

Jim Spinner, Esquire
SERVICE, SPINNER & GRAY
2043 East Center - P.O. Box 6009
Pocatello, Idaho 83205-6009
Telephone: (208) 232-4471
FAX: (208) 232-1808
Idaho State Bar No. 3417

U.S. COURT
DISTRICT OF IDAHO
Pocatello, Idaho
APR 16 11 38 AM '04
[Handwritten signature]

Attorneys for R. Sam Hopkins, Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In the Matter of:) Case No. 03-41318
)
LYNN KETTERLING and JEANNE)
KETTERLING dba KETTERLING FARMS,) **STIPULATION ON OBJECTION TO**
) **SALE BY TRUSTEE**
)
Debtors.)
)
_____)

COME NOW R. Sam Hopkins, the Chapter 7 Trustee and Western Farm Service, Inc., a party in interest of the Debtors, by and through counsel of record, and hereby stipulate and agree as follows:

1. The Trustee has noticed up a sale by public auction of various property of the estate. The public auction is scheduled for Saturday, April 17, 2004, in Pocatello, Idaho.
2. Western Farm Service, Inc., filed an objection to the notice of sale by Trustee on or about April 8, 2004, claiming an interest in property being sold by the Trustee and objecting to the sale for failing to recognize, or provide for payment of the proceeds to be received from the sale, toward the secured claim of Western Farm Service, Inc. Western Farm Service, Inc., claims to be a partially secured creditor in the Chapter 7 proceeding.
3. Parties have agreed to resolve the objection regarding the sale as follows:

126

a. Western Farm Service, Inc., by filing of this stipulation, agrees that its objection to the sale by Trustee may be deemed withdrawn and Western Farm Service, Inc., agrees that the public auction of the property can go forward as scheduled.

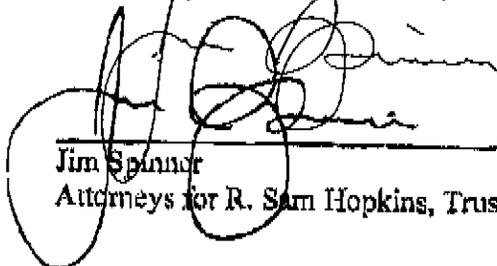
b. The Trustee agrees to hold the net proceeds from the sale in trust, pending resolution of the secured claim of Western Farm Service, Inc., in all or a portion of the property being sold at auction. Net proceeds being defined by the parties to be the gross proceeds of sale less the auctioneer's commission and expenses of sale.

c. In the event that Western Farm Service, Inc., establishes a secured interest in property being sold by the Trustee, the Trustee agrees that no surcharge against the net proceeds will be asserted by the Trustee for the benefit of the bankruptcy estate.

d. Any secured interest of Western Farm Service, Inc., in property being sold by the Trustee will attach to the corresponding net proceeds of the sale of said property. The parties will review the secured claim of Western Farm Service, Inc., and the issue as to the extent of the security interest will be resolved in further proceedings or by stipulation of the parties.

DATED This 15 day of April, 2004.

SERVICE, SPINNER & GRAY



Jim Spinner
Attorneys for R. Sam Hopkins, Trustee

DATED This 16th day of April, 2004.



Craig W. Christensen, Esq.
Attorney for Western Farm Service, Inc.