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CAMERON S. BURKE,
CLERK, IDAHO

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In re:) Case No. 03-21652
)
LINDSEY, GERALD AND ONA,) TRUSTEE'S MOTION
) TO APPROVE SETTLEMENT AND
Debtors.) COMPROMISE RE: SHANNON AND
KIMBERLY LINDSEY REAL PROPERTY

COMES NOW Ford Elsaesser, Chapter 7 Trustee, in the cases *In re: Shannon Dale Lindsey and Kimberly Ann Lindsey*, Case No. 01-21298, and *In re: Gerald Lindsey and Ona Lindsey*, Case No. 03-21652, (hereinafter "Trustee") and moves that the Court approve, pursuant to Bankruptcy Rule 9019, a settlement and compromise reached by and between Trustee and Debtors, Shannon and Kimberly Lindsey.

The terms and conditions of the proposed settlement are summarized as follows:

1. Shannon and Kimberly Lindsey will grant an easement for the benefit of River Mountain Ranch that clarifies the extent and nature of the access easement to River Mountain Ranch in the form agreed to among Shannon and Kimberly Lindsey, the proposed purchasers of the Shannon and Kimberly Lindsey property, and the Trustee.
2. Shannon and Kimberly Lindsey agree that the proceeds from the sale of the real property shall be held in escrow by the title company until further order of this Court. It is estimated that the net proceeds from the sale are approximately \$37,000.

TRUSTEE'S MOTION TO APPROVE SETTLEMENT
AND COMPROMISE RE: SHANNON AND KIMBERLY
LINDSEY REAL PROPERTY - 1

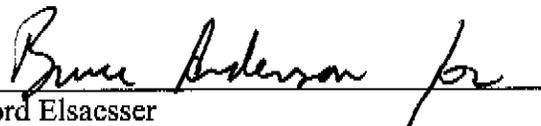
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3. Subject to approval of this Court, the Trustee consents to said sale and will facilitate said sale by executing a Quitclaim Deed. To the extent the issue of the right of first refusal held by Trustee as trustee for the Gerald and Ona Lindsey bankruptcy estate is relevant, Trustee waives any rights under said right of first refusal by consenting to said sale.

4. The Trustee believes this settlement is in the best interest of creditors for the following reasons: (1) The easement rights to the River Mountain Ranch, which run through the Shannon and Kimberly Lindsey property, are clarified in a way that benefits the ranch property and is still satisfactory to the purchasers of the Shannon and Kimberly Lindsey property with no reduction in price or terms; (2) To the extent Trustee and Shannon and Kimberly Lindsey are not able to resolve their disputes with regard to the claims in the adversary litigation in the Gerald and Ona Lindsey bankruptcy, the escrowing of the proceeds protects the Trustee's rights of possible surcharge; and (3) The sale appears in all relevant circumstances to be for a reasonable price and terms and is consistent with valuations of similar properties.

WHEREFORE, the Trustee moves for approval of the settlement along the terms outlined above and so stipulated between the parties in open court at hearing on September 20, 2004.

Respectfully submitted this 21 day of September, 2004.



Bruce Anderson
Ford Elsasser
Chapter 7 Trustee