Compared

BK 14
(Rev. 10/79)

IND.
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FILED NO. 337
BOOK 33 PAGE 190
1980 SEP -4 PM 4:27
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $3.00

United States Bankruptcy Court

For the Southern District of Iowa

I, Marguerite F. Lary Clerk of Bankruptcy Court

in and for said District, do hereby certify that the attached copy of Petition, Schedule B-1, Order Appointing Interim Trustee (Trustee) and Fixing Bond, Application to Sell Real Estate and Personal Property of Debtor at Public Auction, Free and Clear of Liens, Liens to Follow Proceeds, Notice of Sale, and Affidavit of Mailing

in the case of Tri-Mor Sales, Inc.

debtor, No. 80-450-C has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Des Moines, Iowa

in said District, this 3rd day of September, 19 80

UNITED STATES BANKRUPTCY COURT ★ SEAL

Marguerite F. Lary,
Clerk of Bankruptcy Court

Valerie Ebstadt,
Deputy Clerk

[*Seal of the U.S. Bankruptcy Court*]

Date of issuance: 9-3-80

FPI--MAR—6-10-80-15M-4223

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IN RE:

TRI-MOR SALES, INC.

Debtor

Case No. 80-[illegible]

NOTICE OF SALE

FILED
APR 23 1980
MARGUERITE F. LARY
Clerk, U.S. Bankruptcy Court
Des Moines, Iowa

* * * * *

TO THE CREDITORS OF TRI-MOR SALES, INC.:

Please be advised that Thomas L. Flynn, interim trustee for Tri-Mor Sales, Inc. has filed an Application to Sell Personal Property wherein he stated:

1. That a portion of the Debtor's estate consists of real estate situated in Winterset, Iowa, and Van Wert, Iowa, which the Debtor has valued respectively as $125,000.00 and $75,000.00.

2. That the Debtor's estate also includes various new and used equipment such as sprayers, augers, trailers, disks, engines, cultivators, plows, trucks, tractors, office equipment, inventory and miscellaneous other items which the Debtor has valued to have an aggregate fair market value of $195,000.00

3. That the Trustee has ordered independent appraisals of such real and personal properties and will receive such appraisals prior to the date of the proposed sale.

4. That the trustee is credibly informed that the Union State Bank of Winterset, Iowa, claims a first mortgage against the above-described real properties and the following creditors claim security interests in all or a portion of the above-described personal properties:

a. Union State Bank, Winterset, Iowa

b. Owatonna Manufacturing Company, Owatonna, Minnesota

c. Clarke Equipment Co., Melroe Division, Bismarck, North Dakota

d. Arieus Credit Corporation, Bloomington, Minnesota

e. Chromalloy American Corp.--Hawk Bilt Co. Division, Vinton, Iowa

5. That based on Debtor's bankruptcy schedules there is due and owing to such secured creditors the aggregate amount of approximately $237,000.00.

6. That the Trustee proposes to sell such property other than in the ordinary course of business pursuant to Section 363(b) of the Bankruptcy Code.

Copy to Attorney, Trustee, Debtor
4-23-80

IN THE UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF IOWA

CENTRAL DIVISION

* * * * *

IN RE:	)	Case No. 80-450-C
TRI-MOR SALES, INC.	)	AFFIDAVIT OF MAILING
Debtor	)	

* * * * *

The undersigned, being first duly sworn on oath states that on the 24th day of April, 1980, he personally mailed to each creditor listed on the attached Exhibit "A" a copy of the "Notice of Sale" by ordinary mail, each being mailed in a sealed envelope with proper postage thereon, addressed to said persons respectively, at their last known Post Office addresses, by depositing same on said date in a United States Post Office mail receptacle in said County.

Thomas L. Flynn

State of Iowa
:ss
County of Polk

Subscribed and sworn to before me this 24th day of April, 1980.

Marilyn Jane Lotts

Notary Public in and for the State of Iowa

FILED
APR 30 1980
MARGUERITE F. LARY
Clerk, U.S. Bankruptcy Court
Des Moines, Iowa

Copy to Attorney, Trustee, Debtor
4-3-80 jlm

clear of all liens, with no warranties to be given except as to merchantibility of title, at a public auction to be conducted at the debtor's former business premises at R. R. 1, Winterset, Iowa, on the 9th day of May, 1980.

8. That the liens of the creditors holding valid security interests in the Debtor's property should attach to the proceeds of the sale, and be timely paid thereafter.

9. That the trustee believes there will be some equity remaining for the benefit of the debtor's estate upon the sale of such property and the payment of all liens, expenses of the sale, and costs of administration.

10. That the trustee proposes to hire Carson Machinery Auction Co. of Carson, Iowa, as auctioneer of such auction and to pay such company a commission of 5 percent of the gross sales receipts plus an advertising allowance not to exceed $1,000.00.

11. That the continued possession of such property by the trustee for any further length of time will seriously undermine the sales price thereof and do nothing but increase the costs and expense to the estate for retention of such property, and result in a lesser return to the general unsecured creditors of the estate.

12. That the proceeds of this sale should be assessed the costs of the sale, together with the costs of administration of the estate, all as to be determined by the Bankruptcy Court.

YOU ARE HEREBY NOTIFIED THAT THE SALE OF SUCH PROPERTY AT PUBLIC AUCTION UPON THE TERMS AND CONDITIONS NOTED ABOVE WILL BE AUTHORIZED AND APPROVED WITHIN 10 DAYS OF THE DATE OF MAILING THIS NOTICE UNLESS ANY INTERESTED PARTY FILES AN OBJECTION OR REQUESTS A HEARING THERETO.

PLEASE TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY.

Thomas L. Flynn

Thomas L. Flynn, Trustee

y - Trustee
4/25/80 mw

Copy to Attorney, Trustee, Debtor
4-3-80 jc

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IN RE:

TRI-MOR SALES, INC.,

Debtor

Case No. 80-450-C

APPLICATION TO SELL REAL ESTATE AND PERSONAL PROPERTY OF DEBTOR AT PUBLIC AUCTION, FREE AND CLEAR OF LIENS, LIENS TO FOLLOW PROCEEDS

FILED
APR 23 1980
MARGUERITE F. LARY
Clerk, U.S. Bankruptcy Court
Des Moines, Iowa

* * * * *

COMES NOW Thomas L. Flynn, Interim Trustee for Tri-Mor Sales, Inc., and respectfully states:

1. That a portion of the Debtor's estate consists of real estate situated in Winterset, Madison County, Iowa and real estate situated in Van Wert, Decatur County, Iowa, such properties being legally described in Exhibit "A" attached hereto.

2. That the Debtor has valued the Winterset property to have a fair market value of $125,000.00 and the Van Wert property to have a fair market value of $75,000.00.

3. That the Debtor's estate also includes various new and used equipment such as sprayers, augers, trailers, disks, engines, cultivators, plows, trucks, tractors, office equipment, inventory, and miscellaneous other items which the Debtor has valued to have an aggregate fair market value of $195,000.00

4. That the Trustee has ordered independent appraisals of such real and personal properties and will receive such appraisals prior to the date of the proposed sale.

5. That the trustee is credibly informed that the Union State Bank of Winterset, Iowa, claims a first mortgage against the above-described real properties and the following creditors claim security interests in all or a portion of the above-described personal properties:

a. Union State Bank, Winterset, Iowa
b. Owatonna Manufacturing Company, Owatonna, Minnesota
c. Clarke Equipment Co., Melroe Division, Bismarck, North Dakota
d. Arieus Credit Corporation, Bloomington, Minnesota
e. Chromalloy American Corp.--Hawk Bilt Co. Division, Vinton, Iowa

Copy to Attorney, Trustee, Debtor
4-3-80 jp

6. That based on Debtor's bankruptcy schedules there is due and owing to such secured creditors the aggregate amount of approximately $237,000.00.

7. That the Trustee proposes to sell such property other than in the ordinary course of business pursuant to Section 363(b) of the Bankruptcy Code.

8. That such property is to be sold "AS IS, WHERE IS", free and clear of all liens, with no warranties to be given except as to merchantibility of title, at a public auction to be conducted at the debtor's former business premises at R. R. 1, Winterset, Iowa, on the 9th day of May, 1980.

9. That the Union State Bank has orally consented to the proposed sale of its real and personal collateral and will confirm such consent in writing and the Trustee proposes that the liens of the creditors holding valid security interests in the Debtor's property should attach to the proceeds of the sale, and be timely paid thereafter.

10. That the trustee believes there will be some equity remaining for the benefit of the debtor's estate upon the sale of such property and the payment of all liens, expenses of the sale, and costs of administration.

11. That the trustee proposes to hire Carson Machinery Auction Co. of Carson, Iowa, as auctioneer of such auction and to pay such company a commission of 5 percent of the gross sales receipts plus an advertising allowance not to exceed $1,000.00.

12. That the continued possession of such property by the trustee for any further length of time will seriously undermine the sales price thereof and do nothing but increase the costs and expense to the estate for retention of such property, and result in a lesser return to the general unsecured creditors of the estate.

13. That the proceeds of this sale should be assessed the costs of the sale, together with the costs of administration of the estate, all as to be determined by the Bankruptcy Court.

Respectfully submitted,

Thomas L. Flynn

Thomas L. Flynn, Trustee

Copy to Attorney, Trustee, Debtor
4-3-80 ml

EXHIBIT "A"

Winterset Property:

The following described tract of land, to-wit: Commencing 20 feet West and 50 feet South and Northeast corner of the Northwest Quarter (1/4) of Section Thirty-two (32) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, thence West 164.21 feet, thence South 292 feet, thence East 164.21 feet, thence North 292 feet to the point of beginning, EXCEPT A TRACT beginning at a point 50 feet South of the Northeast corner of the Northwest Quarter (NW 1/4) of Section 32-76-27, thence West 76.4 feet, thence South 45° East 51.48 feet, thence South 182.98 feet, thence West 15 feet, thence South 72.62 feet, thence East 55 feet, thence North 292 feet to the point of beginning and containing 0.09 acres more or less exclusive of the present right of way.

Van Wert Property:

Commencing at a point on North side of public highway and street running East and West along North side of Block 2 in Branscombs First Addition to the Town of Van Wert, Decatur County, Iowa, at a point directly North of the Northeast corner of said Block 2, thence North 15.26 rods, thence West 20.97 rods, thence South 15.26 rods, thence East to beginning, all in Section 12, Township 70 North, of Range 26 West of the 5th P.M., Decatur County, Iowa:

AND

Commencing at a point on North side of public highway and street running East and West along North side of Block 2, Branscombs First Addition to Town of Van Wert, Iowa, at a point 15.26 rods North of Northeast corner of said Block 2, thence North 47.93 feet, thence West 436.005 feet, thence South 299.72 feet, thence East 90 feet, thence North 15.26 rods, thence East 20.97 rods to beginning, all in Section 12, Township 70 North, Range 26 West of 5th P.M., Decatur County, Iowa.

Copy to Attorney, Trustee, Debtor
4-3-80 JR

FILED
APR 3 1980
MARGUERITE F. LARY
Clerk U.S. Bankruptcy Court
Des Moines, Iowa

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA

- - - - - -

In Re: :

TRI-MOR SALES, INC. , : Case No. 80-450-C

Debtor. :

- - - - - -

ORDER APPOINTING INTERIM
TRUSTEE [TRUSTEE] AND FIXING BOND

At Des Moines, in the Southern District of Iowa, on the 3rd day of April, 1980.

It is ORDERED that Thomas L. Flynn, of 222 Equitable Bldg., Des Moines, Iowa, is hereby appointed interim trustee in the above entitled estate with the amount of his bond fixed in accordance with his blanket bond filed with this Court.

It is further ORDERED that in the event no other person is elected trustee at a meeting of creditors held pursuant to 11 U.S.C. §341, the interim trustee be, and he is hereby, appointed trustee of the above entitled estate.

It is further ORDERED that the interim trustee appointed is directed to file an acceptance or rejection within five (5) days hereof, and if the interim trustee is continued as trustee to file a like acceptance or rejection within five (5) days of the date of the meeting of creditors held pursuant to 11 U.S.C. §341.

Richard Stageman
U.S. BANKRUPTCY JUDGE.

Copy to Attorney, Trustee, Debtor
4-3-80 ss

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CLERK U.S. BANKRUPTCY COURT
MARGUERITE F. LARY
FEB 2 1980

FORM NO. 5

VOLUNTARY CASE: DEBTOR'S PETITION

United States Bankruptcy Court

FOR THE SOUTHERN DISTRICT OF IOWA

In re

√ TRI-MOR SALES, INC.,

Debtor [include here all names used by Debtor within last 6 years]

Case No. 80-450-C

VOLUNTARY CASE: DEBTOR'S PETITION

1. Petitioners' post-office address is R. R. 1, Winterset, Iowa 50273

2. Petitioners have resided [or have had their domicile or have had their principal place of business or have had their principal assets] within this district for the preceding 180 days [or for a longer portion of the preceding 180 days than in any other district].

3. Petitioners are qualified to file this petition and are entitled to the benefits of title 11, United States Code as voluntary debtors. [If appropriate] 4. A copy of petitioners' proposed plan, dated _____, is attached [or Petitioners intend to file a plan pursuant to chapter 11 [or chapter 13] of title 11, United States Code].

WHEREFORE, petitioners pray for relief in accordance with chapter 7 [or chapter 11 or chapter 13] of title 11, United States Code.

√Signed John Bruemmer
Attorney for Petitioner.

Address 1119 High Street
Des Moines, Iowa 50308
[Petitioners sign if not represented by attorney.]

_____,
Petitioner

RELIEF ORDERED

FILED
APR 3 1980
MARGUERITE F. LARY
Clerk, U.S. Bankruptcy Court
Des Moines, Iowa

10:45 am

Unsworn Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership

I, Robert W. Cutshall, [the president or other officer or an authorized agent of the corporation] [or a member or an authorized agent of the partnership] named as petitioner in the foregoing petition, certify under penalty of perjury that the foregoing is true and correct, and that the filing of this petition on behalf of the [corporation] [or partnership] has been authorized.

Executed on April 3, 1980

√Signature: Robert W Cutshall

NOTE

Rule 109 requires all petitions to be verified. This form is to be used on behalf of a corporation or partnership. It may be adapted for use in connection with other papers required by these rules to be verified. See the Note to Rule 91 U.S.C. § 1746 permits an unsworn declaration to be used in lieu of a verification. See Note to Form No. 1.

60-CV
+4
+4

$60 ✓ 4-3-80

GRAHAM-PIERCE LEGAL PRINTERS, BOX 1866, FAIRVIEW HEIGHTS, ILL. 62208

GRAHAM-PIERCE LEGAL PRINTERS, BOX 1866, FAIRVIEW HEIGHTS, ILL. 62208, PHONE 1-618-632-5600

Schedule B. — STATEMENT OF ALL PROPERTY OF DEBTOR

Schedules B-1, B-2, B-3, and B-4 must include all property of the debtor as of the date of the filing of the petition by or against him.

Schedule B—1. — Real property.

Description and location of all real property in which debtor has an interest (including equitable and future interests, interests in estates by the entirety, community property, life estates, leaseholds, and rights and powers exercisable for his own benefit)	Nature of interest (specify all deeds and written instruments relating thereto)	Market value of debtor's interest without deduction for secured claims listed in Schedule A-2 or exemptions claimed in Schedule B-4
		$
Winterset Property:		125,000.00
The following described tract of land, to-wit: Commencing 20 feet West and 50 feet South and Northeast corner of the Northwest Quarter (1/4) of Section Thirty-two (32) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, thence West 164.21 feet, thence South 292 feet, thence East 164.21 feet, thence North 292 feet to the point of beginning, EXCEPT A TRACT beginning at a point 50 feet South of the Northeast corner of the Northwest Quarter (NW 1/4) of Section 32-76-27, thence West 76.4 feet, thence South 45° East 51.48 feet, thence South 182.98 feet, thence West 15 feet, thence South 72.62 feet, thence East 55 feet, thence North 292 feet to the point of beginning and containing 0.09 acres more or less exclusive of the present right of way.		
Van Wert Property:		75,000.00
Commencing at a point on North side of public highway and street running East and West along North side of Block 2 in Branscombs First Addition to the Town of Van Wert, Decatur County, Iowa, at a point directly North of the Northeast corner of said Block 2, thence North 15.26 rods, thence West 20.97 rods, thence South 15.26 rods, thence East to beginning, all in Section 12, Township 70 North, of Range 26 West of the 5th P.M., Decatur County, Iowa: AND Commencing at a point on North side of public highway and street running East and West along North side of Block 2, Branscombs First Addition to Town of Van Wert, Iowa, at a point 15.26 rods North of Northeast corner of said Block 2, thence North 47.93 feet, thence West 436.005 feet, thence South 299.72 feet, thence East 90 feet, thence North 15.26 rods, thence East 20.97 rods to beginning, all in Section 12, Township 70 North, Range 26 West of 5th P.M., Decatur County, Iowa.		
Florida Property:		15,000.00
Lots 3, 4, 5, 6 and 7, Block 620 of Citrus Springs, Unit Nine, Citrus County, Florida		
	Total	$215,000.00

FORM 6 B-1, OCT. 1, 1979