

United States Bankruptcy Court

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

For the NORTHERN District of IOWA
IN RE: FORT DODGE CREAMERY COMPANY, Chapter 7
Debtor.

MAR 19 1991

BARBARA A. EVERLY, CLERK

Case No. X88-01550F

JAMES H. COSSITT, Trustee, Plaintiff

v.
ALLEN R. LOOMIS; NORWEST BANK, DES
MOINES, N.A., Executor of the Defendants
Est. of A. Robert Loomis, deceased;
MAURICE STARK; ROSEDALE FARMS, INC.;
FIRST AMERICAN STATE BANK OF FORT
DODGE; THE IOWA DEPT. OF REVENUE; and

Adversary Proceeding No. X89-0158F

JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable
INTERNAL REVENUE SERVICE
WILLIAM L. EDMONDS, United States Bankruptcy Judge, presiding, and
the issues having been duly tried or heard and a decision having been rendered.

[OR]

The issues of this proceeding having been duly considered by the Honorable
WILLIAM L. EDMONDS, United States Bankruptcy Judge, and a decision
having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: that the trustee's motion for summary judgment shall
be sustained in part; that the following property of Rosedale Farms, Inc. shall be
returned to the Fort Dodge Creamery bankruptcy estate:

- (A) all accounts including savings and investments;
- (B) all personal property;
- (C) all grain on hand or in storage;
- (D) real estate described as follows:

The Northeast Quarter (NE1/4) except the part lying North of the railroad
right-of-way, the West Half (W1/2) of the Southeast Quarter (SE1/4), the
Southwest Quarter (SW1/4), the Northwest Quarter (NW1/4) except the part
lying North of the railroad right-of-way, all in Section fifteen (15),
Township Eighty-nine(89), Range Twenty-eight (28); Webster County, Iowa.

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copies mailed with order
3/19/91 *JM*

BARBARA A. EVERLY
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 3/19/91

By: Lavis McElhany
Deputy Clerk

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BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
NORTHERN DIVISION OF IOWA

In Re:)	CHAPTER 7
FORT DODGE CREAMERY COMPANY,)	CASE NO X-88-01550F
Debtor.)	

JAMES H. COSSITT, BANKRUPTCY TRUSTEE IN THESE PROCEEDINGS,)	
Plaintiff,)	ADVERSARY NO. X-89-0158F
vs.)	
ALLEN R. LOOMIS; NORWEST BANK, DES MOINES, N.A., EXECUTOR OF THE ESTATE OF A. ROBERT LOOMIS, DECEASED; MAURICE STARK; ROSEDALE FARMS, INC.; FIRST AMERICAN STATE BANK OF FORT DODGE; THE IOWA DEPARTMENT OF REVENUE; and THE INTERNAL REVENUE SERVICE,)	CONSENT ORDER RE: PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST ROSEDALE FARMS, INC.
Defendants.)	

NOW, on this 19th day of March, 1991, the Trustee's Motion For Summary Judgment against Rosedale Farms, Inc. comes before the Court. The Court now issues this ruling which shall constitute findings and conclusions as required by Bankruptcy Rule 7052. This is a core proceeding pursuant to 28 U.S.C. 157 (B)(2)(A) and (0).

FINDINGS OF FACT

1. On September 5, 1989 the trustee commenced this action by the filing of a complaint; the complaint was duly and properly served on all parties by U.S. Mail on September 6, 1989; all parties to this action are within the personal jurisdiction of the Court.

2. The complaint in part seeks recovery of property transferred from the Fort Dodge Creamery Company to Rosedale Farms, Inc.

3. On or about April 20, 1990 the trustee filed a motion for summary judgment which was resisted by Defendants Allen R. Loomis, Rosedale Farms, Inc., and Norwest Bank, Des Moines, N.A., Executor of the Estate of A. Robert Loomis.

CONCLUSIONS OF LAW

1. The parties have consented to the entry of the following Orders.

ORDERS

1. That the trustee's motion for summary judgment shall be sustained in part.

2. That the following property of Rosedale Farms, Inc., shall be returned to the Fort Dodge Creamery Bankruptcy Estate:

(A) All accounts including savings and investments;

(B) All personal property;

(C) All grain on hand or in storage;

(D) Real estate described as follows:

The Northeast Quarter (NE1/4) except the part lying North of the railroad right-of-way, the West Half (W1/2) of the Southeast Quarter (SE1/4), the Southwest Quarter (SW1/4), the Northwest Quarter (NW1/4) except the part lying North of the railroad right-of-way, all in Section fifteen (15), Township Eighty-nine (89), Range Twenty-eight (28), Webster County, Iowa.

Judgment shall forthwith be entered accordingly.

*So ordered
March 19, 1991*

W.D.

United States Bankruptcy Judge
Northern District of Iowa

cc: James Cossitt
Kurt Wilke
Neven Mulholland
John D. Hudson
Timothy Hogan
Robert Van Vooren
Michael Nelson
John Griffith
Philip Deats

James D. O'Connell
Larry Eide
U. S. Attorney
U. S. Trustee

on 3/19/91, Jm