

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Tracy John Clement,
Debtor.

Case No. 16-31189

Chapter 11

**NOTICE OF HEARING AND EXPEDITED MOTION FOR ENTRY OF AN ORDER (I)
GRANTING EXPEDITED HEARING AND (II) AUTHORIZING THE SALE OF
ASSETS FREE AND CLEAR OF LIENS, ENCUMBRANCES, AND OTHER
INTERESTS**

TO: The parties specified in Local Rule 9013-3.

1. The chapter 11 trustee, Phillip L. Kunkel (the “Trustee”), by and through his undersigned attorneys, moves the Court for the relief requested below and gives notice of a hearing.

2. The Court will hold a hearing on this Motion at **10:30 a.m. on December 6, 2017**, in Courtroom 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.

3. Because of the expedited nature of this Motion, the Trustee will not object to any response to this Motion filed and served prior to the hearing pursuant to the applicable Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Rules. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005, and Local Rule 1070-1. This is a core proceeding pursuant to 11 U.S.C. § 157(2)(A), (M), (N) and (O). Venue is proper in this Court pursuant to 11 U.S.C. §

1408.

5. The petition in this case was filed on April 11, 2016 (the “Petition Date”). The case is now pending in this Court.

6. This Motion arises under 11 U.S.C. §§ 363(b) and 363(f), and Fed. R. Bankr. P. 6004. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules 9013-1 through 9013-3, and Local Rule 6004-1.

7. The Trustee requests an order of this Court granting the Trustee’s motion to sell certain Real Property and Personal Property, consisting of the Debtor’s farm machinery, equipment, and vehicles identified on Exhibits A and B.

8. The Real Property (defined below) consists of approximately 1,230 acres of agricultural land located primarily in Mower County and Fillmore County, Minnesota; pastureland in Howard County, Iowa; and a commercial grain storage facility in Jerauld County, South Dakota. A sale of the grain storage facility in conjunction with a sale of the farmland will be more efficient for the estate than a separate sale.

9. The Personal Property (defined below) consists of the Debtor’s farm machinery, equipment, and vehicles.

10. The Trustee seeks expedited relief because a sale as soon as possible will result in the most favorable recovery for the estate. It is critical to sell the Real Property as soon as possible in order to provide ample time for potential buyers of the Real Property to finalize financing and enroll the Real Property in federal farm support programs for the 2018 crop year. In addition, based upon the Trustee’s discussions with Steffes Group, Inc. (“Steffes”), the auctioneer retained by the Trustee, the Trustee believes a sale by year-end 2017 will likely generate the greatest activity and best prices for the secured creditors and the estate.

11. The liquidation of the Debtor's nonexempt real property and personal property has been the objective of the creditors, including the Official Committee of Unsecured Creditors (the "Committee") throughout the pendency of this case.

12. The Trustee has received an offer from the Debtor to purchase the Personal Property (as defined below) pursuant to the terms of the Memorandum of Understanding by and among the Debtor, the Committee and certain secured creditors and approved by the Court by an order entered on March 20, 2017 [Doc. No. 392] (the "MOU"), but has rejected the Debtor's offer based, in part, upon an appraisal obtained from Steffes. Should the Debtor, the Trustee and the Committee reach an agreement as to any such purchase prior to the hearing on this Motion, the Trustee reserves the right to seek authorization to sell the Personal Property (as defined below) to the Debtor pursuant to the MOU.

BACKGROUND

12. On the Petition Date, the Debtor filed a voluntary petition under chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in this Court.

13. On May 3, 2016, the Office of the United States Trustee appointed the Committee.

14. By order dated September 19, 2017, the appointment of the Trustee as the chapter 11 trustee for the Debtor was approved by the Court [Doc. No. 518].

15. The Trustee has previously filed an application to employ Steffes as an auctioneer to sell the real property and personal property set forth in the attached **Exhibits A** and **B** (the "Real Property" and the "Personal Property"). The employment of Steffes was approved by the Court by an order entered on November 21, 2017 [Doc. No. 595].

16. The Real Property and Personal Property are collectively referred to in this Motion as the “Assets.” By this Motion, the Trustee is seeking an order of the Court authorizing the sale of the Debtor’s interest in the Assets free and clear of all liens, claims and encumbrances pursuant to Bankruptcy Code § 363(b) and (f).

17. Steffes is primarily engaged in the liquidation and management of agricultural related assets. Based on the Trustee’s business judgment, the Trustee believes that Steffes will obtain the highest and best offers for the Assets.

18. The Debtor is the trustee of the Tracy J. Clement Revocable Living Trust Agreement dated December 31, 2002 (the “Debtor’s Revocable Trust”).

19. The Debtor, or the Debtor’s Revocable Trust, are the current record owners or co-owners of the Assets and the Assets are property of the bankruptcy estate.¹

20. The Trustee seeks authority to sell the Real Property free and clear of all liens, claims and encumbrances under 11 U.S.C. § 363(b) and (f). The Trustee believes the Real Property is subject to various mortgages of record held by Cresco Union State Bank (“CUSB”), Citizen’s State Bank of Hayfield (“CSB”), Great Western Bank, and Plains Commerce Bank. The various mortgages are identified, on a parcel by parcel basis, in **Exhibit A**. In addition, some of the Real Property may be subject to a judgment lien in favor of MetaBank. The Trustee seeks authority to sell the Real Property free and clear of all such mortgages and judgment liens, but subject to all easements of record. The liens of the holders of such mortgages will continue in the proceeds of such sale in the same dignity, priority and extent as enjoyed by the mortgage holders prior to the Petition Date.

¹ Certain of the parcels of Real Property are held by the Debtor in his capacity as trustee of the Debtor’s Revocable Trust. The Trustee has commenced an adversary proceeding to establish that all such real property constitutes property of the estate. (Adv. Case No. 17-03118).

21. The Real Property may be further subject to the rights of first refusal provided the Debtor pursuant to the MOU. The Trustee has reviewed such rights with the secured creditors and understands the secured creditors recognize the Real Property may be subject to such rights. Such rights do not accrue to the Debtor until the Real Property has been sold by the Trustee. Accordingly, the sale of the Real Property contemplated by this Motion will not extinguish or limit any rights of first refusal provided the Debtor by the MOU or applicable nonbankruptcy law.

22. The Trustee believes the Personal Property may be subject to various security interests, including a blanket security interest asserted by CUSB. Other creditors which may assert a security interest in specific items of Personal Property include BMO Harris Bank, Compeer Financial f/k/a AgStar Financial Services, and Farm Credit Services of America. The Trustee seeks authority to sell the Personal Property free and clear of all such security interests. The liens of the holders of such security interests will continue in the proceeds of such sale in the same dignity, priority and extent as enjoyed by the secured creditors prior to the Petition Date.

23. The proceeds of the liquidation of the Assets will be distributed, after the payment of the costs and expenses of sale, to the holders of secured claims against such Assets, if any, in accord with applicable nonbankruptcy law, with the balance retained by the Trustee for the benefit of unsecured creditors.

24. The Trustee has sent this notice to all counsel of record in this case, all scheduled creditors in the case, all parties entitled to notice under Local Rule 9013-3, and all other known parties with an interest in this matter.

25. If testimony is required, the following parties may be called to testify at the hearing on the Motion regarding the facts set forth herein: Randy Kath, Steffes Auction Group,

Inc., 24400 Minnesota Highway 22 South, Litchfield, MN 55355 and Phillip L. Kunkel, Trustee, 1010 West St. Germain, Suite 500, St. Cloud, MN 56301.

RELIEF REQUESTED

WHEREFORE, the Trustee respectfully moves the Court for an order (a) granting expedited relief (b) authorizing the sale of the Assets identified on **Exhibits A** and **B** free and clear of all liens, encumbrances, and other interests except as set forth in this Motion, (c) waiving the fourteen (14) day stay of the order otherwise required under Fed. R. Bankr. P. 6004(h) to make the order effective immediately, and (d) for such other and further relief as the Court deems just and equitable.

Dated: November 28, 2017.

**GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.**

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Attorneys for Phillip L. Kunkel, as Trustee

VERIFICATION

I, Phillip L. Kunkel, state that I am the appointed chapter 11 trustee of the Tracy J. Clement bankruptcy estate, and declare under penalty of perjury that the facts and exhibits set forth in the foregoing motion are true and correct, according to the best of my knowledge, information and belief.

Dated: November 28, 2017.



Phillip L. Kunkel, Chapter 11 Trustee

EXHIBIT A

Real Property

EXHIBIT A-1

Till's & Pasture Legal Description

Parcel No. 33.0106.000 – 80 acres

The West Half of the Southeast Quarter (W 1/2 SE 1/4) of Section Sixteen (16), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Parcel No. 33.0114.000 – 76.47 acres

Property address: 19279 US 63, Spring Valley, MN 55975

The East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section Sixteen (16), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota, LESS AND EXCEPT that part of the East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section Sixteen (16), Township One Hundred Two (102), Range Thirteen (13) shown as Parcel 17 on Minnesota Department of Transportation Right of Way Plat No. 23-36 as the same is on file and of record in the office of the County Recorder in and for Fillmore County, Minnesota, containing 3.53 acres, more or less.

Subject to a mortgage of record in favor of Great Western Bank.

EXHIBIT A-2

Queensland Legal Description

Parcel No. 33.0257.000 – 40 acres

The Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Thirty-two (32), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Parcel No. 33.0258.000 – 40 acres

The Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Thirty-two (32), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Parcel No. 33.0263.000 – 40 acres

The Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Thirty-two (32), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Subject to mortgages of record in favor of CUSB.

EXHIBIT A-3

GM Cemetery Legal Description

Parcel No. 07.024.0091 – 9.76 acres

That part of the Southwest Quarter (SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of said Southwest Quarter (SW 1/4); thence North 88 degrees 57 minutes 56 seconds East, assumed bearing, 848.19 feet along the North line of said Southwest Quarter (SW 1/4); thence South 01 degrees 22 minutes 07 seconds East 462.94 feet to the point of beginning; thence South 01 degrees 22 minutes 07 seconds East 497.92 feet to the Easterly extension of the South line of a parcel recorded in Book 355 of Deeds, page 41, hereinafter referred to as parcel 1; thence South 89 degrees 01 minutes 17 seconds West 150.89 feet to the Southeast corner of said parcel 1, the Southeast corner of said parcel 1 being on the East line of a parcel recorded in Book 296 of Deeds, page 49, hereinafter referred to as parcel 2; thence South 01 degrees 18 minutes 08 seconds East 539.68 feet along the East line of said parcel 2 and its Southerly extension to the centerline of the Chicago, Milwaukee & St. Paul Railroad, now abandoned; thence South 81 degrees 42 minutes 31 seconds East 634.37 feet along the centerline of said railroad to the East line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section Twenty-four (24); thence North 01 degrees 07 minutes 54 seconds West 1,140.24 feet along the East line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) and the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said section to a point bearing South 01 degrees 07 minutes 54 seconds East 462.93 feet from the Northeast corner of said Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4); thence South 88 degrees 57 minutes 56 seconds West 478.58 feet to the point of beginning.

LESS AND EXCEPT all that part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section Twenty-four (24); thence North 88 degrees 57 minutes 56 seconds East a distance of 848.19 feet, on an assumed bearing on the North line of said Southwest Quarter (SW 1/4); thence South 01 degrees 22 minutes 07 seconds East a distance of 462.94 feet to the point of beginning; thence North 88 degrees 57 minutes 56 seconds East a distance of 478.58 feet, on a line parallel with the North line of said Southwest Quarter (SW 1/4) to a point on the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section Twenty-four (24); thence South 01 degrees 07 minutes 54 seconds East a distance of 244.08 feet, on the East line of said Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4); thence South 88 degrees 57 minutes 56 seconds West a distance of 477.57 feet on a line parallel with the North line of said Southwest Quarter (SW 1/4), to the point of intersection with a line bearing South 01 degrees 22 minutes 07

seconds East from the point of beginning; thence North 01 degrees 22 minutes 07 seconds West a distance of 244.08 feet to the point of beginning.

EXHIBIT A-4

Jacobson Farm Legal Description

Parcel No. 07.004.0011 – 250 acres

The Northeast Quarter (NE 1/4) AND the Northwest Quarter (NW 1/4) Southeast of Interstate 90, Section Four (4), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota.

Subject to mortgages of record in favor of CSB and CUSB.

EXHIBIT A-5

Glenn Legal Description

Parcel No. 07.012.0011 – 74.80 acres

The East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section Twelve (12), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota; EXCEPT commencing at the East Quarter Corner of said Section Twelve (12), Township One Hundred Three (103) North, Range Fifteen (15) West; thence South, assumed bearing, along the East line of the Southeast Quarter (SE 1/4) of said Section Twelve (12) a distance of 1,460.00 feet to a point hereinafter called the point of beginning; thence continuing South along the East line of said Southeast Quarter (SE 1/4) of Section Twelve (12), said line also being the centerline of a public roadway a distance of 550.00 feet; thence North 89 degrees 00 minutes 00 seconds West 473.00 feet; thence North 03 degrees 35 minutes 00 seconds East 542.81 feet; thence East 439.00 feet to the point of beginning; ALSO LESS AND EXCEPT the South 8 1/3 feet of the said East Half of the Southeast Quarter (E 1/2 SE 1/4) of said Section Twelve (12).

Subject to a mortgage of record in favor of Great Western Bank.

EXHIBIT A-6

GM Cemetery Legal Description

Parcel No. 07.024.0042 – 29.29 acres

That portion of the East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota, which is located North of the right of –way of the Chicago, Milwaukee and St. Paul Railroad, excepting therefrom the East 25 3/5ths rods deeded to Grand Meadow Cemetery Association, and except a tract described as follows: Beginning at the Northwest corner of the East Half of the Southwest Quarter (E 1/2 SW 1/4); thence East 250 feet; thence South 500 feet; thence West 250 feet; thence North 500 feet to the point of beginning, EXCEPT that part of the East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103), Range Fifteen (15), Mower County, Minnesota, described as follows: Commencing at the Northeast corner of the Southeast Quarter (SE 1/4) of said Section Twenty-four (24); thence North 90 degrees 00 minutes 00 seconds West, along the North line of said Southeast Quarter (SE 1/4) and Southwest Quarter (SW 1/4), a distance of 3,667.00 feet to the point of beginning; thence South 00 degrees 00 minutes 00 seconds (for purposes of this description bearings are assumed and based on said North line of Southeast Quarter (SE 1/4) and Southwest Quarter (SW 1/4), being North 90 degrees 00 minutes 00 seconds West), 707.00 feet; thence North 90 degrees 00 minutes 00 seconds West to the West line of said East Half of the Southwest Quarter (E 1/2 SW 1/4); thence Northerly along said West line to the North line of said Southwest Quarter (SW 1/4); thence North 90 degrees 00 minutes 00 seconds East, along said North line to the point of beginning; excepting therefrom the following described tract: Beginning at the Northwest corner of the East Half of the Southwest Quarter (E 1/2 SW 1/4) commencing to a point 250 feet Easterly, Southerly 500 feet, Westerly 250 feet, Northerly 500 feet to the point of beginning.

EXHIBIT A-7

Mehling Legal Description

Parcel No. 14.030.0010 – 64.00 acres

The East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section Thirty-six (36), Township One Hundred Four (104) North, Range Fifteen (15) West, Mower County, Minnesota, except that portion thereof described as follows, to-wit: Commencing at the Southeast corner of said East Half of the Northeast Quarter (E 1/2 NE 1/4); running thence North a distance of 544.5 feet to a place of beginning; thence running North a distance of 1,056 feet; thence running West a distance of 660 feet; thence running South a distance of 1,056 feet; and thence East running a distance of 660 feet and to the place of beginning, and said excepted tract containing 16 acres of land, more or less, according to the United States Government survey thereof.

Subject to mortgages of record in favor of Great Western Bank and CSB.

EXHIBIT A-8

Walker Home Legal Description

Parcel No. 15.031.0018 – 144.15 acres

The Northeast Quarter (NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCELS:

All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, described as follows:

Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 760.36 feet on an assumed bearing on the North line of said Northeast Quarter (NE 1/4), to the point of beginning; thence South 02 degrees 01 minutes 00 seconds East a distance of 490.35 feet; thence North 90 degrees 00 minutes 00 seconds East 246.73 feet; thence South 00 degrees 58 minutes 44 seconds West a distance of 353.46 feet; thence North 88 degrees 49 minutes 10 seconds West to a line parallel with and 40 feet Westerly of the point of beginning, being a distance of approximately 285 feet, more or less; thence North 00 degrees 00 minutes 00 seconds West a distance of 844 feet, more or less, to a point on the Northerly boundary of the Northeast Quarter (NE 1/4) of Section Thirty-one (31), being 40 feet West of the point of beginning; thence Easterly a distance of 40 feet on the North line of said Northeast Quarter (NE 1/4), to the point of beginning, subject to a highway easement on the Northerly most side thereof;

ALSO EXCEPTING:

All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 1,426.35 feet, on an assumed bearing on the North line of said Northeast Quarter (NE 1/4) to the point of beginning; thence South 00 degrees 00 minutes 00 seconds East a distance of 277.32 feet; thence North 89 degrees 54 minutes 08 seconds West a distance of 272.89 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 82.88 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 386.27 feet; thence South 02 degrees 01 minutes 00 seconds East a distance of 298.25 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 246.73 feet; thence South 00 degrees 58 minutes 44 seconds West a distance of 353.46 feet; thence North 88 degrees 49 minutes 10 seconds East a distance of 533.09 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 834.47 feet, to a point on the North line of said Northeast Quarter (NE 1/4); thence North 90 degrees 00 minutes 00 seconds West a distance of 125.00 feet, on the North line of said Northeast Quarter

(NE 1/4) to the point of beginning. TOGETHER with a non-exclusive easement for ingress and egress on the driveway as presently located on the following described real estate, except that Grantor herein may within one (1) year install a new driveway that would not be located on the following described real estate: All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) west, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 760.36 feet, on an assumed bearing on the North line of said Northeast Quarter (NE 1/4) to the point of beginning; thence North 90 degrees 00 minutes 00 seconds East a distance of 665.99 feet on the North line of said Northeast Quarter (NE 1/4); thence South 00 degrees 00 minutes 00 seconds East a distance of 277.32 feet; thence North 89 degrees 54 minutes 08 seconds West a distance of 272.89 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 82.88 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 386.27 feet; thence North 02 degrees 01 minutes 00 seconds West a distance of 194.10 feet, to the point of beginning; subject to highway easement on the North side thereof, Mower County, Minnesota.

ALSO EXCEPTING:

All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 760.36 feet, on an assumed bearing on the North line of said Northeast Quarter (NE 1/4) to the point of beginning; thence North 90 degrees 00 minutes 00 seconds East a distance of 665.99 feet, on the North line of said Northeast Quarter (NE 1/4); thence South 00 degrees 00 minutes 00 seconds East a distance of 277.32 feet; thence North 89 degrees 54 minutes 08 seconds West a distance of 272.89 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 82.88 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 386.27 feet; thence North 02 degrees 01 minutes 00 seconds West a distance of 194.10 feet to the point of beginning, subject to highway easement on the North side thereof.

Subject to mortgages of record in favor of CSB and CUSB.

EXHIBIT A-9

Walker 200 Site Legal Description

Parcel No. 15.032.0010 – 200 acres

The West Half of the Northwest Quarter (W 1/2 NW 1/4) AND the West Half of the Southwest Quarter (W 1/2 SW 1/4) AND the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Thirty-two (32), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota.

Subject to mortgages of record in favor of CSB and CUSB.

EXHIBIT A-10

Sanders Legal Description

Parcel No. 33.0256.000 – 76.28 acres

The West Half of the Northeast Quarter (W 1/2 NE 1/4) EXCEPT the following described parcel: Commencing 300 feet East of the Northwest corner of the Northeast Quarter (NE 1/4) of Section Thirty-two (32), Township One Hundred Two (102) North, Range Thirteen (13) West, as the point of beginning; thence running East 390 feet; thence running South 416 feet; thence running West 390 feet; thence running North 416 feet to the place of beginning, Fillmore County, Minnesota.

Subject to a mortgage of record in favor of CUSB.

EXHIBIT A-11

Schroeder Legal Description

Parcel No. 15.030.0041 – 150 acres

The Southeast Quarter (SE 1/4) of Section Thirty (30), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, EXCEPTING THEREFROM the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW 1/4 NW 1/4 SE 1/4) of said Section Thirty (30).

Subject to mortgages of record in favor of CSB and CUSB.

EXHIBIT A-12

Pasture – Chester IA – Howard County

Parcel Nos. 030110331030000; 030140321010000; 250140015055000; 250140015065000 and 250140015090000

Lot B, East Half (E 1/2) of the Southwest Quarter (SW 1/4) and Lot B in Lot Two (2) and Lot B in Lot Nine (9), Irregular Survey of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) and part of Lot Three (3), Subdivision of vacated part of Park Addition to Chester, Iowa, and balance of Lot Three (3), Irregular Survey of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) lying Northerly of Road No. 16, all in Section Eleven (11), Township One Hundred (100) North, Range Thirteen (13), West of the 5th P.M. and Lot One (1), Northwest Quarter (NW 1/4) of Section Fourteen (14), Township One Hundred (100) North, Range Thirteen (13), West of the 5th P.M. in Howard County, Iowa.

Subject to mortgages of record in favor of CUSB.

EXHIBIT A-13

SD Bin Site – Lane, SD Jerauld County

All of Lots Two (2), Three (3) and Four (4), First Railway Addition to Lane, Jerauld County, South Dakota; Lots One (1), Two (2), Three (3), Four (4), Five (5), Nine (9), Ten (10), Eleven (11), Twelve (12), Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18), Block Two (2), Original Town of Lane, Jerauld County, South Dakota; Outlot Three (3) of Milwaukee Land Company's Rural Addition to Lane, Jerauld County, South Dakota.

Subject to a mortgage of record in favor of Plains Community Bank.

GP:4830-2942-3447 v1

EXHIBIT B

Personal Property

ASSET #	DESCRIPTION
1	2012 Harley Davidson Ultra Classic Limited 103, 3,500 miles, S/N1HD1KEM19CB651908
2	2001 Harley Davidson Road King Classic, 6,569 miles, S/N1HD1FRW111Y622776
3	2001 Chevrolet Silverado, dually, reg. cab, 4WD, 350 gas, automatic, Knapheide 9' service body, extra lights, 70,000+/- miles (dead battery), S/N1GBJK34G71E261562
4	2009 Chevrolet Colorado, ext. cab, V6, gas, automatic, 4WD, front hitch, bed liner, receiver, 16" alloy wheels, 75,000 miles, S/N1GCDT19E198157841
5	2005 Chevrolet Silverado 3500, reg. cab, 1 ton dually, Duramax diesel, Allison automatic trans., 4WD, grill guard, Featherlite 11' aluminum flatbed, toolboxes, headache rack, 5th wheel, rear receiver, 215/85R16 tires, 104,094 miles, S/N1GBJK34295E246216
6	2013 Ford F350 XLT, reg. cab, 1 ton dually, Powerstroke, 6.7 liter diesel, automatic, 4WD, keyless entry, leather, Westin HDX grill guard, Stanley 13' service body, self contained hyd. pump Vanair compressor, twin 30 gal. oil tanks, rear receiver, 19,895 miles, S/N1FDRF3HT9DEA37848
7	2013 GMC 3500HD, SLT dually, 4-door, long box, 4WD, Duramax diesel, Allison automatic trans., loaded leather, bed liner, aluminum running boards, B&W fly over 5th wheel ball, back rack, 235/80R17 tires, 99,376 miles, S/N1GT424C89DF148414
8	2016 GMC Denali HD, 4 door, 6-1/2' box, 4WD, Duramax diesel, Allison automatic trans., loaded, spray-on bed liner, BW turnover 5th wheel ball, 20" rims, 10,892 miles, S/N1GT12UE89GF139944
9	2006 Kenworth T800, 36" sleeper, Cummins ISX, 475 hp., 10 spd., diff lock, engine brake, air ride, air slide, cruise, dual aluminum tanks, 214" WB, Firestone 11R22.5 tires on all aluminum, 650,000+/- miles, S/N1XKDD49X96J155196 (dead battery)
10	2005 Kenworth T800, day cab, C15 Cat, 435 hp., 10 spd., diff lock, engine brake, air ride, air slide, cruise, dual tanks, full fenders, rear receiver hitch, 172" WB, 295/75R22.5 tires aluminum fronts & outside rears, 640,879 miles, S/N1XKDDDB9X55R097673

ASSET #	DESCRIPTION
11	2011 Meridian 990 Ultramax, tandem axle bumper pull fuel trailer, 990 gal fuel tank, 6.5 hp. Gas engine fuel pump, 100 gal. def tank, 12v def. pump, (2) hose reels, meter, LED lights, 235/80R16 tires on 8-bolt aluminum wheels, No Title
12	2011 Timpte Super Hopper, hopper bottom trailer, 42'x66", ag hopper, air ride, roll tarp, stainless corners & back, LED double row lights, Bridgestone 11R22.5 tires on all aluminum, S/N1TDH42222BB125719
13	2012 Timpte Super Hopper, hopper bottom trailer, 42'x66", ag hopper, electric roll tarp, stainless corners & back, LED double row lights, Bridgestone 11R22.5 tires on outside aluminum, S/N1TDH43335CB132133
14	2012 Timpte Super Hopper, hopper bottom trailer, 42'x66", ag hopper, air ride, electric roll tarp, stainless corners & back, LED double row lights, 22.5 tires on outside aluminum, S/N1TDH42227CB132134
15	2011 Timpte Super Hopper, hopper bottom trailer, 42'x78", air ride, roll tarp, hopper vibrators, stainless corners & back, 22.5 tires on outside aluminum, S/N1TDH42224BB130355
16	2011 Jet, tandem axle step deck trailer, 36'x102", 9-1/2' top deck, spring ride, 2,600 gal. horizontal poly tank, Honda GC160 gas engine, twin aluminum under bed tool boxes, 22.5 rubber on steel buds, S/N5JNDS3628BH000675, Plate: 3688STH
17	2000 Doonan, tandem axle step deck trailer, 48'x102", 10' top deck, air ride, (2) 3,200 horizontal poly tank, (2) 30 gal. induction cones w/plumbing, no pump, swing out arm, 235/75R17.5 duals on all aluminum, S/N1D9BG4827Y1208784
18	2012 Kiefer 1000 Series, 5th wheels flatbed trailer, 32'x102", 5' dovetail, chain box, twin post jacks, pop-up center, flip over ramps, tandem axle duals, 235/80R16 tires, S/N1DVDF3222CK059316
19	2015 Wilson Road Brute CD-1080, flatbed trailer, 53'x102", 11" top deck, 5' dove tail, aluminum combo, air ride, twin stainless steel under bed tool box, (4) flip over ramps, LED lights, sliding ratchets, spread axle, aluminum riser do 22.5 tires on all aluminum, S/N4WW5532A6F6621830
20	2013 Featherlite, tandem axle bumper pull v-nose enclosed trailer, 16'x6'7", front access door, aluminum floor, inside lights, fold down rear door, LED lights, 235/80R16 tires on 8-bolt alloy wheels, S/N4FGA51625DC125577

ASSET #	DESCRIPTION
21	2007 Featherlite 5th wheel tandem axle enclosed trailer, 34', 8'2" inside width, aluminum floor, rear ramp door, includes gas generator, 1,726 hrs. (not running), D-rings inside lights, built-in tool chest, radio, speakers, LED lights, plumbed for air & electric, 235/80R16 tires on 8-bolt wheels, S/N4FGB432279C003544
22	2011 Featherlite, aluminum single axle bumper pull trailer, 6'x10', aluminum ramp, 85/80R13 tires, S/N4FGA51019BC118578
23	Blattner, single axle bumper pull panel trailer, (12) 10' panels
24	2013 Unverferth Road Runner 536, ball hitch header trailer, 36', torsion front axle, tandem torsion rear axle w/brakes, lights, 235/80R16 tires, S/N280157
25	2011 Unverferth Road Runner 536, pin hitch header trailer, 36', tandem torsion rear axle, lights, 235/80R16 tires, S/N750108
26	Featherlite, bumper pull twin jet ski aluminum trailer, S/N4FGL011101D041839
27	2015 Circle K, anhydrous transport, twin 1,500 gal. tanks, LED lights, brakes, torsion axles, 445/50R22.5 tires, S/N14331
28	2014 Circle K, anhydrous transport, twin 1,500 gal. tanks, LED lights, brakes, torsion axles, 445/50R22.5 tires, S/N14064
29	2014 Circle K, anhydrous transport, twin 1,500 gal. tanks, LED lights, brakes, torsion axles, 445/50R22.5 tires, S/N14065
30	2012 John Deere 6430, MFWD, premium cab, buddy seat, IVT, left hand reverser, 3 hyd., 3 pt., quick hitch, PTO, diff lock, loader ready, CD player, power mirrors, grill guard, fenders, rear wheel weights, 380/85R24 front tires, 460/85R38 rear tires, 2,940 hrs., S/N714201
31	John Deere H340, all hyd. loader, 3rd valve, quick tach, 7' hyd. material bucket, 5-tine grapple, global mounts, S/N1743 (appraised with JD 6430)
32	2003 New Holland TC45D, MFWD compact tractor, canopy, ROPS, diesel, hydro, 2 range, 2 hyd., 3 pt., quick hitch, PTO, New Holland 17LA joystick loader, skid steer loader plate, rear wheel weights, 10-16.5 front tires, 17.5L-24 rear tires, 1,193 hrs., S/NG517605
33	2006 New Holland TC34DA, MFWD compact tractor, ROPS, HST, hydro, 3 pt., PTO, New Holland 914A 72" deck, 27-10.5-15 front tires, 41-14-20 rear tires, 667 hrs., S/NZ6DA02913

ASSET #	DESCRIPTION
34	2012 John Deere 9410R, 4WD, premium cab, powershift, 6 hyd., power beyond big pump, PTO, integrated auto steer, AutoTrac, SF2 Starfire 3000 globe, 2630 display GreenStar, swath control, Firestone 480/80R50 deep tread duals around, approx. 2,500 hrs., S/N1RW941ORTCP002328
35	Lull 644B-37 Hi-Lander, telehandler, 4WD, ROPS, Cummins diesel, 4-wheel steer, 37' boom extendable, 48" forks, shuttle shift, quick hitch fork attach w/hyd. lift, 13.00-24 tires, 5,991 hrs., S/N1096
36	2013 John Deere DB90, planter, 36x30", CCS seed delivery, front fold, central fill w/boxes, variable rate, hyd. drive air comp., pneumatic down pressure, 1,000 gal. fertilizer tank, Refuge Plus tank, stainless steel drop tube fertilizer, herbicide boxes, 3-row shut-off, Redball monitor, Dawn row cleaners, ground drive fertilizer pump, flat fold markers, corn & bean precision unit meters, 445/50R22.5 duals, S/N750104
37	John Deere 875, row crop cultivator, 12x30", 3 pt., c-shanks, rolling shields, gauge wheels
38	Sunflower 1435, rock flex disc, 33', 23" blades, hyd. level, walking tandems across, mud scrapers, single pt. depth, gauge wheels on wings, 3-bar harrow, 12L-15 tires, S/N100025
39	Sunflower 4511, disc chisel, 18', 15 shank, 15" spacing, 4" twists, cushion front discs, floating hitch, cushion rear discs, single pt. depth, 12.5-15 tires, S/N00061
40	2012 John Deere 3710, auto reset plow, 10 bottom, on land hitch, light kit, oscillating wheel, coulter, S/N740156
41	John Deere 400, rotary hoe, 40', 3 pt., wing fold, rock guard, (4) gauge wheels
42	John Deere 400, rotary hoe, 30', 3 pt., wing fold, rock guard, gauge wheels
43	John Deere HX15, rotary batwing mower, small 1000 PTO, double wing fold, spring suspension, chain guards, air craft tires, S/N13081 (needs repair)
44	Westfield, auger, 111'x13", swing hopper, hopper walker, hyd. lift, 540 PTO, S/N213086
45	Degelman 14-46-57, silage blade, 14', 4-way, bolt-on edge, bolt-on sides, 8000 Series belly mount, adj. skid shoes, S/N25792

ASSET #	DESCRIPTION
46	2013 Unverferth Seed Runner 3750XL, seed tender, twin hopper, self-loading, hyd. gate, electric start, seed treater, DigiStar scale, wireless hand held remote, S/ND59700123
47	2010 Unverferth Seed Runner 3750XL, seed tender, Honda engine, electric start, self-loading, hyd. gate, roll tarp, wireless remote, seed treating unit, scale, on 5th wheel tri-axle trailer, 235/85R16 tires on 8-bolt wheels, S/N80200
48	2012 Brent 544, gravity wagon, front & rear windows, front ladder, side lights, site glass, fenders, rear brakes, 425/65R22.5 tires, S/N70122
49	2012 Brent 544, gravity wagon, front & rear windows, front ladder, side lights, site glass, fenders, rear brakes, 425/65R22.5 tires, S/N70123
50	Rem 3700, grain vac, large 1000 PTO, 12" folding auger, misc. tubes, cleanup kit, S/N1173
51	2012 New Holland 195, manure spreader, 1000 PTO, double apron chain, hyd. apron drive, hyd. end gate, double beater, adj. speed, poly floor, walking tandem axle, 16.5L-16.1 tires, S/NYCN135255 (top beater missing)
52	H&S HD, forage box, 18', 540 PTO, twin auger, left hand twin auger discharge, hyd. apron, front & rear unload, H&S 416 running gear, 16.5-16.1 tires, S/N215000
53	Meyer 3118, forage box, 18', 540 PTO, rear unload, Meyer running gear, 14L-16.1 tires, S/NQD98285
54	Highline Bale Pro CFR-650, bale processor, small 1000 PTO, self-loading, hyd. diverter, fine cut, 16.5-16.1 tires, S/NCFR-650-5323
55	Blattner, livestock working system, 16' adjustable alley way, sliding doors, 1/2 moon, 20' tub, catwalk on tub, self-locking head gate, double side drop down vet doors, double side nurse gates, single side rapid exit, manual squeeze double door palp cage
56	(4) Drive thru, 10' (\$200 each)
57	(2) 4' door on 10' walk through (\$200 each)
58	Apache 24-AZ, feeder wagon, 24', 6-wheel slant bar, 9.5L-15 tires on 6-bolt rims, S/N1110115
59	Apache, feeder wagon, 20', 4-wheel running gear, S/N1122
60	(4) S.I., steel feed bunks, 20' (\$300 each)
61	(4) Round bale feeders (\$200 each)
62	Misc. gates

ASSET #	DESCRIPTION
63	Flatbed hay rack, 16x8', on John Deere running gear
64	Flatbed hay rack, 16'x8', on Demco running gear, 12.5L-15 tires
65	(2) Ez-Trail, small square bale racks, 18'x9', slant bar bottom, Ez-Trail running gear, 12.5L-15 tires (\$800 each)
66	(2) Poly saddle tanks, 300 gal., 2" hyd. drive pump, John Deere 4WD drive tool bar mount
67	Loftness Quick Pik, reel type rockpicker, hyd. drive, skid steer loader mount, S/N08-201
68	2012 Bobcat S750, skid steer loader, cab, heat, radio, hyd. quick tach, 2 spd., selectable joystick, dual joystick controls, 6' material bucket w/bolt-on cutting edge, 12-16.5 tires, 710 hrs., S/N3183
69	(2) Berlon, rock buckets, 84", skid steer loader mount (\$750 each)
70	Shop-Built, rock bucket, 84" global mounts
71	John Deere X724 Ultimate, lawn tractor, hydro, 4-wheel steer, diff lock, rear hyd., 62" edge deck, 485 hrs.
72	Loftness, snowblower, 8', 3 pt., 540 PTO, 2 stage, hyd. turn electric spout, twin auger
73	2011 Bobcat Tool Cat 5600, side by side, cab, heat, AC, diesel, aux. hyd., all wheel steer, Hi-Flow, material bucket, hyd. quick tach, joystick loader, 9-pin connect, hyd. dump bed, receiver hitch, aluminum diamond plate box, 1,300 hrs.
74	2006 John Deere Gator, 6x4, gas, diff lock, electric tilt bed, bed liner, windshield, 651 miles
75	2013 John Deere Gator, 825I, 4x4, gas, windshield, camo edition grill guard, 500 miles (At Track)
76	2013 Polaris Sportsman, Browning Edition, ATV, AWD, 550 EFI, power steering, front winch, rear receiver, 161 miles, 19.2 hrs.
77	2010 Artic Cat, 4-wheeler, 700 EFI, 4x4, rear poly tilt bead, rear receiver, 1,000 miles
78	2012 Arctic Cat XLR Pro Climb 800, electric start, 1" paddle track, 900 miles
79	2003 Polaris 700, electric start, 144" track, 2,000 miles
80	Polaris 340, electric start
81	2012 Sea-Doo GTX 215 4-tec Supercharger, S/N88B606
82	2006 Sea-Doo GTX, S/N20C515

ASSET #	DESCRIPTION
83	2005 Larson, boat, 26', open bow, Chevrolet 350 engine, on 2005 trailer, S/NLAR78196C505 (Boat Trailer S/N1L8LACUG65A023382)
84	2009 Blue Jet, side dress applicator toolbar
85	2008 GMC Envoy, S/N1GKDT13S782221725
86	John Deere, blade, 9'
87	Motorola repeater and (20) radios
88	Vibratory packer, hyd. drive, skid steer loader mount
89	2006 XL specialized step deck trailer, 48', air ride, spread axle, S/N4U3B048216L005629
90	Friesan seed trailer
91	Sunflower 4213, chisel plow
92	2010 Polaris Ranger, 6-wheeler
93	John Deere 397, forage harvester

GP:4810-6393-3783 v1

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Tracy John Clement,
Debtor.

Case No. 16-31189

Chapter 11

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ENTRY OF AN ORDER
(I) GRANTING EXPEDITED HEARING AND (II) AUTHORIZING THE SALE OF
ASSETS FREE AND CLEAR OF LIENS, ENCUMBRANCES, AND OTHER
INTERESTS**

The chapter 11 trustee, Phillip L. Kunkel (the “Trustee”), by his undersigned attorneys, submits this memorandum of law in support of his motion for entry of an order authorizing the sale of the Real Property identified on Exhibit A and the Personal Property identified on Exhibit B to the Motion.

FACTS

The facts in support of this memorandum of law are set forth in the Motion. All capitalized terms have the meaning ascribed to them in the Motion.

ARGUMENT

I. Cause Exists for Expedited Relief

The Trustee requested expedited relief on the Motion. A motion to approve a sale of property not in the ordinary course of business generally requires twenty-one days’ notice. Fed. R. Bankr. Pro 2002. Local Rule 9006-1(e), however, provides that a court may reduce notice for cause. Cause exists here to grant the motion on an expedited basis because a sale as soon as possible will result in the most favorable recovery for the estate. It is critical to sell the Real Property as soon as possible in order to provide ample time for potential buyers of the Real

Property to finalize financing and enroll the Real Property in federal farm support programs for the 2018 crop year. In addition, based upon the Trustee's discussions with Steffes Group, Inc. ("Steffes"), the auctioneer retained by the Trustee, the Trustee believes a sale by year-end 2017 will likely generate the greatest activity and best prices for the secured creditors and the estate.

II. A Sale of the Property Should be Approved

Section 363 of the Bankruptcy Code provides that the Trustee "after notice and a hearing may use, sell or lease, other than in the ordinary course of business, property of the estate." 11 U.S.C. § 363(b)(1); *In re Hanson Industries*, 90 B.R. 405 (Bankr. D. Minn. 1988). Section 363(f) allows the Trustee to sell property "free and clear of any interest in such property of an entity other than the estate," if one of five criteria is met. *Lindsey v. Ipock*, 732 F.2d 619, 622 (8th Cir. 1984). Section 363(f) provides:

- (f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if –
 - (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
 - (2) such entity consents;
 - (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
 - (4) such interest is in bona fide dispute; or
 - (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

11 U.S.C. § 363(f). Courts consider the amount of the lien as well as to whether the estate has any equity in the property in approving sales. *In re Riverside Inv. Partnership*, 674 F.2d 634, 640 (7th Cir. 1982). The failure to object to a proposed sale could be construed as consent to the

sale. *Veltman v. Whetzal*, 93 F.3d 517, 521-522 (8th Cir. 1996). In the immediate matter, the proceeds will be distributed to creditors and parties in interest pursuant to the terms set forth in the Motion and pursuant to the provisions of the Bankruptcy Code.

Here, at least one of the five criteria set forth by 11 U.S.C. § 363(f) exists. The valid and enforceable liens on property, if any, will follow the proceeds of the sale and will be paid pursuant to the priorities set forth by the Bankruptcy Code. The Trustee has participated in many conversations with the secured lenders and, based upon his discussions, is hopeful that anyone with a valid and enforceable lien will consent. If no objections are filed, consent will be also established.

The Trustee believes it is in the best interest of the estate that the sale of the Real Property and the Personal Property is approved. The Trustee further believes that all of the interest holders in the Real Property and Personal Property, if any, which the Trustee seeks to eliminate, will have their interests protected by 11 U.S.C. § 363. Accordingly, the sale should be approved.

CONCLUSION

Because the sale is in the best interest of the estate, the Trustee respectfully requests that the motion for entry of an order authorizing the sale of the Real Property identified on **Exhibit A** and the Personal Property identified on **Exhibit B** to the Motion free and clear of liens, encumbrances and other interests be approved, and the fourteen (14) day stay otherwise required under Fed. R. Bankr. P. 6004(h) be waived, such that the Trustee may move as expediently as possible to consummate the sale.

Dated: November 28, 2017.

**GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.**

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Court File No. 16-31189

Tracy John Clement,

Chapter 11 Case

Debtor.

CERTIFICATE OF SERVICE

I, Abigail M. McGibbon, hereby certify that on the 28th day of November, 2017, I caused a true and correct copy of the foregoing ***NOTICE OF HEARING AND EXPEDITED MOTION FOR ENTRY OF AN ORDER (I) GRANTING EXPEDITED HEARING AND (II) AUTHORIZING THE SALE OF ASSETS FREE AND CLEAR OF LIENS, ENCUMBRANCES, AND OTHER INTERESTS, MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ENTRY OF AN ORDER FOR THE SALE OF THE PROPERTY AND ORDER AUTHORIZING THE SALE OF PROPERTY*** to be served on all parties receiving service through the Electronic Case Filing (ECF) system via electronic mail in this proceeding and via US Mail on the following parties:

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Label Matrix for local noticing

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AgStar Financial Services, ACA

0864-3

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101 FILLMORE STREET
PO BOX 466
PRESTON MN 55965-0466

FIVE STAR CO-OP
PO BOX 151
NEW HAMPTON IA 50659-0151

FLCC FINANCING
103 - 20TH STREET NE
STEWARTVILLE MN 55976-7915

FREEBORN COUNTY CO-OP OIL
1840 MARGARETHA AVE
ALBERT LEA MN 56007-3233

FUNK FARMS TRUCKING
16187 HWY 63 SOUTH
SPRING VALLEY MN 55975

Fastenal
403 Farmer St NW
Preston MN 55965-1035

Fastenal
PO Box 978
Winona MN 55987-0978

Fastenal Company
2001 Theurer Blvd
Winona, MN 55987
Winona, MN 55987-1500

GENEX COOPERATIVE
PO BOX 469
SHAWANO WI 54166-0469

GOODHUE COUNTY ASSESSOR
509 W FIFTH STREET
RED WING MN 55066-2540

GREAT AMERICA FINANCIAL
PO BOX 660837
DALLAS TX 75266-0837

GRINNELL HALL INSURANCE 2014
4215 HIGHWAY 146
S/POE
GRINNELL IA 50112-8110

GRS PARTNERS LLC
1101 S CHERRY LANE
HOLMEN WI 54636-8710

Great American Insurance Group
6681 Country Club Drive
Golden Valley, MN 55427-4601

Great Western Bank
P O Box 370
Marshalltown, IA 50158-0370

(p)GREATAMERICA FINANCIAL SERVICES CORPORATIO
PO BOX 609
CEDAR RAPIDS IA 52406-0609

HARMONY VET CLINIC
855 WICKETT DR NW
HARMONY MN 55939-8820

HEFTY SEED-BALTIC, SD
47504 252ND STREET
BALTIC SD 57003-5961

HEFTY SEED-FAIRMONT
1025 FAIRVIEW AVE
FAIRMONT MN 56031-3736

HOWARD CO TREASURER
HOWARD CO COURTHOUSE
137 N ELM ST
CRESCO IA 52136-1526

Heather Swenson
39476 234th St
Woonsocket, SD 57385-6515

INTERNAL REVENUE SERVICE
PO BOX 7346
PHILADELPHIA PA 19101-7346

Interstate Commodities, Inc.
7 Madison Street
Troy, NY 12180-4929

J & S REPAIR
C/O DONNELLY LAW OFFICE
211 2ND STREET NW
AUSTIN MN 55912-3159

J & S REPAIR INC.
505 2ND STREET NE
GRAND MEADOW MN 55936-1333

JACOB B. SELLERS, ESQ.
225 S SIXTH STREET, STE 3500
MINNEAPOLIS MN 55402-4629

JEFFREY W. COURTER, ESQ.
700 WALNUT. STE 1600
DES MOINES IA 50309-3800

JOHN DEERE FINANCIAL
PO BOX 4450
CAROL STREAM IL 60197-4450

John Deere Financial, f.s.b. Deere & Company
c/o Christopher A. Camardello
Winthrop & Weinstine, P.A.
225 S. 6th St., Ste. 3500
Minneapolis, MN 55402-4629

KEVIN AND JAIME KEISER
PO BOX 744
WINNER SD 57580-0744

KUEHN MOTOR LEASING INC
5020 US 52
ROCHESTER MN 55901-3143

KUEHN MOTOR LEASING, INC.
2901 PENNINGTON CT NW
ROCHESTER MN 55901-0231

LADOFF FAMILY RETIREMENT ACCT
C/O DEWITT BANK & TRUST CO
PO BOX 260
DE WITT IA 52742-0260

LAKE CITY FEDERAL SAVINGS
201 E MARION ST
LAKE CITY MN 55041-1000

LAKE CITY MARINA
201 S FRANKLIN ST
LAKE CITY MN 55041-1042

LANNA GEHLING
27439 STATE HWY 16
PO BOX 344
PRESTON MN 55965-0344

LAWRENCE HINDT REV FAMILY TST
633 LYNDALE AVE
SPRING VALLEY MN 55975-1122

LAWRENCE LEASING
860 BENCH STREET
RED WING MN 55066-9502

MARK AND SHARON SERFLING
22334 W MAIN STREET
CRESCO IA 52136-8041

MARK KRAMER
PO BOX 263
NEW HAMPTON IA 50659-0263

MATTHEW W. VANHEUVELEN, ESQ.
206 W 14TH STREET
SIOUX FALLS SD 57104-6858

METABANK
600 MAIN AVE
PO BOX 98
BROOKINGS SD 57006-0098

METABANK
BERNICK & LIFSON, PA
5500 WAYZATA BLVD STE 1200
MPLS MN 55416-1251

METABANK
WINTHROP & WEINSTINE PA
225 SOUTH SIXTH ST STE 3500
MPLS MN 55402-4629

MICHAEL SCHWARCK
3317 390TH ST
RICEVILLE IA 50466-8008

MISSISSIPPI WELDERS
PO BOX 1036
WINONA MN 55987-7036

MN DEPT OF REVENUE
COLLECTION ENFORCEMENT
551 BKY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

MOWER COUNTY TREASURER
201 FIRST STREET NE, STE 7
AUSTIN MN 55912-3590

NAMA, LLC
27439 STATE HWY 16
PO BOX 344
PRESTON MN 55965-0344

NANCY CLEMENT
12915 COUNTY RD 3
SPRING VALLEY MN 55975-4539

NANCY LYNN CLEMENT
DUNLAP & SEEGER
30 3RD ST SE
SUITE 400
ROCHESTER MN 55904-3815

NATIONWIDE AGRIBUSINESS
PO BOX 10479
DES MOINES IA 50306-0479

NATIONWIDE AGRIBUSINESS INSURA
1100 LOCUST ST DEPT 3000
DES MOINES IA 50391-4000

NORTHLAND CAPITAL
PO BOX 7278
ST CLOUD MN 56302-7278

NORTHLAND CAPITAL FINANCIAL SVCS LLC
PO BOX 7278
ST CLOUD MN 56302-7278

Nadland LLC
129915 County 3
Spring Valley, MN 55975

Nancy Lynn Clement
12915 County 3
Spring Valley, MN 55975-4539

NuTech Seed LLC
6681 Country Club Drive
Golden Valley, MN 55427-4601

OLMSTED CO TREASURER
OLMSTED CO GOVT CTR
151 4TH ST SE
ROCHESTER MN 55904-3719

OSTRANDER FARMERS CO-OP
110 W THIRD ST
OSTRANDER MN 55961

PATSY CLEMENT
208 STIER LANE
GRAND MEADOW MN 55936-1452

PEDERSEN MACHINE
1610 W MAIN
BERESFORD SD 57004-1561

PEOPLE'S ENERGY COOP
1775 LAKE SHADY AVENUE
ORONOCO MN 55960-2351

PHI Financial Services, Inc.
c/o Abendroth and Russell, P.C.
2536 73rd Street
Des Moines, IA 50322-4700

PINNACLE AGRICULTURE INC
DBA PERFORMANCE AGRI
4850 HAHNS PEAK DR
LOVELAND CO 80538-6003

PIONEER - PHI FINANCIAL SVCS
PO BOX 1000
JOHNSTON IA 50131-9411

PLAINS COMMERCE BANK
PO BOX 1059
ABERDEEN SD 57402-1059

POSTVILLE FARMERS CO-OP
325 CO-OP DRIVE
POSTVILLE IA 52162-7765

PRESTON DAIRY AND FARM
27743 STATE HWY 16
PRESTON MN 55965-1664

PRITZL STORAGE
200 N TENTH STREET
LAKE CITY MN 55041-2069

PROHAUL
PO BOX 337
WOONSOCKET SD 57385-0337

R & S FUEL
304 MAIN
CHESTER IA 52134-8577

RANDALL CRAY
14751 MILL RD
LIME SPRINGS IA 52155-8258

RONALD GEHLING
27439 STATE HWY 16
PO BOX 344
PRESTON MN 55965-0344

Roger A. Hansen d/b/a Hansen Properties
John Taylor
Taylor Law Firm, LLC
2921 E. 57th Street, SD 57108

SCHMIDT GOODMAN
1920 N BROADWAY
ROCHESTER MN 55906-4003

SCHMITZ ELECTRIC
PO BOX 340
ADAMS MN 55909-0340

SCHWARCK SEED
3317 390TH STREET
RICEVILLE IA 50466-8008

SD Dept of Revenue
445 E CAPITAL
PIERRE, SD 57501-3100

SEMA
1013 S SECTION AVENUE
SPRING VALLEY MN 55975-1713

SUMMIT AG
10640 COUNTY HWY D20
ALDEN IA 50006-4814

Spring Valley Overhead Door
14097 Hwy 16 East
Spring Valley MN 55975

Steve Boyum
9144 County Road 30 Blvd
Wanamingo, MN 55983-3819

TARALAN
6 SECOND STREET NE
BUFFALO MN 55313-1641

TRANSAMERICA LIFE INSURANCE
4333 EDGWOOD RD NE
CEDAR RAPIDS IA 52499-3830

TRI-COUNTY
31110 COOPERATIVE WAY
RUSHFORD MN 55971-8800

TRI-STATE AG
3180 U S 75 AVENUE
HULL IA 51239-7457

Taralan Corporation
PO Box 545
Buffalo, MN 55313-0545

Thomas J. Cogley
Ronayne & Cogley, P.C.
Post Office Box 759
Aberdeen, SD 57402-0759

Tri-State Ag Corp.
3180 U.S. Hwy 75
Hull, MN 51239-7457

US Trustee
1015 US Courthouse
300 s 4th St
Minneapolis, MN 55415-3070

USA FARM LABOR
248 HOLSTON VILLAGE RD
WAYNESVILLE NC 28786-2617

VALLEY FARM AND HOME
1313 SOUTH SECTION AVE
SPRING VALLEY MN 55975-1727

VERIDIAN CREDIT UNION
1827 AMSBOROUGH AVE
WATERLOO IA 50701-3629

(p)VERIDIAN CREDIT UNION
P O BOX 6000
WATERLOO IA 50704-6000

VERIZON WIRELESS
PO BOX 25505
LEHIGH VALLEY PA 18002-5505

WALKER, BILLINGSLEY & BAIR
208 N SECOND AVE W
NEWTON IA 50208-3032

WASTE MANAGEMENT
PO BOX 42390
PHOENIX AZ 85080-2390

WHITWATER WIRELESS
1929 2ND STREET SW
ROCHESTER MN 55902-0822

Waste management - Bankruptcy Department
2625 W. Grandview Rd. Ste.150
Phoenix, AZ 85023-3109

XCEL ENERGY
ATTN: BKY DEPT
PO BOX 9477
MINNEAPOLIS MN 55484-0001

Clinton E. Cutler
Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402-1425

Heather J. Swenson
39476 234th Street
Woonsocket, SD 57385-6515

James C. Brand
Fredrikson & Byron PA
200 S Sixth
SSuite 4000
Minneapolis, MN 55402-1425

Nancy Clement
c/o Dunlap & Seeger, P.A.
30 3rd St SE
Suite 400
Rochester, MN 55904-3815

Nauni Manty
Manty & Associates PA
401 Second Ave N
Suite 400
Minneapolis, MN 55401-2097

Nauni Jo Manty Estate Professional
Manty & Associates
401 Second Avenue North
Suite 400
Minneapolis, MN 55401-2097

Phillip Kunkel
1010 West St. Germain
Suite 500
St. Cloud, MN 56301-4162

R. Bruce Henry
Alliance Agri Services
PO Box 69
Austin, MN 55912-0069

Steven R. Kinsella
Fredrikson & Byron , P.A.
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402-1425

Tracy John Clement
12515 County 3
Spring Valley, MN 55975-4532

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

GreatAmerica Financial Services Corporation
ATTN: Peggy Upton
P.O. Box 609
Cedar Rapids, IA 52406

VERIDIAN CREDIT UNION
PO BOX 6000
WATERLOO IA 50704

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Agtronic LLC

(u)CHS Inc

(u)CNH Industrial Capital America LLC

(u)ENL Farms, LLP

(u)Great Western Bank
511 First Avenue E
Newton

(u)James E Hegge Living Trust

(u)John Deere Financial, f.s.b. Deere & Compa

(u)NAMA, LLC

(u)Ronald J. Gehling

(d)CITIZENS STATE BANK
PO BOX 5
HAYFIELD MN 55940-0005

(u)DAROTA RIVER FARMS, LLC
Document Page 44 of 59

(d)Danel Corp
Attn: Zach
3608 - 4th Street NW
Austin, MN 55912-4804

(u)HEATHER J. SWENSON

(d)Internal revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

(d)KILLERGEAR, LLC
1825 E. Army Post Rd.
Des Moines, IA 50320-1817

(d)NUTECH SEED
2321 NORTH LOOP DR, STE 230
AMES IA 50010-8227

(u)SCHMI

(d)SEMA Equipment, Inc.
1210 1/2 7th Street NW, Suite 220
Rochester, MN 55901-1987

(u)Elaine M Hegge

(u)Lanna J Gehling

(d)Mark Kramer
P.O. Box 263
New Hampton, IA 50659-0263

End of Label Matrix
Mailable recipients 191
Bypassed recipients 21
Total 212

Dated: November 28, 2017

**GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.**

/s/ Abigail M. McGibbon

Abigail M. McGibbon (#0393263)
500 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402
(612) 632-3009 Telephone
(612) 632-4009 Facsimile
Email: Abigail.McGibbon@gpmlaw.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Tracy John Clement,

Debtor.

Case No. 16-31189

Chapter 11

**ORDER AUTHORIZING THE SALE OF ASSETS FREE AND CLEAR OF LIENS,
ENCUMBRANCES, AND OTHER INTERESTS**

This matter came before the court on the motion of the chapter 11 trustee, Phillip L. Kunkel, for an order authorizing the sale of Property. Based upon all of the files, record and proceedings herein.

THE COURT HEREBY FINDS AND DETERMINES THAT:

1. To the extent any of the following findings of fact constitute conclusions of law, they are adopted as such. To the extent any of the following conclusions of law constitute findings of fact, they are adopted as such.
2. Adequate and sufficient notice to all creditors and interested parties to this case of the proposed entry of the order has been given.
3. The relief granted is in the best interest of the estate, all creditors and other interested parties in this case.

IT IS HEREBY ORDERED:

1. The motion for expedited relief is granted.
2. The motion for the sale of the following Real Property free and clear of all liens, encumbrances, and other interests is granted:

Parcel No. 33.0106.000 – 80 acres

The West Half of the Southeast Quarter (W 1/2 SE 1/4) of Section Sixteen (16), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Parcel No. 33.0114.000 – 76.47 acres

Property address: 19279 US 63, Spring Valley, MN 55975

The East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section Sixteen (16), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota, LESS AND EXCEPT that part of the East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section Sixteen (16), Township One Hundred Two (102), Range Thirteen (13) shown as Parcel 17 on Minnesota Department of Transportation Right of Way Plat No. 23-36 as the same is on file and of record in the office of the County Recorder in and for Fillmore County, Minnesota, containing 3.53 acres, more or less.

Parcel No. 33.0257.000 – 40 acres

The Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Thirty-two (32), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Parcel No. 33.0258.000 – 40 acres

The Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Thirty-two (32), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Parcel No. 33.0263.000 – 40 acres

The Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Thirty-two (32), Township One Hundred Two (102), Range Thirteen (13), Fillmore County, Minnesota.

Parcel No. 07.024.0091 – 9.76 acres

That part of the Southwest Quarter (SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of said Southwest Quarter (SW 1/4); thence North 88 degrees 57 minutes 56 seconds East, assumed bearing, 848.19 feet along the North line of said Southwest Quarter (SW 1/4); thence South 01 degrees 22 minutes 07 seconds East 462.94 feet to the point of beginning; thence South 01 degrees 22 minutes 07 seconds East 497.92 feet to the Easterly extension of the South line of a parcel recorded in Book 355 of Deeds, page 41, hereinafter referred to as parcel 1; thence South 89 degrees 01 minutes 17 seconds West 150.89 feet to the Southeast corner of said parcel 1, the Southeast corner of said parcel 1 being on the East line of a parcel recorded in Book 296 of Deeds, page 49, hereinafter referred to as parcel 2; thence South 01 degrees 18 minutes 08 seconds East 539.68 feet along the East line of said parcel 2 and its Southerly extension to the centerline of the Chicago, Milwaukee & St. Paul Railroad, now

abandoned; thence South 81 degrees 42 minutes 31 seconds East 634.37 feet along the centerline of said railroad to the East line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section Twenty-four (24); thence North 01 degrees 07 minutes 54 seconds West 1,140.24 feet along the East line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) and the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said section to a point bearing South 01 degrees 07 minutes 54 seconds East 462.93 feet from the Northeast corner of said Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4); thence South 88 degrees 57 minutes 56 seconds West 478.58 feet to the point of beginning.

LESS AND EXCEPT all that part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section Twenty-four (24); thence North 88 degrees 57 minutes 56 seconds East a distance of 848.19 feet, on an assumed bearing on the North line of said Southwest Quarter (SW 1/4); thence South 01 degrees 22 minutes 07 seconds East a distance of 462.94 feet to the point of beginning; thence North 88 degrees 57 minutes 56 seconds East a distance of 478.58 feet, on a line parallel with the North line of said Southwest Quarter (SW 1/4) to a point on the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section Twenty-four (24); thence South 01 degrees 07 minutes 54 seconds East a distance of 244.08 feet, on the East line of said Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4); thence South 88 degrees 57 minutes 56 seconds West a distance of 477.57 feet on a line parallel with the North line of said Southwest Quarter (SW 1/4), to the point of intersection with a line bearing South 01 degrees 22 minutes 07 seconds East from the point of beginning; thence North 01 degrees 22 minutes 07 seconds West a distance of 244.08 feet to the point of beginning.

Parcel No. 07.004.0011 – 250 acres

The Northeast Quarter (NE 1/4) AND the Northwest Quarter (NW 1/4) Southeast of Interstate 90, Section Four (4), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota.

Parcel No. 07.012.0011 – 74.80 acres

The East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section Twelve (12), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota; EXCEPT commencing at the East Quarter Corner of said Section Twelve (12), Township One Hundred Three (103) North, Range Fifteen (15) West; thence South, assumed bearing, along the East line of the Southeast Quarter (SE 1/4) of said Section Twelve (12) a distance of 1,460.00 feet to a point hereinafter called the point of beginning; thence continuing South along the East line of said Southeast Quarter (SE 1/4) of Section Twelve (12), said line also being the centerline of a public roadway a distance of 550.00 feet; thence North 89 degrees 00 minutes 00 seconds West 473.00 feet; thence North 03 degrees 35 minutes 00 seconds East 542.81 feet; thence East 439.00 feet to the point of beginning; ALSO LESS AND EXCEPT the South 8 1/3 feet of the said East Half of the Southeast Quarter (E 1/2 SE 1/4) of said Section Twelve (12).

Parcel No. 07.024.0042 – 29.29 acres

That portion of the East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103) North, Range Fifteen (15) West, Mower County, Minnesota, which is located North of the right-of-way of the Chicago, Milwaukee and St. Paul Railroad, excepting therefrom the East 25 3/5ths rods deeded to Grand Meadow Cemetery Association, and except a tract described as follows: Beginning at the Northwest corner of the East Half of the Southwest Quarter (E 1/2 SW 1/4); thence East 250 feet; thence South 500 feet; thence West 250 feet; thence North 500 feet to the point of beginning, EXCEPT that part of the East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Twenty-four (24), Township One Hundred Three (103), Range Fifteen (15), Mower County, Minnesota, described as follows: Commencing at the Northeast corner of the Southeast Quarter (SE 1/4) of said Section Twenty-four (24); thence North 90 degrees 00 minutes 00 seconds West, along the North line of said Southeast Quarter (SE 1/4) and Southwest Quarter (SW 1/4), a distance of 3,667.00 feet to the point of beginning; thence South 00 degrees 00 minutes 00 seconds (for purposes of this description bearings are assumed and based on said North line of Southeast Quarter (SE 1/4) and Southwest Quarter (SW 1/4), being North 90 degrees 00 minutes 00 seconds West), 707.00 feet; thence North 90 degrees 00 minutes 00 seconds West to the West line of said East Half of the Southwest Quarter (E 1/2 SW 1/4); thence Northerly along said West line to the North line of said Southwest Quarter (SW 1/4); thence North 90 degrees 00 minutes 00 seconds East, along said North line to the point of beginning; excepting therefrom the following described tract: Beginning at the Northwest corner of the East Half of the Southwest Quarter (E 1/2 SW 1/4) commencing to a point 250 feet Easterly, Southerly 500 feet, Westerly 250 feet, Northerly 500 feet to the point of beginning.

Parcel No. 14.030.0010 – 64.00 acres

The East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section Thirty-six (36), Township One Hundred Four (104) North, Range Fifteen (15) West, Mower County, Minnesota, except that portion thereof described as follows, to-wit: Commencing at the Southeast corner of said East Half of the Northeast Quarter (E 1/2 NE 1/4); running thence North a distance of 544.5 feet to a place of beginning; thence running North a distance of 1,056 feet; thence running West a distance of 660 feet; thence running South a distance of 1,056 feet; and thence East running a distance of 660 feet and to the place of beginning, and said excepted tract containing 16 acres of land, more or less, according to the United States Government survey thereof.

Parcel No. 15.031.0018 – 144.15 acres

The Northeast Quarter (NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCELS:

All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, described as follows:

Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 760.36 feet on an assumed bearing on the North line of said Northeast Quarter (NE 1/4), to the point of beginning; thence South 02 degrees 01 minutes 00 seconds East a distance of 490.35 feet; thence North 90 degrees 00 minutes 00 seconds East 246.73 feet; thence South 00 degrees 58 minutes 44 seconds West a distance of 353.46 feet; thence North 88 degrees 49 minutes 10 seconds West to a line parallel with and 40 feet Westerly of the point of beginning, being a distance of approximately 285 feet, more or less; thence North 00 degrees 00 minutes 00 seconds West a distance of 844 feet, more or less, to a point on the Northerly boundary of the Northeast Quarter (NE 1/4) of Section Thirty-one (31), being 40 feet West of the point of beginning; thence Easterly a distance of 40 feet on the North line of said Northeast Quarter (NE 1/4), to the point of beginning, subject to a highway easement on the Northerly most side thereof;

ALSO EXCEPTING:

All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 1,426.35 feet, on an assumed bearing on the North line of said Northeast Quarter (NE 1/4) to the point of beginning; thence South 00 degrees 00 minutes 00 seconds East a distance of 277.32 feet; thence North 89 degrees 54 minutes 08 seconds West a distance of 272.89 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 82.88 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 386.27 feet; thence South 02 degrees 01 minutes 00 seconds East a distance of 298.25 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 246.73 feet; thence South 00 degrees 58 minutes 44 seconds West a distance of 353.46 feet; thence North 88 degrees 49 minutes 10 seconds East a distance of 533.09 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 834.47 feet, to a point on the North line of said Northeast Quarter (NE 1/4); thence North 90 degrees 00 minutes 00 seconds West a distance of 125.00 feet, on the North line of said Northeast Quarter (NE 1/4) to the point of beginning. TOGETHER with a non-exclusive easement for ingress and egress on the driveway as presently located on the following described real estate, except that Grantor herein may within one (1) year install a new driveway that would not be located on the following described real estate: All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) west, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 760.36 feet, on an assumed bearing on the North line of said Northeast Quarter (NE 1/4) to the point of beginning; thence North 90 degrees 00 minutes 00 seconds East a distance of 665.99 feet on the North line of said Northeast Quarter (NE 1/4); thence South 00 degrees 00 minutes 00 seconds East a distance of 277.32 feet; thence North 89 degrees 54 minutes 08 seconds West a distance of 272.89 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 82.88 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 386.27 feet;

thence North 02 degrees 01 minutes 00 seconds West a distance of 194.10 feet, to the point of beginning; subject to highway easement on the North side thereof, Mower County, Minnesota.

ALSO EXCEPTING:

All that part of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Thirty-one (31), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, described as follows: Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence North 90 degrees 00 minutes 00 seconds East a distance of 760.36 feet, on an assumed bearing on the North line of said Northeast Quarter (NE 1/4) to the point of beginning; thence North 90 degrees 00 minutes 00 seconds East a distance of 665.99 feet, on the North line of said Northeast Quarter (NE 1/4); thence South 00 degrees 00 minutes 00 seconds East a distance of 277.32 feet; thence North 89 degrees 54 minutes 08 seconds West a distance of 272.89 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 82.88 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 386.27 feet; thence North 02 degrees 01 minutes 00 seconds West a distance of 194.10 feet to the point of beginning, subject to highway easement on the North side thereof.

Parcel No. 15.032.0010 – 200 acres

The West Half of the Northwest Quarter (W 1/2 NW 1/4) AND the West Half of the Southwest Quarter (W 1/2 SW 1/4) AND the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Thirty-two (32), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota.

Parcel No. 33.0256.000 – 76.28 acres

The West Half of the Northeast Quarter (W 1/2 NE 1/4) EXCEPT the following described parcel: Commencing 300 feet East of the Northwest corner of the Northeast Quarter (NE 1/4) of Section Thirty-two (32), Township One Hundred Two (102) North, Range Thirteen (13) West, as the point of beginning; thence running East 390 feet; thence running South 416 feet; thence running West 390 feet; thence running North 416 feet to the place of beginning, Fillmore County, Minnesota.

Parcel No. 15.030.0041 – 150 acres

The Southeast Quarter (SE 1/4) of Section Thirty (30), Township One Hundred Four (104) North, Range Fourteen (14) West, Mower County, Minnesota, EXCEPTING THEREFROM the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW 1/4 NW 1/4 SE 1/4) of said Section Thirty (30).

Parcel Nos. 030110331030000; 030140321010000; 250140015055000; 250140015065000 and 250140015090000

Lot B, East Half (E 1/2) of the Southwest Quarter (SW 1/4) and Lot B in Lot Two (2) and Lot B in Lot Nine (9), Irregular Survey of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) and part of Lot Three (3), Subdivision of vacated part of Park Addition to

<p>Chester, Iowa, and balance of Lot Three (3), Irregular Survey of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) lying Northerly of Road No. 16, all in Section Eleven (11), Township One Hundred (100) North, Range Thirteen (13), West of the 5th P.M. and Lot One (1), Northwest Quarter (NW 1/4) of Section Fourteen (14), Township One Hundred (100) North, Range Thirteen (13), West of the 5th P.M. in Howard County, Iowa.</p>
<p>All of Lots Two (2), Three (3) and Four (4), First Railway Addition to Lane, Jerauld County, South Dakota; Lots One (1), Two (2), Three (3), Four (4), Five (5), Nine (9), Ten (10), Eleven (11), Twelve (12), Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18), Block Two (2), Original Town of Lane, Jerauld County, South Dakota; Outlot Three (3) of Milwaukee Land Company's Rural Addition to Lane, Jerauld County, South Dakota.</p>

3. The motion for the sale of the following Personal Property free and clear of all liens, encumbrances, and other interests is granted:

<p>2012 Harley Davidson Ultra Classic Limited 103, 3,500 miles, S/N1HD1KEM19CB651908</p>
<p>2001 Harley Davidson Road King Classic, 6,569 miles, S/N1HD1FRW111Y622776</p>
<p>2001 Chevrolet Silverado, dually, reg. cab, 4WD, 350 gas, automatic, Knapheide 9' service body, extra lights, 70,000+/- miles (dead battery), S/N1GBJK34G71E261562</p>
<p>2009 Chevrolet Colorado, ext. cab, V6, gas, automatic, 4WD, front hitch, bed liner, receiver, 16" alloy wheels, 75,000 miles, S/N1GCDT19E198157841</p>
<p>2005 Chevrolet Silverado 3500, reg. cab, 1 ton dually, Duramax diesel, Allison automatic trans., 4WD, grill guard, Featherlite 11' aluminum flatbed, toolboxes, headache rack, 5th wheel, rear receiver, 215/85R16 tires, 104,094 miles, S/N1GBJK34295E246216</p>
<p>2013 Ford F350 XLT, reg. cab, 1 ton dually, Powerstroke, 6.7 liter diesel, automatic, 4WD, keyless entry, leather, Westin HDX grill guard, Stanley 13' service body, self contained hyd. pump Vanair compressor, twin 30 gal. oil tanks, rear receiver, 19,895 miles, S/N1FDRF3HT9DEA37848</p>

<p>2013 GMC 3500HD, SLT dually, 4-door, long box, 4WD, Duramax diesel, Allison automatic trans., loaded leather, bed liner, aluminum running boards, B&W fly over 5th wheel ball, back rack, 235/80R17 tires, 99,376 miles, S/N1GT424C89DF148414</p>
<p>2016 GMC Denali HD, 4 door, 6-1/2' box, 4WD, Duramax diesel, Allison automatic trans., loaded, spray-on bed liner, BW turnover 5th wheel ball, 20" rims, 10,892 miles, S/N1GT12UE89GF139944</p>
<p>2006 Kenworth T800, 36" sleeper, Cummins ISX, 475 hp., 10 spd., diff lock, engine brake, air ride, air slide, cruise, dual aluminum tanks, 214" WB, Firestone 11R22.5 tires on all aluminum, 650,000+/- miles, S/N1XKDD49X96J155196 (dead battery)</p>
<p>2005 Kenworth T800, day cab, C15 Cat, 435 hp., 10 spd., diff lock, engine brake, air ride, air slide, cruise, dual tanks, full fenders, rear receiver hitch, 172" WB, 295/75R22.5 tires aluminum fronts & outside rears, 640,879 miles, S/N1XKDDDB9X55R097673</p>
<p>2011 Meridian 990 Ultramax, tandem axle bumper pull fuel trailer, 990 gal fuel tank, 6.5 hp. Gas engine fuel pump, 100 gal. def tank, 12v def. pump, (2) hose reels, meter, LED lights, 235/80R16 tires on 8-bolt aluminum wheels, No Title</p>
<p>2011 Timpte Super Hopper, hopper bottom trailer, 42'x66", ag hopper, air ride, roll tarp, stainless corners & back, LED double row lights, Bridgestone 11R22.5 tires on all aluminum, S/N1TDH42222BB125719</p>
<p>2012 Timpte Super Hopper, hopper bottom trailer, 42'x66", ag hopper, electric roll tarp, stainless corners & back, LED double row lights, Bridgestone 11R22.5 tires on outside aluminum, S/N1TDH43335CB132133</p>
<p>2012 Timpte Super Hopper, hopper bottom trailer, 42'x66", ag hopper, air ride, electric roll tarp, stainless corners & back, LED double row lights, 22.5 tires on outside aluminum, S/N1TDH42227CB132134</p>
<p>2011 Timpte Super Hopper, hopper bottom trailer, 42'x78", air ride, roll tarp, hopper vibrators, stainless corners & back, 22.5 tires on outside aluminum, S/N1TDH42224BB130355</p>
<p>2011 Jet, tandem axle step deck trailer, 36'x102", 9-1/2' top deck, spring ride, 2,600 gal. horizontal poly tank, Honda GC160 gas engine, twin aluminum under bed tool boxes, 22.5 rubber on steel buds, S/N5JNDS3628BH000675, Plate: 3688STH</p>
<p>2000 Doonan, tandem axle step deck trailer, 48'x102", 10' top deck, air ride, (2) 3,200 horizontal poly tank, (2) 30 gal. induction cones w/plumbing, no pump, swing out arm, 235/75R17.5 duals on all aluminum, S/N1D9BG4827Y1208784</p>

<p>2012 Kiefer 1000 Series, 5th wheels flatbed trailer, 32'x102", 5' dovetail, chain box, twin post jacks, pop-up center, flip over ramps, tandem axle duals, 235/80R16 tires, S/N1DVDF3222CK059316</p>
<p>2015 Wilson Road Brute CD-1080, flatbed trailer, 53'x102", 11" top deck, 5' dove tail, aluminum combo, air ride, twin stainless steel under bed tool box, (4) flip over ramps, LED lights, sliding ratchets, spread axle, aluminum riser do 22.5 tires on all aluminum, S/N4WW5532A6F6621830</p>
<p>2013 Featherlite, tandem axle bumper pull v-nose enclosed trailer, 16'x6'7", front access door, aluminum floor, inside lights, fold down rear door, LED lights, 235/80R16 tires on 8-bolt alloy wheels, S/N4FGA51625DC125577</p>
<p>2007 Featherlite 5th wheel tandem axle enclosed trailer, 34', 8'2" inside width, aluminum floor, rear ramp door, includes gas generator, 1,726 hrs. (not running), D-rings inside lights, built-in tool chest, radio, speakers, LED lights, plumbed for air & electric, 235/80R16 tires on 8-bolt wheels, S/N4FGB432279C003544</p>
<p>2011 Featherlite, aluminum single axle bumper pull trailer, 6'x10', aluminum ramp, 85/80R13 tires, S/N4FGA51019BC118578</p>
<p>Blattner, single axle bumper pull panel trailer, (12) 10' panels</p>
<p>2013 Unverferth Road Runner 536, ball hitch header trailer, 36', torsion front axle, tandem torsion rear axle w/brakes, lights, 235/80R16 tires, S/N280157</p>
<p>2011 Unverferth Road Runner 536, pin hitch header trailer, 36', tandem torsion rear axle, lights, 235/80R16 tires, S/N750108</p>
<p>Featherlite, bumper pull twin jet ski aluminum trailer, S/N4FGL011101D041839</p>
<p>2015 Circle K, anhydrous transport, twin 1,500 gal. tanks, LED lights, brakes, torsion axles, 445/50R22.5 tires, S/N14331</p>
<p>2014 Circle K, anhydrous transport, twin 1,500 gal. tanks, LED lights, brakes, torsion axles, 445/50R22.5 tires, S/N14064</p>
<p>2014 Circle K, anhydrous transport, twin 1,500 gal. tanks, LED lights, brakes, torsion axles, 445/50R22.5 tires, S/N14065</p>

<p>2012 John Deere 6430, MFWD, premium cab, buddy seat, IVT, left hand reverser, 3 hyd., 3 pt., quick hitch, PTO, diff lock, loader ready, CD player, power mirrors, grill guard, fenders, rear wheel weights, 380/85R24 front tires, 460/85R38 rear tires, 2,940 hrs., S/N714201</p>
<p>John Deere H340, all hyd. loader, 3rd valve, quick tach, 7' hyd. material bucket, 5-tine grapple, global mounts, S/N1743 (appraised with JD 6430)</p>
<p>2003 New Holland TC45D, MFWD compact tractor, canopy, ROPS, diesel, hydro, 2 range, 2 hyd., 3 pt., quick hitch, PTO, New Holland 17LA joystick loader, skid steer loader plate, rear wheel weights, 10-16.5 front tires, 17.5L-24 rear tires, 1,193 hrs., S/NG517605</p>
<p>2006 New Holland TC34DA, MFWD compact tractor, ROPS, HST, hydro, 3 pt., PTO, New Holland 914A 72" deck, 27-10.5-15 front tires, 41-14-20 rear tires, 667 hrs., S/NZ6DA02913</p>
<p>2012 John Deere 9410R, 4WD, premium cab, powershift, 6 hyd., power beyond big pump, PTO, integrated auto steer, AutoTrac, SF2 Starfire 3000 globe, 2630 display GreenStar, swath control, Firestone 480/80R50 deep tread duals around, approx. 2,500 hrs., S/N1RW941ORTCP002328</p>
<p>Lull 644B-37 Hi-Lander, telehandler, 4WD, ROPS, Cummins diesel, 4-wheel steer, 37' boom extendable, 48" forks, shuttle shift, quick hitch fork attach w/hyd. lift, 13.00-24 tires, 5,991 hrs., S/N1096</p>
<p>2013 John Deere DB90, planter, 36x30", CCS seed delivery, front fold, central fill w/boxes, variable rate, hyd. drive air comp., pneumatic down pressure, 1,000 gal. fertilizer tank, Refuge Plus tank, stainless steel drop tube fertilizer, herbicide boxes, 3-row shut-off, Redball monitor, Dawn row cleaners, ground drive fertilizer pump, flat fold markers, corn & bean precision unit meters, 445/50R22.5 duals, S/N750104</p>
<p>John Deere 875, row crop cultivator, 12x30", 3 pt., c-shanks, rolling shields, gauge wheels</p>
<p>Sunflower 1435, rock flex disc, 33', 23" blades, hyd. level, walking tandems across, mud scrapers, single pt. depth, gauge wheels on wings, 3-bar harrow, 12L-15 tires, S/N100025</p>
<p>Sunflower 4511, disc chisel, 18', 15 shank, 15" spacing, 4" twists, cushion front discs, floating hitch, cushion rear discs, single pt. depth, 12.5-15 tires, S/N00061</p>
<p>2012 John Deere 3710, auto reset plow, 10 bottom, on land hitch, light kit, oscillating wheel, coulter, S/N740156</p>

John Deere 400, rotary hoe, 40', 3 pt., wing fold, rock guard, (4) gauge wheels
John Deere 400, rotary hoe, 30', 3 pt., wing fold, rock guard, gauge wheels
John Deere HX15, rotary batwing mower, small 1000 PTO, double wing fold, spring suspension, chain guards, air craft tires, S/N13081 (needs repair)
Westfield, auger, 111'x13", swing hopper, hopper walker, hyd. lift, 540 PTO, S/N213086
Degelman 14-46-57, silage blade, 14', 4-way, bolt-on edge, bolt-on sides, 8000 Series belly mount, adj. skid shoes, S/N25792
2013 Unverferth Seed Runner 3750XL, seed tender, twin hopper, self-loading, hyd. gate, electric start, seed treater, DigiStar scale, wireless hand held remote, S/ND59700123
2010 Unverferth Seed Runner 3750XL, seed tender, Honda engine, electric start, self-loading, hyd. gate, roll tarp, wireless remote, seed treating unit, scale, on 5th wheel tri-axle trailer, 235/85R16 tires on 8-bolt wheels, S/N80200
2012 Brent 544, gravity wagon, front & rear windows, front ladder, side lights, site glass, fenders, rear brakes, 425/65R22.5 tires, S/N70122
2012 Brent 544, gravity wagon, front & rear windows, front ladder, side lights, site glass, fenders, rear brakes, 425/65R22.5 tires, S/N70123
Rem 3700, grain vac, large 1000 PTO, 12" folding auger, misc. tubes, cleanup kit, S/N1173
2012 New Holland 195, manure spreader, 1000 PTO, double apron chain, hyd. apron drive, hyd. end gate, double beater, adj. speed, poly floor, walking tandem axle, 16.5L-16.1 tires, S/NYCN135255 (top beater missing)
H&S HD, forage box, 18', 540 PTO, twin auger, left hand twin auger discharge, hyd. apron, front & rear unload, H&S 416 running gear, 16.5-16.1 tires, S/N215000
Meyer 3118, forage box, 18', 540 PTO, rear unload, Meyer running gear, 14L-16.1 tires, S/NQD98285
Highline Bale Pro CFR-650, bale processor, small 1000 PTO, self-loading, hyd. diverter, fine cut, 16.5-16.1 tires, S/NCFR-650-5323

Blattner, livestock working system, 16' adjustable alley way, sliding doors, 1/2 moon, 20' tub, catwalk on tub, self-locking head gate, double side drop down vet doors, double side nurse gates, single side rapid exit, manual squeeze double door palp cage
(4) Drive thru, 10' (\$200 each)
(2) 4' door on 10' walk through (\$200 each)
Apache 24-AZ, feeder wagon, 24', 6-wheel slant bar, 9.5L-15 tires on 6-bolt rims, S/N1110115
Apache, feeder wagon, 20', 4-wheel running gear, S/N1122
(4) S.I., steel feed bunks, 20' (\$300 each)
(4) Round bale feeders (\$200 each)
Misc. gates
Flatbed hay rack, 16x8', on John Deere running gear
Flatbed hay rack, 16'x8', on Demco running gear, 12.5L-15 tires
(2) Ez-Trail, small square bale racks, 18'x9', slant bar bottom, Ez-Trail running gear, 12.5L-15 tires (\$800 each)
(2) Poly saddle tanks, 300 gal., 2" hyd. drive pump, John Deere 4WD drive tool bar mount
Loftness Quick Pik, reel type rockpicker, hyd. drive, skid steer loader mount, S/N08-201
2012 Bobcat S750, skid steer loader, cab, heat, radio, hyd. quick tach, 2 spd., selectable joystick, dual joystick controls, 6' material bucket w/bolt-on cutting edge, 12-16.5 tires, 710 hrs., S/N3183
(2) Berlon, rock buckets, 84", skid steer loader mount (\$750 each)
Shop-Built, rock bucket, 84" global mounts
John Deere X724 Ultimate, lawn tractor, hydro, 4-wheel steer, diff lock, rear hyd., 62" edge deck, 485 hrs.
Loftness, snowblower, 8', 3 pt., 540 PTO, 2 stage, hyd. turn electric spout, twin auger
2011 Bobcat Tool Cat 5600, side by side, cab, heat, AC, diesel, aux. hyd., all wheel steer, Hi-Flow, material bucket, hyd. quick tach, joystick loader, 9-pin connect, hyd. dump bed, receiver hitch, aluminum diamond plate box, 1,300 hrs.
2006 John Deere Gator, 6x4, gas, diff lock, electric tilt bed, bed liner, windshield, 651 miles
2013 John Deere Gator, 825I, 4x4, gas, windshield, camo edition grill guard, 500 miles (At Track)
2013 Polaris Sportsman, Browning Edition, ATV, AWD, 550 EFI, power steering, front winch, rear receiver, 161 miles, 19.2 hrs.

2010 Artic Cat, 4-wheeler, 700 EFI, 4x4, rear poly tilt bead, rear receiver, 1,000 miles
2012 Arctic Cat XLR Pro Climb 800, electric start, 1" paddle track, 900 miles
2003 Polaris 700, electric start, 144" track, 2,000 miles
Polaris 340, electric start
2012 Sea-Doo GTX 215 4-tec Supercharger, S/N88B606
2006 Sea-Doo GTX, S/N20C515
2005 Larson, boat, 26', open bow, Chevrolet 350 engine, on 2005 trailer, S/NLAR78196C505 (Boat Trailer S/NIL8LACUG65A023382)
2009 Blue Jet, side dress applicator toolbar
2008 GMC Envoy, S/N1GKDT13S782221725
John Deere, blade, 9'
Motorola repeater and (20) radios
Vibratory packer, hyd. drive, skid steer loader mount
2006 XL specialized step deck trailer, 48', air ride, spread axle, S/N4U3B048216L005629
Friesan seed trailer
Sunflower 4213, chisel plow
2010 Polaris Ranger, 6-wheeler
John Deere 397, forage harvester

4. All liens, encumbrances, and other interests shall attach to the proceeds of the sale of the Real Property and Personal Property with the same dignity, priority and extent as held against the Real Property and Personal Property prior to the sale.
5. The fourteen (14) day stay as provided by Fed. R. Bankr. P. 6004(h) is waived, and this order is effective immediately.
6. The chapter 11 trustee is authorized to take such other actions and execute and deliver such additional documents or instruments as will be reasonably necessary to effectuate the transaction contemplated by the motion.

7. The chapter 11 trustee is authorized and directed to sell the Real Property and Personal Property upon all the terms set forth in the motion, this order, and any agreements entered into by the parties..

Dated:

Michael E. Ridgway
United States Bankruptcy Judge