

U.S. COURTS

98 MAR 26 AM 8:32

REC'D FILED  
CAMPBELL ST. BLDG  
CLERK IDAHO

Julie Klein Fischer  
WHITE, PETERSON, PRUSS,  
MORROW & GIGRAY, P.A.  
104 - 9<sup>th</sup> Avenue South  
P. O. Box 247  
Nampa, Idaho 83653-0247  
Telephone: (208) 466-9272  
Facsimile: (208) 466-4405

Attorney for Land View Fertilizer, Inc.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In re:	)	CASE NO. 96-02095
	)	
HIPWELL, TERRY,	)	LAND VIEW FERTILIZER'S
	)	MOTION JOINING MOTION TO
Debtor.	)	TERMINATE STAY AND REQUIRE
	)	SURRENDER OF PROPERTY
	)	

Land View Fertilizer, Inc., ("Land View"), by and through its counsel of record, White, Peterson, Pruss, Morrow & Gigray, P.A., hereby joins in the Motion for Order Terminating Stay, Requiring Surrender of Property, and Reinstating Lien Rights or, in the Alternative for Adequate Protection, filed by Amalgamated Sugar Company ("TASCO") on March 11, 1998 ("TASCO'S Motion"). Land View further seeks an

LAND VIEW FERTILIZER'S MOTION JOINING MOTION TO TERMINATE STAY AND REQUIRE SURRENDER OF PROPERTY - 1

137

Order from the Court reinstating Land View's lien rights in certain equipment identified in TASCOS Motion.

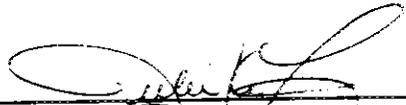
Land View has joined in seeking an Order terminating the stay, and requiring Debtor to surrender certain farm equipment because Land View possesses security interests in some of the same equipment identified in TASCOS Motion. Namely, Land View possesses liens in items a, c-h, j-s, u-x, and aa identified on pages two and three of TASCOS Motion. Land Views security interests in the same were perfected by way of UCC-1 filings, some, but not all of which are secondary to TASCOS filings.

Therefore, in joining in TASCOS Motion, Land View requests that the personal property identified in TASCOS Motion be surrendered to TASCOS and Land View for sale.

Alternatively, Land View seeks adequate protection pursuant to § 1205(b)(4), as requested in TASCOS Motion.

DATED this 25<sup>th</sup> day of March, 1998.

WHITE, PETERSON, PRUSS,  
MORROW & GIGRAY, P.A.

By   
Julie Klein Fischer  
Attorneys for Land View Fertilizer, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing Land View Fertilizer's Motion Joining Motion to Terminate Stay and Require Surrender of Property was served upon the following:

Office of the U.S. Trustee  
Post Office Box 110  
Boise, ID 83701

Mailed  
 Faxed  
 Hand delivered

Howard R. Foley  
FOLEY & FREEMAN  
Post Office Box 10  
Meridian, ID 83680

Mailed  
 Faxed  
 Hand delivered

Ronald D. Schoen  
Standing Chapter 12 Trustee  
P. O. Box 216  
Payette, ID 83661

Mailed  
 Faxed  
 Hand delivered

Ramona S. Neal  
GIVENS, PURSLEY & HUNTLEY  
Post Office Box 2720  
Boise, ID 83701-2720

Mailed  
 Faxed  
 Hand delivered

Richard C. Boardman  
PENLAND MUNTHER BOARDMAN  
Post Office Box 199  
Boise, ID 83701

Mailed  
 Faxed  
 Hand delivered

this 25<sup>th</sup> day of March, 1998.

  
\_\_\_\_\_  
Julie Klein Fischer

If C:\My Files\work\landview\joinmot