

INTERPLEADER

JUDGEMENT

154

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bky No. 4-83-2081

VICTORIA GRAIN CO. OF MINNEAPOLIS,

Debtor,

Victoria Grain Co. of Minneapolis,

Plaintiff,

Adversary Proceeding
No. 4-83-418

v.

Bay State Milling Company, a
Minnesota corporation,

ORDER

Defendant and Third
Party Plaintiff-Stakeholder,

v.

Victoria Grain Co. of Minneapolis,
a Minnesota corporation, Colgate
Elevator Co., a North Dakota
corporation, and Richard Yaggie,

Third Party
Defendant-Claimants.

This cause came on to be heard by the above-entitled Court on September 6, 1984, upon the motion of defendant and third party plaintiff-stakeholder Bay State Milling Company ("Bay State") for an Order certifying the interpleader, discharging Bay State and restraining other parties from action against Bay State, and for its costs and reasonable attorneys' fees incurred in bringing this action.

Edward W. Berquist, Trustee in Bankruptcy for Victoria Grain Co. of Minneapolis, was represented by Larry B. Ricke.

Colgate Elevator Co. was represented by Arthur Walsh.

Richard Yaggie was represented by David Gronbeck.

The Court having considered the arguments of counsel, the memoranda and all the files, records and proceedings herein,

IT IS HEREBY ORDERED THAT:

(1) Bay State is directed to pay to Edward W. Berquist, as Trustee in Bankruptcy for Victoria Grain, the sum of \$48,022.98 which is to be deposited by said Trustee in an interest bearing account;

(2) The time for Bay State to timely file a Proof of Claim in the bankruptcy matter of Victoria Grain Co. of Minneapolis, Case No. 4-83-2081, is extended through September 28, 1984;

(3) Bay State's request for costs and attorneys' fees incurred in bringing the interpleader action is denied;

(4) Plaintiff and third party-defendant claimant Victoria Grain Co. of Minneapolis and third party defendant-claimants Colgate Elevator Co. and Richard Yaggie shall interplead and settle among themselves the rights to the amounts deposited into the Court by Bay State;

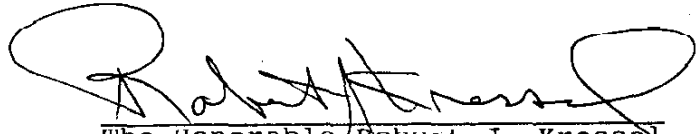
(5) Plaintiff and third party defendant-claimant Victoria Grain Co. of Minneapolis and third party defendant-claimants Colgate Elevator Co. and Richard Yaggie are barred from instituting any action against Bay State arising from claims herein; and

(6) Bay State is released and discharged from all liability arising from claims herein by the other parties, and dismissed from this action.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 11, 1984.

BY THE COURT

A handwritten signature in black ink, appearing to read "Robert J. Kressel", written over a horizontal line.

The Honorable Robert J. Kressel
United States Bankruptcy
Court Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Victoria Grain Co. of Minneapolis,
Debtor.

BKY 4-83-2081

Victoria Grain Co. of Minneapolis,
Plaintiff,

JUDGMENT

v.

Bay State Milling Company,
a Minnesota corporation,

ADV 4-83-418

Defendant.

Pursuant to the order for judgment herein,

It is Ordered and Adjudged that:

1. Bay State is directed to pay to Edward W. Bergquist, as Trustee in Bankruptcy for Victoria Grain, the sum of \$48,022.98 which is to be deposited by said Trustee in an interest bearing account;

2. The time for Bay State to timely file a Proof of Claim in the bankruptcy matter of Victoria Grain Co. of Minneapolis, Case No. 4-83-2081, is extended through September 28, 1984;

3. Bay State's request for costs and attorneys' fees incurred in bringing the interpleader action is denied;

4. Plaintiff and third party-defendant claimant Victoria Grain Co. of Minneapolis and third party defendant-claimants Colgate Elevator Co. and Richard Yaggie shall interplead and settle among themselves the rights to the amounts deposited into the Court by Bay State;

5. Plaintiff and third party defendant-claimant Victoria Grain Co. of Minneapolis and third party defendant-claimants Colgate Elevator Co. and Richard Yaggie are barred from instituting any action against Bay State arising from claims herein; and

6. Bay State is released and discharged from all liability arising from claims herein by the other parties, and dismissed from this action.

Dated: September 11, 1984.

Timothy R. Walbridge
Clerk of Bankruptcy Court

By:

Michael C. Magrini
Deputy Clerk