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U.S. COURTS
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CAMERON S. BURKE
CLERK
DISTRICT OF IDAHO

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

In re: TERRY HIPWELL Debtor.	Chapter 12 Case No. 96-02095 **MOTION TO COMPEL/ MOTION FOR TURNOVER**

COMES NOW THE TRUSTEE, Ronald D. Schoen, who moves this Court for an order compelling the Debtor to cooperate with the trustee, compelling the Debtor to provide the trustee with bank statements and cancelled checks, compelling the Debtor to turn over to the trustee all funds currently in his Debtor-in-Possession bank account and compelling the Debtor and/or purchaser of farm products to submit checks to the trustee in payment for these products. In support of this motion, the trustee reveals the following:

The Chapter 12 Plan for the Debtor was filed May 8, 1997. Thanks to the good work of Debtor's counsel, Howard Foley, and the cooperation of creditors such as Landview Fertilizer, Amalgamated Sugar, Travelers Insurance and John Deere, the Plan was confirmed May 30, 1997 for a period of five years. From the period October 15, 1996 to February 19, 1997, the trustee deposited into his Trust Account cash collateral proceeds totaling $124,336.48. From October 15, 1996 to June 6, 1997, the trustee remitted $11,962.18 for payment of the seed lien of Reed Grain & Bean and remitted the balance of $112,374.30 to the Debtor.

127 - Compel
128 - Inv

The trustee worked out an arrangement with the Debtor whereby he would provide the trustee with his monthly bank statement and cancelled checks that revealed the expense category applicable to the check. From this information, the trustee was able to prepare monthly reports for the Debtor thru October 8, 1997. (The cut-off period by First Security Bank for this account is generally the 8th day of each month). The Debtor has refused to provide the trustee with any of this information after October 8, 1997.

During the week of December 4, 1997, Debtor's counsel, Howard Foley, advised the trustee that the Debtor had contacted his office to advise him that his crop yields would not meet budget and that it was doubtful he would be able to comply with the plan payment provisions of his confirmed Plan.

The records of the trustee reveals the Debtor has ignored the trustee as follows:

1) Failure by the Debtor to respond to at least two messages left by the trustee on his answering machine.

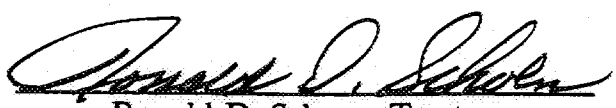
2) Failure by the Debtor to respond to the trustee's postcard of November 24, 1997 regarding monthly report information.

3) Failure by the Debtor to respond to the trustee's letter of December 4, 1997 regarding cash collateral due Landview by January 10, 1998, Travelers stipulation, monthly report information and 1996 income tax return.

4) Failure by the Debtor to respond to the trustee's postcard of December 10, 1997 regarding the above items.

For the above reasons stated, and for the trustee to be able to fully administer what remains of the estate, the truste prays the Court will allow the orders so requested.

DATED This 14th day of January, 1998.



Ronald D. Schoen, Trustee