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U.S. COURTS  
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 CAMERON S. BURKE  
 CLERK IDAHO

**Attorney for Debtors**

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE DISTRICT OF IDAHO**

In re:	)	
	)	<b>Case No. 96-02095</b>
<b>HIPWELL, TERRY,</b>	)	
	)	<b>NOTICE OF MOTION,</b>
<b>Debtor.</b>	)	<b>MOTION FOR TURNOVER, AND</b>
_____	)	<b>OBJECTION TO CLAIM</b>

COMES NOW Terry Hipwell moves this court for a turnover order and objects to the claim of The Amalgamated Sugar Company (hereinafter "TASCO") on the grounds set forth therein:

- 1) That TASCO holds checks payable to the Debtor for sugar beets grown in Owyhee County and purchased and processed by TASCO in the sum of \$25,000.
- 2) That TASCO claims a right to set off these checks against money owed it by Debtor.
- 3) That set off is not available to this Creditor as the Creditor attempts to set off a pre-petition debt with a post-petition obligation owed by it to Debtor.
- 4) That the amount of the secured claim of the Debtor TASCO is too high. The Debtor has a secured claim only in sugar beets grown in Payette County and not any other crop.

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5) That no funds or crops from Payette County remain.

6) That TASCOCO also claims an interest in farm equipment of the Debtor but those liens are junior, and in many instances, to other secured creditors claims.

Wherefore the Debtor in Possession prays as follows:

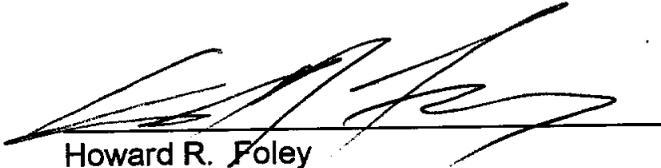
That the court order TASCOCO turnover the checks referenced in paragraph 1 in the sum of \$25,000, that the court disallow the secured claim of TASCOCO in whole or in part and for such further and other relief as the court deems just and equitable.

#### **NOTICE OF HEARING**

**TO: Ronald D. Schoen, United States Trustee, and TASCOCO:**

**PLEASE TAKE NOTICE** that the Debtor will call up for hearing its Motion for Turnover and Objection to Claim on the 4th day of March, 1997 at the hour of 9:30a.m. at the United States Bankrupt Court, 550 W. Fort Street, 5th Floor, before the Honorable Jim D. Pappas or as soon thereafter as counsel may be heard.

DATED this \_\_ day of February, 1997.



Howard R. Foley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of February, 1997, I caused to be served a true and correct copy of the foregoing Motion for Turnover and Objection to Claim by the method indicated below, and addressed to the following:

Office of the U.S. Trustee  
P.O. Box 110  
Boise, ID 83707

Mailed  
 FAXED  
 Hand-delivered

United States Trustee  
Ronald D. Schoen  
P.O. Box 216  
Payette, ID 83661

Mailed  
 FAXED  
 Hand-Delivered

Richard C. Boardman  
P.O. Box 199  
Boise, ID 83701

Mailed  
 FAXED  
 Hand-delivered

  
Howard R. Foley