

U.S. COURTS  
01 SEP 10 PM 4:17  
REC'D FILED  
CAMERON S. BURKE  
CLERK IDAHO

Howard R. Foley  
FOLEY, FREEMAN, BORTON & STERN, CHTD  
Attorneys at Law  
P.O. Box 10  
Meridian, Idaho 83680  
Telephone: (208) 888-9111  
Facsimile: (208) 888-5130

Attorney for Debtors

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In re:	)	
	)	Case No. 00-00914
KENNETH McRAE and	)	
DEBRA McRAE,	)	RESPONSE TO OBJECTION TO
	)	INTERROGATORIES AND REQUESTS
Debtors.	)	FOR PRODUCTION OF DOCUMENTS
_____	)	

COMES NOW, Debtors, by and through their attorney of record and respond to the Trustee's Objection to Interrogatories and Requests for Production and shows as follows:

- 1) The proceedings in this matter reflect that Ken and Debra McRae filed for relief under Chapter 7 of Title 11 on April 13, 2000, and were granted a discharge on July 31, 2000.
- 2) On May 1, 2001, the trustee, through his counsel, filed a motion for a 2004

RESPONSE TO OBJECTION TO INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS - 1

exam of the debtors alleging therein that "Debtors may have concealed substantial amounts of farm equipment, have undervalued equipment and perhaps, other assets."

Additionally, the motion asserts that after investigation that the trustee has determined that "the Owyhee County assessor has a great deal of farm equipment listed in the name of Alan McRae, who also uses the name 'McRae Farms'". The clear inference is that these debtors have conspired to place their farm equipment in the name of Alan McRae with the purpose of hiding the same from the trustee or creditors.

3) On August 10, 2001, Howard R. Foley substituted as counsel for Ken and Debra McRae.

4) On August 14, 2001, Howard R. Foley submitted interrogatories to the trustee.

5) On August 31, 2001, the trustee, through his counsel, has objected to the interrogatories asserting this is not a "contested matter".

Whenever there is an actual dispute, other than an adversary proceeding, before the bankruptcy court, the litigation to resolve that dispute is a contested matter.

Committee Note to BR 9014

In this case it is apparent that this is a contested matter. The allegations of the trustee that the debtors intentionally omitted or undervalued assets is disputed. Those assertions are disputed as evidenced by the filing of schedules which are verified under oath by the debtors that their schedules, as to the assets listed and the value of those items, are correct. To assert that there is no contest here is to ignore the obvious.

WHEREFORE, Debtors urge that the trustee be order to answer their discovery

requests.

DATED this 6<sup>th</sup> day of September, 2001.

FOLEY, FREEMAN, BORTON & STERN, CHTD

By: 

Howard R. Foley  
Attorney for Debtors

**CERTIFICATE OF SERVICE**

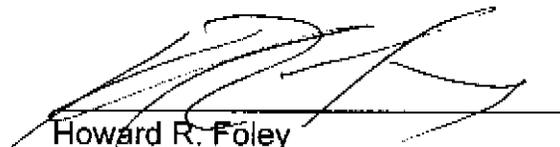
I HEREBY CERTIFY that on the 10<sup>th</sup> day of September, 2001, I caused to be served a true and correct copy of the foregoing **Response to Objection to Interrogatories and Requests for Production of Documents** by the method indicated below, and addressed to the following:

Richard E. Crawford  
Trustee  
2404 Bank Drive, Ste. 312  
Boise, ID 83705

Mailed  
 FAXED  
 Hand-delivered

D. Blair Clark  
RINGERT CLARK  
P.O. Box 2773  
Boise, ID 83701-2773

Mailed  
 FAXED  
 Hand-delivered

  
Howard R. Foley