$61,555.60 that was found to be marital property in the dissolution decree.

9) The Defendant does not have the ability to meet the obligation under the criteria set out in 11 U.S.C. § 523(a)(15)(A); and

10) Discharging the obligation would not result in a benefit to the Defendant that would outweigh the detrimental consequences to the former spouse within the meaning of 11 U.S.C. § 523(a)(15)(B).

Dated: _____

10-15-05



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Dated: _____

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