

U.S. COURT

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CLERK OF COURT  
CARRIE S. BURKE

CLERK, IDAHO

Jim Spinner, Esquire  
SERVICE, SPINNER & GRAY  
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Pocatello, Idaho 83205-6009  
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Idaho State Bar No. 3417

Attorneys for L.D. Fitzgerald, Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In the Matter of:

RIRIE PRODUCERS CO-OPERATIVE, INC.  
aka RIRE CO-OP,

Debtor.

Case No. 99-40804

**APPLICATION FOR PAYMENT OF  
INTERIM COMPENSATION AND  
REIMBURSEMENT OF EXPENSES**

COMES NOW Service, Spinner & Gray, Attorneys at Law, counsel for Trustee, and respectfully represent to the Court as follows:

1. That Applicants have acted as attorneys for L.D. Fitzgerald, the duly appointed Trustee in Bankruptcy of the bankruptcy estate of the above Debtor under order of this Court appointed and approving their employment as such entered.

2. That Applicants have provided and performed valuable services for the bankruptcy estate, the nature, extent and a description of which services being attached hereto as Exhibit "A", incorporated herein by reference.

3. Service, Spinner & Gray, attorneys for the Trustee, request the reasonable value of the

APPLICATION FOR PAYMENT OF INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES-1

66

legal services performed for said Trustee in the amount of \$5,061.00 and costs and expenses of \$177.49 as of September 5, 2003, for a total of \$5,238.49, described in Exhibit "A".

4. That all services for which compensation is sought by Applicants Service, Spinner & Gray, were performed for and on behalf of the Trustee, and not on behalf of any committee, creditor or other party.

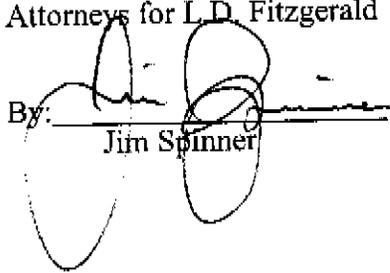
5. That Applicants' services have enhanced and benefitted the bankruptcy estate. Applicants Service, Spinner & Gray have engaged in payment negotiations with Cenex on an interest buyout, have drafted sale documents, and have assisted in the preparation and filing of general legal documents in connection with assets of the bankruptcy estate; met with representatives of creditors; assisted in a review of creditor claims; and otherwise assisted in the generation of monies for distribution to creditors herein.

6. That no agreement exists between Applicants, Service, Spinner & Gray, and any other parties as to the sharing of any compensation received in this case, other than among the regular members of said law firm.

WHEREFORE, Applicants pray that the Trustee be authorized and allowed to make a payment of interim compensation to Applicants, Service, Spinner & Gray, in the sum of \$5,238.49, as a part of the administrative expenses of this proceeding, and for all other appropriate relief.

DATED this 8 day of September, 2003.

SERVICE, SPINNER & GRAY  
Attorneys for L.D. Fitzgerald

By: 

Jim Spinner

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** on the 12 day of September, 2003, I served a true and correct copy

of the foregoing document as follows:

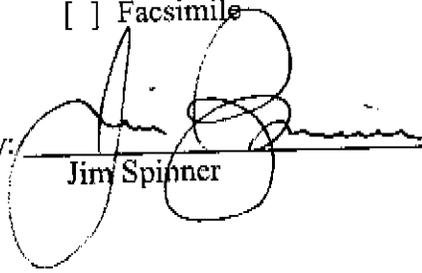
U.S. Trustee  
304 N. 8<sup>th</sup> St. Room 347  
Boise, ID 83702

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile

William H. Mulberry, Esq.  
P.O. Box 186  
Rire, ID 83443

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile

By: \_\_\_\_\_

  
Jim Spinner

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L.D. Fitzgerald  
P.O. Box 6199  
Pocatello ID 83205-6199

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09/07/03  
ACCOUNT NO: 120288-903L  
STATEMENT NO: 1

Ririe Producers Coop

	HOURS
07/29/99 JS Conference with Trustee on bankruptcy issues	.20
07/30/99 JS Review file; letter to defendant's attorney on Cenex Stock; vehicle turnover	.50
08/04/99 JS Fax from Mullberry on vehicles	.20
08/10/99 JS Conference with Trustee on truck turnover	.20
08/12/99 JS Return telephone call to Sterns Bank on documents - will fax; review fax; telephone conference with Trustee - ok to reject	.40
08/13/99 JS Telephone call to Gretchen at Sterns Bank on lease	.20
08/16/99 MG Dictate letter to Marti Grow; two telephone calls to Marti Grow at Cenex; attempt telephone conference with Marti Grow	.20
MG Telephone conference with Marti Grow	.20
MG Letter to Marti Grow	.40
08/17/99 JS Telephone call from Stearns Bank; telephone call from Contos	.30



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Ririe Producers Coop

	HOURS
08/18/99	
JS Telephone conference with Trustee Keith Couch on UPA auction; conference with M. G. on letter to D. Green	.30
MG Case briefing with JS	.20
MG Draft letter	.50
09/02/99	
MG Review case with JS	.20
09/03/99	
MG Dictate letter to Trustee	.40
09/07/99	
JS Telephone call from Staci on Gas Truck	.20
09/08/99	
JS Telephone conference with Dan Green - will pull gas truck	.20
09/09/99	
MG Review case with JS	.20
09/10/99	
MG Letter to Dan Green on auction; telephone conference with William Mulberry requesting corporate record book	.50
09/22/99	
MG Telephone conference with Bill Mulberry	.20
MG Telephone conference with Trustee's office for corporate record	.20
09/30/99	
JS Conference with trustee on corporation records, liquidation of stock	.30
10/05/99	
JS Schedule time to go through records	.20
10/07/99	
JS Go through records at Trustee's compound; conference with MCG	1.00

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Ririe Producers Coop

	HOURS
MG Telephone conference with Cheri; Trustee's office wanted to change time to to meet at compound	.20
MG To compound, retrieved corporate records (not very complete records)	.90
10/08/99	
JS Conference with Trustee on title issue; DMV search	.40
MG Telephone conference with Secretary of State to obtain Articles of Incorporation	.20
10/12/99	
MG Review files received from Trustee's compound; attempt telephone conference with Blair Grover for possible corporate record book	.30
DT PARALEGAL - Prepare DMV request form and letter to DMV	.50
10/14/99	
DT PARALEGAL - Telephone call to DMV re: search on 1978 & 1976 GMC's; telephone call to Trustee; telephone call to auctioneer; telephone call to Racine's; memo to file	1.00
10/15/99	
JS Telephone call from Trustee - msg.; telephone call from Trustee rep. - pick-up trucks or not? conference with Trustee; conference with Dan Green	.60
DT PARALEGAL - Telephone call to Dan Green re: vehicles listed for auction; telephone call from Katre with VIN'S; telephone call to DMV re: VIN's; conference with JS; telephone call to Secretary of State to Order corporate report	1.20
10/18/99	
JS Conference with MG on liquidating stock issues	.40
MG Research & case review for stock liquidation; attempt telephone conference with Bill Mulberry to obtain resolution & dissolve and file Petition	

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Ririe Producers Coop

	HOURS
for bankruptcy	2.80
MG Telephone conference with Bill Mulberry	.20
10/20/99 MG Telephone conference with Blair Grover	.20
10/28/99 MG Telephone conference with Trustee's office; organize documents needed for stock liquidation; draft letter to Cenex	1.10
11/01/99 MG Telephone conference with Trustee to obtain copy of Order to Employ broker for stock transfer	.20
11/10/99 JS Telephone call from Cenex; conference with Trustee; letter to Cenex people	.60
11/29/99 JS Letter, check from Cenex; note to speak with Trustee	.20
12/07/99 MG Review memorandum and send; draft letter to Liquide Air, a creditor	1.00
01/19/00 JS Conference with Trustee; telephone call to Russell Hulse on building - ref. to D. Green	.40
01/20/00 JS Return telephone call to Contos on tax records	.20
01/28/00 JS Return telephone call to Marti Grow of Cenex - msg	.20
02/01/00 JS Return telephone call to Marti Grow - denied lump sum offer - will pay out over 15 yrs.	.20
02/03/00 JS Conference with Trustee on Cenex position on stock interest - sale of building	.30

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Ririe Producers Coop

	HOURS
02/04/00	
JS Telephone call to Hulses on real; property sale; telephone call from Russell Hulse on sale	.30
02/09/00	
JS Telephone call from Hulse on SBA requirements; time frame; conference with Trustee on Halse's call	.40
02/16/00	
JS Conference with Trustee on Hulse sale	.20
02/17/00	
JS Telephone call from Hulse - should be "green" to go by next week	.20
02/22/00	
JS Attempt telephone call to Hulses; msg; telephone call to Peterman; letter to Peterman	.50
02/23/00	
JS Return telephone call to Jackie Hulse on other building - will send offer	.20
02/28/00	
JS Return telephone call to Thell Weeks	.20
02/29/00	
JS Return telephone call from Thell Weeks on property offer	.20
03/03/00	
JS Telephone call to Hulses (2)	.20
03/06/00	
JS Telephone call to Russell Hulse; telephone call to Jackie Hulse - DEQ cleared prop. will send offer on Stone building; telephone conference with Trustee; telephone call to Randy Peterman on new offer; telephone call to Mullberry on other property; draft Notice of Sale	1.20
03/07/00	
DT PARALEGAL - Conference with JS re: title reports	.20

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Ririe Producers Coop

	HOURS
03/08/00 DT PARALEGAL - Telephone call from Cheri re: Notice of Sale & interested parties	.20
03/09/00 DT PARALEGAL - Telephone call to FAT in Rigby for title reports; prepare legals to send to FAT & forward same	.80
03/15/00 JS Receive/review title report; revise Notice of Sale	.50
03/17/00 JS Telephone call to Jefferson Assessor on street addresses; telephone call to title company on addresses	.40
03/20/00 JS Telephone call to title company with street addresses; finalize Sale Notice - still problem on descriptions	.40
03/21/00 JS Telephone call to title company on street address problems; telephone call to Hulses (Jackie) - to check addresses too	.50
03/22/00 JS Telephone call from title company on street addresses; finalize Notice; Certificate of Service	.50
03/24/00 JS Telephone call from Russell Hulse; questions on auction; conference with Trustee on Theil Weeks request to view building, hearing	.60
03/27/00 JS Telephone call from McMurty on hearing - auction	.20
03/28/00 JS Return telephone call to D. Green on viewing station	.20

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	HOURS
03/29/00 JS Attempt telephone call to D. green - msg.	.20
03/31/00 JS Telephone call from D. Green on viewing station	.20
04/14/00 JS Attempt telephone call to Coreen; return telephone call to Jackie Hulse; telephone call to Trustee on viewing property	.40
04/19/00 JS Telephone call from prospective bidder - will show up at trial; telephone call to Trustee on procedure; telephone call to Hulse on splitting properties; prepare for hearing; attend hearing; telephone call to Hulse	1.20
JS Draft two Orders; two Deeds; letter to Hulse on Return of their deposit	.60
04/21/00 JS To courthouse with Orders; to Trustee with McMurtrey check; to get Hulse earnest money refund & to sign Deeds	.50
04/24/00 JS Telephone calls from Bill Dupree on damage to premises	.30
04/25/00 JS Telephone conference with Trustee on payoff	.20
05/03/00 JS Letters to Jefferson Treasurer on taxes; title company for policies; McMurtreys on sale; Ferguson on sale; Randy Peterman on track 4; Hulses on DEQ test costs; court clerk on change of address for UAP	1.40
05/05/00 JS Obtain certified copies of Order; attempt return telephone call to Ferguson - no answer; telephone call to Jefferson Treasurer on taxes; fax to Trustee on taxes	.50

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Ririe Producers Coop

	HOURS
05/08/00	
JS Attempt telephone call to Peterman - msg.; telephone call to Trustee for checks	.30
05/12/00	
JS Telephone conference with Randy P. on status; other property	.20
05/15/00	
JS Tax receipts back; finalize letter to title company for recording & policies; attempt return telephone call to Kym Ferguson; return telephone call to Ferguson	.50
05/18/00	
JS Telephone call from J. Hulse - testing was not done by DEQ; attempt return telephone call to Kym Ferguson	.40
05/22/00	
JS Telephone call from Kym F. on closing; other property	.20
06/15/00	
JS Conference with Trustee on testing problem; letter to Hulses	.40
06/20/00	
JS Attempt telephone call to Trustee on bank payoff msg.	.20
06/21/00	
JS Calculate costs to US Bank; attempt telephone call to title company for policy costs; telephone call to Trustee; telephone call from Russell Hulse; attempt telephone call to DEQ; telephone call to Trustee - hold off on US Bank check; telephone call from Barbara Jewel at DEQ; telephone call to Trustee; email breakdown to Peterman	1.00
06/22/00	
JS Title policies from FATCO - finalize letters to KW Enterprises; McMurtry's; Hules	.50

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	HOURS
06/23/00	
JS Checks from Trustee; finalize letter to Hulses; letter to Randy P. with U.S. Bank check	.40
07/05/00	
JS Conference with Trustee on check from Cenex	.20
07/20/00	
JS Telephone call from C. Erickson on bulk plant - will send letter	.20
04/13/01	
JS Attempt return telephone call to Kim Ferguson on "other" property - msg.	.20
04/23/01	
JS Telephone call from Hulse - Ferguson suing him on damage prior to sale - wants letter too - told him only would review file and send copies of prior correspondence	.20
06/27/01	
JS Telephone call from J.D. Hancock on testing damage issue (contacted by Johnson)	.20
07/05/01	
JS Telephone call from Russell Hulse on J. Luke hearing; telephone call from Judge Luke	.40
07/17/01	
JS Payment from Cenex on interest liquidation; letter to Trustee	.30
10/26/01	
JS Receive Tax Deed Notices on fuel tanks, fertilizer plant; memo to talk with Trustee	.20
10/30/01	
JS Conference with Trustee on abandoning other r.p.	.20
10/31/01	
JS Draft Motion, Affidavit, Order to Abandon; letter	1.00
12/27/02	
JS Telephone call from creditor on status	.20

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Ririe Producers Coop

	HOURS	
FOR CURRENT SERVICES RENDERED	41.70	4,809.00

RECAPITULATION

ATTORNEY	HOURS	HOURLY RATE	TOTAL
JAMES A. SPINNER	27.50	\$120.00	\$3,300.00
DARCY TAYLOR	3.90	70.00	273.00
MONTE GRAY	10.30	120.00	1,236.00

10/12/99 Fax Copy	2.50
10/19/99 Copy Costs/Secretary of State	2.50
11/04/99 Copy Costs / State of Idaho transportation Department	20.00
11/08/99 Fax Copy	3.50
02/24/00 Fax Copy	2.50
03/09/00 Fax Copy	2.50
03/19/00 Long Distance Calls	0.84
03/23/00 RUNNERS FEE	1.00
05/03/00 Certified Copies / US Bankruptcy Clerk	10.00
05/09/00 Runners Fee	1.00
06/22/00 Fax Copy	4.50
11/29/00 Fax Copy	3.50
10/19/01 First American Title Co. Cancellation Fee	100.00
TOTAL COSTS	154.34
TOTAL CURRENT WORK	4,963.34
BALANCE DUE	\$4,963.34

TO INSURE PROPER CREDIT, PLEASE ENCLOSE THE COPY OF THIS  
STATEMENT WITH YOUR PAYMENT. THANK YOU.

**Service, Spinner and Gray**

L.D. Fitzgerald  
P.O. Box 6199  
Pocatello, Idaho

September 7, 2003

File #: fitz-03-0022

**Attention:**  
**RE:** Ririe Producers Coop

<b>DATE</b>	<b>DESCRIPTION</b>	<b>HOURS</b>	<b>AMOUNT</b>	<b>LAWYER</b>
Jul-22-03	Letter, check from Cenex; Letter to Trustee	0.30	36.00	JS
Aug-20-03	Conference with Trustee on doing interim distribution	0.20	24.00	JS
Sep-01-03	Draft two applications for interim dist. and payment of fees and expenses;	0.80	96.00	JS
Sep-04-03	Account information from Trustee for interim application	0.20	24.00	JS
Sep-05-03	Conference with Trustee on how much to disburse on interim application	0.20	24.00	JS
	Finalize application for interim disbursement, payment of fees, notice; review time sheets	0.40	48.00	JS
	<b>Totals</b>	<b>2.10</b>	<b>\$252.00</b>	

**DISBURSEMENTS**

	Copying	13.90
	Postage	9.25
	<b>Totals</b>	<b>\$23.15</b>
	<b>Total Fee &amp; Disbursements</b>	<b>\$275.15</b>
	Previous Balance	4,963.34
	<b>Balance Now Due</b>	<b>\$5,238.49</b>