

**FILED**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

OCT 28 2003

GRANT PRICE  
CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
BY: \_\_\_\_\_ DEPUTY

In Re: )  
)  
B & B WORM FARMS, INC., )  
)  
Debtor. )

No. 03-14379-BH  
(Chapter 7)

MOTION TO SELL PROPERTY PURSUANT TO 11 U.S.C. §363(b) AND (f)

Trustee, Janice D. Loyd, moves the Court pursuant to 11 U.S.C. § 363(b)(1) and f(2) and Rule 6004 of the Federal Rules of Bankruptcy Procedure to approve the sale of certain real and personal property of the estate out of the ordinary course of business and free and clear of liens and encumbrances. In support of said Motion, the Trustee would show the Court the following:

1. The Trustee proposes to sell to Steve D. Blount ("Purchaser") 2808 Autumn Ave., Sallisaw, Oklahoma 74955, on the 24<sup>th</sup> day of November, 2003, at 10:00 A.M., for the sum of \$150,000.00 the estate's interest in the real and personal property described as follows:

**Real Estate:**

A tract of land in the NW/4 SW/4 SW/4 AND THE SW/4 NW/4 SW/4 in Section 4, Township 11 North, Range 23 East beginning at the SW Corner of the NW/4 SW/4 SW/4 for the Point of Beginning; Thence North 240 feet; Thence East 16.5 feet; Thence North 17 Degrees 43 Minutes 1 Second East 159.26 feet; thence North 1 Degree 41 Minutes 17 Seconds East 318.45 feet; thence North 74 Degrees 42 Minutes 31 Seconds East 260 feet; thence South 784 feet to the South Line of the NW/4 SW/4 SW/4; thence West 330 feet to the Point of Beginning, consisting of five (5) acres, MOL, including Warehouse 40 x 50 (2,000 sf) and Office building 12 x 12 (144 sf)

**Personal Property:**

All that property identified on the Equipment Inventory attached hereto as Exhibit "A" and all inventory currently located at the plant and in the warehouse, sacked and loose product, raw and finished product, and the Grower's Pride name

2. The sale of said personal property will be free and clear of all liens and encumbrances pursuant to 11 U.S.C. § 363(f)(2).

3. Rule 6004(c) of the Federal Rules of Bankruptcy Procedure requires that this proposed sale free and clear of liens be made by motion in accordance with Rule 9014 of the Federal Rules of Bankruptcy Procedure and served on the parties who have liens or other interest in the property to be sold.

4. The First National Bank of Sallisaw, Oklahoma, holds a first mortgage on certain personal equipment set forth on the attached Exhibit "A". Said lien of the First National Bank of Sallisaw shall attach to the sale proceeds, and said collateral will be sold free and clear of said lien.

5. Liftruck Parts & Service has a lien on a used Komatsu pneumatic tired forklift Model FD25 Serial No. 472357. Said lien shall attach to the sale proceeds, and said collateral will be sold free and clear of said lien.

6. Information Leasing Corporation has a lien on an Q300 Lantech semi-automatic wrapper machine. Said lien shall attach to the sale proceeds, and said collateral will be sold free and clear of said lien.

7. The Trustee is not aware of any other liens or encumbrances against the property sought to be sold. The remaining proceeds of sale shall be paid first to

administrative expenses approved by the Court, including, but not limited to, payment of trustee's fee and expenses, attorney fee and expenses, and trustee's accountant fee and expenses. The net remaining proceeds will be distributed to creditors in the order of priority of same pursuant to 11 U.S.C. § 507.

WHEREFORE, the Trustee, Janice D. Loyd, respectfully requests this Court to approve the proposed sale of the real and personal property described herein free and clear of any known liens on the terms and conditions described hereinabove, and for such other and further relief as is just and equitable.



JANICE D. LOYD #11910  
of the Firm of  
BELLINGHAM, COLLINS & LOYD, P.C.  
2050 Oklahoma Tower  
210 Park Avenue  
Oklahoma City, Oklahoma 73102  
405/235-9371  
FAX 405/232-1003  
ATTORNEY FOR TRUSTEE

#### CERTIFICATE OF SERVICE

This is to certify that on the 28<sup>th</sup> day of October, 2003, a true and correct copy of the above and foregoing instrument was mailed, postage prepaid, to all parties as listed on the Matrix attached hereto and to:

Steve D. Blount  
2908 Autumn Ave.  
Sallisaw OK 74955

Robert English, Esq.  
P. O. Box 130  
Okmulgee OK 74447

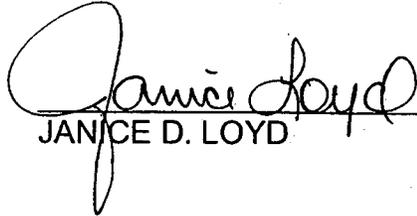
Liftruck Parks & Service  
P. O. Box 1341  
Van Buren AR 72957

Information Leasing Corporation  
Attn: Jackie Nelson  
P. O. Box 691355  
Cincinnati OH 45269-1355

Reese Pilkington  
Pilkington Real Estate  
1223 E. Cherokee, Ste. 12  
Sallisaw OK 74955

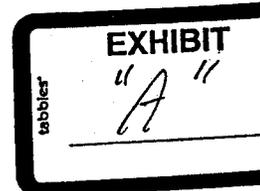
Ms. Terry Nation  
First National Bank of Sallisaw  
1720 E. Cherokee  
Sallisaw Ok 74955

This is to further certify that on the 28<sup>th</sup> day of October, 2003, a true and correct copy of the above and foregoing instrument will be posted on the website described as [www.Turnaroundpro.com](http://www.Turnaroundpro.com).

  
JANICE D. LOYD

**INVENTORY & PHOTOGRAPHS OF SPECIFIC LISTED ASSETS OF  
B & B WORM FARMS, INC.  
AS OF APRIL 29, 2003**

| ITEM   | QTY.  | DESCRIPTION  |
|--|-------|--|
| <b>GROWERS PRIDE<br/>EXIT 303, DEWIGHT MISSION ROAD<br/>SALLISAW, OKLAHOMA</b> |       |  |
| 1.   | 1 EA. | VEHICLE: PICKUP, 1994 MITSUBISHI MIGHTY MAX, VIN-JA7LS21G2RP009881, 139,761 INDICATED MILES, 5-SPEED TRANSMISSION, F<br>NOTE: SUBSTANTIAL AMOUNT OF BODY DAMAGE  |
| 2.   | 1 EA. | TRUCK: TRACTOR, 1988 VOLVO, CONVENTIONAL, 36" SLEEPER, MDL. WIA, VIN-4V1WDBJE3JN603969, 350 CUMMINS DIESEL ENGINE, FULLER 9-SPEED TRANSMISSION, 398,779 INDICATED MILES, FIBERGLASS, TANDEM AXLE, TWIN SCREW, AIR-SLIDE 5 <sup>TH</sup> WHEEL, DUAL ALUMINUM FUEL TANKS, INTEGRAL 36" SLEEPER, 225/75 R24.5 RADIAL TIRES, C/W WET KIT, F-G   |
| 3.   | 1 EA. | TRAILER: FLATBED, 40' TANDEM AXLE, 1967 HOBBS, VIN-FHH443102, C/W FORWARD BULKHEAD, DONKEY PIGGYBACK LOADER MOUNT, SLIDING AXLES, F-DECK, F-OVERALL  |
| 4.   | 1 EA. | TRUCK: DUMP, 1959 DODGE D500, SINGLE AXLE, SN-M8D5-H12615, 318 V-8 GASOLINE ENGINE, 4-SPEED TRANSMISSION, 2-SPEED REAR AXLE (INOPERABLE), 16' DUMP BED, C/W TARP, F  |
| 5.   | 1 EA. | TRUCK: DUMP, 1963 GMC, VIN-PG1169, SINGLE AXLE, 350 V-8 GASOLINE ENGINE, 4-SPEED TRANSMISSION, 2-SPEED REAR AXLE, 14' DUMP BED WITH TARP, F  |
| 6.   | 1 EA. | LOADER: WHEEL, ARTICULATING, 1979 CASE, MDL. W14, SN-9133163, ENGINE #A336BD, C/W 8' 3-YD. BUCKET, SET OF PALLET FORKS, F<br>NOTE: EXCESSIVE OIL & HYDRAULIC LEAKS   |
| 7.   | 1 EA. | LOADER: WHEEL, 1966 CASE, MDL. W8D, SN-9803591, SERIES B, 8' 2-YD. BUCKET, F<br>NOTE: EXCESSIVE OIL & HYDRAULIC LEAKS  |
| 8.   | 1 EA. | TRUCK: FORK, KOMATSU, MDL. FG25H-11, SN-472357, DIESEL PNEUMATIC, SINGLE STAGE MAST, 7,115.4 INDICATED HRS., G   |
| 9.   | 1 EA. | WRAPPER: PALLET, LANTECH, Q SERIES, SEMI-AUTOMATIC STRETCH WRAPPING SYSTEM, MDL. Q300 SEMI, SN-QM010230, VG<br>NOTE: 800-866-0322  |
| 10.  | 1 EA. | SYSTEM: BAGGING, CONSISTING OF BUT NOT LIMITED TO CONVERTED 14 YD. LIVE BOTTOM HYDRAULIC DISCHARGE HOPPER, 20" X 30' HYDRAULIC POWERED CONVEYOR MFG. BY BOWLAN & LAWSON, MDL. 125, SN-A1-09904-001, C/W CUSTOM DESIGNED & MANUFACTURED PEARLITE HOPPER, 20" X 20' INCLINE ELECTRIC GEAR REDUCTION CONVEYOR, SELF-CONTAINED 30 HP. HYDRAULIC POWER UNIT, 2 CU. YD. DIRT BIN WITH BOTTOM DISCHARGE CONVEYOR, RECEIVING HOPPER, BELT FED WEIGH SCALE WITH AUTOMATIC TRIP, EPS, MDL. JMC25 BAGGER HEAD, SN-080261, 115 LB. CAPACITY, 5-1 RATIO, SAXON 5 HOT AIR CONTINUOUS POLYETHYLENE BAG HEAT SEALER, 12" X 9' TRANSFER CONVEYOR, 20" X 7' INCLINE TRANSFER CONVEYOR, 72" ROTARY TABLE ACCUMULATOR, C/W PLUMBING, PIPING, WIRING, CONTROLS, G |
| 11.  | 1 EA. | COMPRESSOR: AIR, CHARGE AIR, MFG. DEVILBISS, 2-CYLINDER, SINGLE STAGE, APPROX. 3 HP., MOUNTED ON A 60 GALLON VERTICAL RECEIVER, F  |
| 12.  | LOT   | EQUIPMENT: MISCELLANEOUS ANCILLARY SUPPORT CONSISTING OF BUT NOT LIMITED TO SHOP HEATER, SPARE BAGGER, MISC. USED PARTS, FIRE EXTINGUISHER, ACCROPRINT TIMECLOCK, LOT: MISC. HAND TOOLS, ETC., F   |



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B & B WORM FARMS, INC.  
AS OF APRIL 29, 2003**

| ITEM | QTY.  | DESCRIPTION  |
|------|-------|--|
| 13.  | 1 EA. | LINE: COMPOST GRINDING, CONSISTING OF BUT NOT LIMITED TO 10' RECEIVING BIN WITH BOTTOM DISCHARGE CONVEYOR, VIBRATORY SEPARATOR, VIBRATORY SHAKER, WASTE DISCHARGE CONVEYOR, 2' X 25' VERTICAL INCLINE TRANSFER CONVEYOR, HAMMER MILL FEED CONVEYOR, 200 HP. 30" HAMMER MILL, 24" X APROX. 100' INCLINE CONVEYOR STACKER, CONTINUOUS RUBBER BELT, F |
| 14.  | 1 EA. | TRUCK: TRACTOR, 1995 FREIGHTLINER, CONVENTIONAL, TANDEM AXLE, TWIN SCREW, VIN-1FU7DCYB6SH854387, N14 CUMMINS DIESEL ENGINE, FULLER 10-SPEED ROAD RANGER TRANSMISSION, 130,006 INDICATED MILES, C/W AIR SLIDE 5 <sup>TH</sup> WHEEL, 295/75 R22.5 RADIAL TIRES, DUAL FUEL TANKS, FIBERGLASS, VG<br>NOTE: LISTED FOR REFERENCE ONLY                  |
| 15.  | 1 EA. | LOADER: FORK, DONKEY, PIGGYBACK, MDL. D113, SN-32LWKGS, 4K MAST, SIDE SHIFT REACH BRICK FORKS, 3000 LB. CAPACITY, 2068 INDICATED HRS., G   |
| 16.  | 1 EA. | TRUCK: FORK, CLARK, MDL. C20B-141-708-10-65LPG, 2000 LB. CAPACITY, SINGLE STAGE MAST, CUSHION TIRE, F  |
| 17.  | 1 EA. | TRUCK: FORK, CLARK, CUSHION TIRE, 2500 LB. CAPACITY, GASOLINE, SINGLE STAGE MAST, CUSHION TIRE, F  |
| 18.  | 1 EA. | TRUCK: FORK, TOYOTA, MDL. 3FG1-14, SN-3FGH14-10644, 3000 LB. CAPACITY, PNEUMATIC TIRE, SINGLE STAGE MAST, GASOLINE, F  |
| 19.  | 1 EA. | TRAILER: FLATBED, 1978 RAVENS, VIN-78007, TANDEM SPLIT AXLE, 48' ALUMINUM, SPREAD AXLE, FORWARD BULKHEAD, F-DECK - F-RUBBER  |
| 20.  | 1 EA. | 1978 KENWORTH, CABOVER SLEEPER, VIN-262941J, S<br>NOTE: ENGINE & TRANSMISSION - G BRAKES - OUTLAWED  |
| 21.  | 1 EA. | TRUCK: DUMP, CHEVROLET C60, S  |
| 22.  | 1 EA. | TRUCK: TRACTOR, 1985 PETERBILT, MDL. 362, CABOVER SLEEPER, MFG. 10/84, VIN-1XP-6DB9X-X-FD183126, 350 CUMMINS ENGINE, 9-SPEED FULLER TRANSMISSION, 285/75 R24.5 ALUMINUM WHEELS FRONT & STEEL WHEELS REAR, AIR SLIDE 5 <sup>TH</sup> , DUAL FUEL TANKS, AIR SPOILER, F-OVERALL, P-RUBBER  |
| 23.  | 1 EA. | TRAILER: FLAT, 1974 NABORS, 52', TANDEM AXLE, VIN-22678SVT, F-OVERALL, F-RUBBER  |
| 24.  | 1 EA. | TRAILER: ALUMINUM REAR DUMP, S   |
|      |       | TOTAL - SALLISAW, OK:  |

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RECEIVED  
OKLAHOMA DEPT.  
OF SECURITIES