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Attorney for Debtors

U.S. COURTS

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REC'D
CARMON CLERK
IDAHO

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In re:

HIPWELL, TERRY,
Debtor.

Case No. 96-02095

AFFIDAVIT OF HOWARD R. FOLEY

STATE OF IDAHO

COUNTY OF ADA

SS:

HOWARD R. FOLEY, being first duly sworn, deposes and says:

1) That I am the attorney for the above named Debtor.
2) That the Debtor, Terry Hipwell is in possession of three separate checks issued by the Amalgamated Sugar Company (TASCO) in the approximate sum of \$11,000.

3) The checks are the subject of an adversary complaint which alleges that all but one individual who is listed on those checks as additional payees to assure payment of obligations owed to him and have agreed to the release of those payments.

4) All other individuals or entities have endorsed that check with the exception, Jay Hulet, who is listed on those checks

AFFIDAVIT OF HOWARD R. FOLEY - 1

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as Hulet Management Company.

5) I spoke with Mr. Hulet who agreed at one time to execute the checks which would have provided the necessary interim financing to allow the Debtor to purchase fuel to complete harvesting of his grain crop.

6) When the check was thereafter presented to him by the Debtor, Mr. Hulet refused to execute the same.

7) As a consequence an emergency exists in that the Debtor has a standing grain crop which is partially harvested and he cannot complete that harvesting because he does not have sufficient funds to buy fuel for the combine to complete the harvest.

8) Based upon this emergency and request is made to shorten time and issuance of an emergency order allowing sale of a portion of harvested grain crop and expenditure of that sum for the necessities set forth in the Motion to Use Cash Collateral.

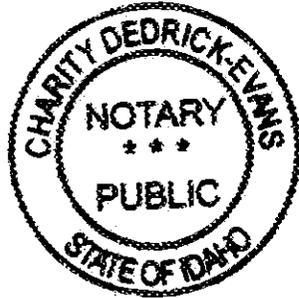
DATED this 27 day of September, 1996.


Howard R. Foley

STATE OF IDAHO)
) ss.
County of Ada)

On the 27th day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Howard R. Foley, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto affixed my official seal
the day and year first above written.



Charity Detric-Evans
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 4/18/2002