UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In re:	)	In Proceedings Under Chapter 11
	)	
FARMLAND INDUSTRIES, INC., et al.,	)	Case No. 02-50557-JWV
	)	Joint Administration
Debtors.	)	

RESPONSE OF CREDITORS CHARLES TATE (Claim No. 7452) and VAN CLINE AND NEIL P. McGUFFEE (Claim No. 7453) to DEBTOR'S OBJECTION TO SPECULATIVE, CONTINGENT and UNLIQUIDATED CLAIMS

COME NOW the Estate of Charles Tate, deceased, successor in interest by substitution to the claims of Charles Tate, and his/its attorneys of record, Van Cline and Neil P. McGuffee, and for their Response to Debtor's Objection to Speculative, Contingent and Unliquidated Claims, advise the Court as follows:

1) Creditor, the Estate of Charles Tate, deceased, (Charles Tate Claim Number 7452) had a valid claim against the bankruptcy estate of reason of its pending FMLA claims, 29 U.S.C., 2601 et seq., in a certain case which was reopened by the trial court on January 4, 2002. Said case is styled Charles R. Tate v. Farmland Industries, Inc., pending in the United States District Court for the Western District of Oklahoma, Case No. CIV-98-1072-L;

2) Creditors Van Cline and Neil P. McGuffee have valid claims for their attorney's fees and costs incurred in the prosecution of the above referenced FMLA case;

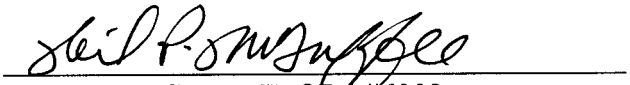
3) Charles Tate timely filed a proof of claim in the above styled bankruptcy case for the sum of Three Hundred Fifty Thousand Dollars ($350,000.00), (Charles Tate Claim No. 7452);

4) Van Cline and Neil P. McGuffee timely filed their proof of claim in the above styled bankruptcy case for the sum of Two Hundred Thousand Dollars ($200,000.00), (Van Cline and Neil P. McGuffee Claim No. 7453);

5) The Estate of Charles R. Tate, deceased, (Claim No. 7452) and Van Cline and Neil P. McGuffee, (Claim No. 7453) would further advise this Court that their respective claims are not speculative, contingent, unliquidated, nor excessive, but are based upon a fair and reasonable analysis of the value of said FMLA case and the resultant damages, costs and reasonable attorneys' fees flowing therefrom.

Respectfully submitted,

NEIL P. McGUFFEE, P.C.



NEIL P. McGUFFEE, OBA#6002
209 Southwest 89th Street, Suite F
Oklahoma City, Oklahoma 73139
(405) 636-0689 Fax - 636-0789
Attorney for the Estate of Charles R. Tate, deceased

CERTIFICATE OF MAILING

This will certify that on the 29th day of September, 2003, a true and correct copy of the above and foregoing Response to Debtor's Objection to Speculative, Contingent and Unliquidated Claims was mailed by United States Priority Mail and United States mail First Class to the Clerk of the United States Bankruptcy Court, 400 East 9th Street, Kansas City, Kansas 64106 and by United States mail, First Class to Bryan Cave, L.L.P., 1200 East Main Street, Suite 3500, Kansas City, Kansas 64105.

NEIL P. McGUFFEE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

FARMLAND INDUSTRIES, INC., et al. CASE NO. 02-50557-JWV
(Jointly Administered)

PROOF OF CLAIM

02401789153877

YOUR CLAIM IS SCHEDULED AS:
UNKNOWN UNSECURED DISPUTED, UNLIQUIDATED

Name of Debtor Against Which You Assert Your Claim:
Farmland Industries, Inc.

Case Number:
02-50557-JWV
(See List on Reverse Side)

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503

☒ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check box if you have never received any notices from the bankruptcy court in this case.

☐ Check box if this address differs from the address on the envelope sent to you by the court.

Name of Creditor and Address:

02401789153877

CHARLES TATE, C/O VAN H. CLINE
501 MERRYWOOD LANE
NORMAN, OK 73069-5450

Creditor Telephone Number 405 573-9544

The amounts reflected above constitute your claim as scheduled by the Debtor. If you agree with the amount set forth herein, and have no other claim against the Debtor, you do not need to file this proof of claim EXCEPT as stated below.

If the amounts shown above are listed as Contingent, Unliquidated or Disputed, a proof of claim must be filed.

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

CREDITOR TAX I.D. #:	ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:	Check here if this claim ☐ replaces or ☐ amends a previously filed claim dated: _____

1. BASIS FOR CLAIM

☐ Goods sold
☐ Services performed
☐ Money loaned
☐ Bondholder
☒ Personal injury/wrongful death
☐ Taxes
☐ Other (describe briefly)
FMLA claim
(See attached Exhibit "A")
☐ Retiree benefits as defined in 11 U.S.C § 1114(a)
☐ Wages, salaries, and compensation (Fill out below)
Your social security number: _____
Unpaid compensation for services performed from: _____ (date) to _____ (date)

2. DATE DEBT WAS INCURRED:

3. IF COURT JUDGMENT, DATE OBTAINED:

4. TOTAL AMOUNT OF CLAIM AS OF MAY 30, 2002:

$ 350,000.00	$	$	$ 350,000.00
(unsecured)	(secured)	(unsecured priority)	(total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. SECURED CLAIM

☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief description of collateral:

☐ Real Estate
☐ Motor Vehicle
☐ Other _____

Value of collateral: $ _____

Amount of arrearage and other charges at time case filed included in secured claim above, if any $_____

6. UNSECURED PRIORITY CLAIM

☐ Check this box if you have an unsecured priority claim

Specify the priority of the claim:

☐ Wages, salaries, or commissions (up to $4,650*), earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3)

☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4)

☐ Up to $2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6)

☐ Alimony maintenance or support owed to a spouse, former spouse, or child -11 U.S.C. § 507(a)(7)

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)

☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a) _____

*Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. SUPPORTING DOCUMENTS: *Attach copies of supporting documents,* such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. DATE-STAMPED COPY: To receive an acknowledgment of your claim, please enclose a self-addressed stamped envelope and an additional copy of your claim

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 5:00 pm, Pacific Time on January 10, 2003.

THIS SPACE FOR COURT USE ONLY

BY MAIL TO:
Bankruptcy Management Corporation
P.O. BOX 905
El Segundo, CA 90245-0905

BY HAND OR OVERNIGHT DELIVERY TO:
Bankruptcy Management Corporation
1330 East Franklin Avenue
El Segundo, CA 90245

DATE SIGNED:

SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any).

Neil P. Shughoo, Attorney

Penalty for presenting fraudulent claim is a fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571

EXHIBIT "A"

The claims of Kathy Tate are brought as Personal Representative of the Estate of Charles R. Tate, deceased,in a certain FMLA action styled Charles R. Tate vs. Farmland Industries, Inc., Case No. CIV 98-1072-F, in the United States District Court for the Western District of Oklahoma. The estate's claim is for $150,000.00 plus $200,000.00 for attorneys' fees and court costs.

Attached hereto are the following documents:

1) Face page of Plaintiff's Motion for Summary Judgment;

2) Trial Court's Order of January 4, 2002 reopening subject case in regards to all actions under the FMLA, 29 U.S.C.§2601, et seq.;

3) Order Allowing Substitution of Parties dated April 15, 2002;

4) Plaintiff's First Amended Complaint filed April 7, 1999.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

PROOF OF CLAIM

FARMLAND INDUSTRIES, INC. et al. CASE NO. 02-50557-JWV
Jointly Administered

Name of Debtor Against Which You Assert Your Claim:
Farmland Industries, Inc.

Case Number:
02-50557-JWV
(See List on Reverse Side)

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check box if you have never received any notices from the bankruptcy court in this case.

☐ Check box if this address differs from the address on the envelope sent to you by the court.

Name of Creditor and Address:

02401842250853
CLINE, VAN H and Neil P. McGuffee
501 MERRYWOOD LANE 209 S.W. 89th St, Ste F
NORMAN, OK 73069 Okla. City, OK 73139

Creditor Telephone Number (405) 573-9544

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

CREDITOR TAX I.D. #:
Cline: 311-48-2023
McGuffee: 73-133-7023

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:

Check here if this claim ☐ replaces or ☐ amends a previously filed claim dated: _____

1. BASIS FOR CLAIM

☐ Goods sold
☐ Services performed
☐ Money loaned
☐ Bondholder
☐ Personal injury/wrongful death
☐ Taxes
☒ Other (describe briefly)
Costs and attorneys' fees claim in FMLA case (see attached Exhibit "A")
☐ Retiree benefits as defined in 11 U.S.C § 1114(a)
☐ Wages, salaries, and compensation (Fill out below)
Your social security number: _____
Unpaid compensation for services performed from: _____ (date) to _____ (date)

2. DATE DEBT WAS INCURRED:

3. IF COURT JUDGMENT, DATE OBTAINED:

4. TOTAL AMOUNT OF CLAIM AS OF MAY 30, 2002:

$200,000.00	$	$	$200,000.00
(unsecured)	(secured)	(unsecured priority)	(total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. SECURED CLAIM

☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief description of collateral:

☐ Real Estate
☐ Motor Vehicle
☐ Other _____

Value of collateral: $ _____

Amount of arrearage and other charges at time case filed included in secured claim above, if any $ _____

6. UNSECURED PRIORITY CLAIM

☐ Check this box if you have an unsecured priority claim

Specify the priority of the claim:

☐ Wages, salaries, or commissions (up to $4,650*), earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3)

☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4)

☐ Up to $2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6)

☐ Alimony maintenance or support owed to a spouse, former spouse, or child -11 U.S.C. § 507(a)(7)

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)

☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a) _____

*Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. SUPPORTING DOCUMENTS: *Attach copies of supporting documents* such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

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The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 5:00 pm, Pacific Time on January 10, 2003.

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1330 East Franklin Avenue
El Segundo, CA 90245

DATE SIGNED:

SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any).
Neil P. McGuffee, Attorney

Penalty for presenting fraudulent claim is a fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571

EXHIBIT "A"

The claims of Van H. Cline and Neil P. McGuffee, are for legal fees, court costs and expenses incurred in prosecuting a certain FMLA action styled Charles R. Tate vs. Farmland Industries, Inc., Case No. CIV 98-1072-F, in the United States District Court for the Western District of Oklahoma. Attorney Cline's legal fees are for $110,000.00. Attorney McGuffee's claims for legal fees total $75,000.00, plus $15,000.00 for court costs and related expenses.

Attached hereto are the following documents:

1) Face page of Plaintiff's Motion for Summary Judgment;

2) Trial Court's Order of January 4, 2002 reopening subject case in regards to all actions under the FMLA, 29 U.S.C.§2601, et seq.;

3) Order Allowing Substitution of Parties dated April 15, 2002;

4) Plaintiff's First Amended Complaint filed April 7, 1999.