

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC,) Case No. 10-93904-BHL-11
)
Debtor.) Hon. Basil H. Lorch III

**STIPULATION ON CONTESTED MATTER INVOLVING THE FLORIDA
OBJECTORS' RESERVED OBJECTIONS TO TRUSTEE'S PURCHASE MONEY
CLAIMS REPORT**

Counsel for James A. Knauer, as Chapter 11 Trustee for Eastern Livestock Co., LLC ("Trustee") and Hilliard–McKetrick Investments, Inc. d/b/a Arcadia Stockyard; Cattlemen’s Livestock Market, Inc.; Columbia Livestock Market, Inc.; Hardee Livestock Market, Inc.; North Florida Livestock Market, Inc.; Ocala Livestock Market, Inc.; Okeechobee Livestock Market, Inc.; Sumter County Farmers Market, Inc.; and Madison County Livestock Market, Inc. d/b/a Townsend Livestock Market; Ron Sizemore Trucking, Inc.; Oak Lake Cattle Co.; Eagle Bay, Inc.; and Daniel M. Byrd (collectively, the "Florida Objectors" and with the Trustee, the "Parties") submit this stipulation (the "Stipulation") to resolve the contested matter before the Court on the *Trustee's Purchase Money Claims Report, Motion To Transfer Funds And Notice Of Release Of Proceeds From Account* [Dock. No. 501] ("Purchase Money Claims Report") and the Florida Objectors' objections thereto. The Parties hereby stipulate and agree as follows:

1. The Florida Objectors have claimed in their objections superior rights to \$148,432.14 in cattle sale proceeds paid to the Trustee by Len Miller (the "Miller Proceeds").
2. The Florida Objectors have asserted the same or similar arguments as asserted in their objections in an adversary proceeding before this Court captioned as *Rush Creek*

Ranch, LLP v. Knauer et al, Case No. 11-59104 (the "Wisconsin Interpleader"). In the Wisconsin Interpleader, the Parties and others have asserted rights to funds that Rush Creek Ranch, LLP interpled to the Court.

3. The Parties believe that litigating this contested matter with the Wisconsin Interpleader will conserve estate resources and serve the interests of judicial economy. As a result, the Parties desire to adjudicate the Parties' respective rights to the Miller Proceeds in the Wisconsin Interpleader.

4. The Trustee agrees to hold the Miller Proceeds in escrow pending resolution of the Wisconsin Interpleader and a determination of the Parties' respective rights in and to the Miller Proceeds.

5. The Parties agree that they shall cooperate to file such other and further documents as may be necessary to include in the matters to be litigated in the Wisconsin Interpleader the claims in and rights to the Miller Proceeds.

6. The Parties agree that nothing contained herein shall be construed to prejudice the claim(s) of any party to any of the cattle sale proceeds at issue and all parties reserve all rights.

WHEREFORE, the Parties respectfully request that the Court enter an order approving this Stipulation, authorizing the Trustee to adjudicate in the Wisconsin Interpleader the Parties' rights in and to the Miller Proceeds and granting the Parties aall other appropriate relief.

Respectfully submitted,

BAKER & DANIELS, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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