

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:)	Case No. 17-60495
)	
Richard Allen Solberg dba)	Chapter 11
Solberg Farms Minnesota)	
)	
Debtor.)	

ORDER

This matter came before the Court upon the request for an expedited hearing on the motion of David G. Velde, Trustee, to sell real property free and clear of liens and encumbrances. Objections to the Trustee's motion were filed by Bremer Bank and Ultima Bank. Based upon all records herein,

IT IS ORDERED:

1. The Trustee's request for an expedited hearing is GRANTED.
2. The Trustee in this matter is hereby authorized to sell by public auction to the highest bidder, free and clear of all liens and encumbrances, the following described real property:

Parcel No. 33.0021200: The South Half of the Northwest Quarter (S1/2 NW 1/4) and the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section Ten (10), in Township One Hundred Sixty-one (161) North, Range Forty-one (41) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof,

Roseau County, Minnesota; AND

Parcel No. 33.0019000: The South Half of the Northeast Quarter (S1/2 NE1/4) of Section Nine (9), in Township One Hundred Sixty-one (161) North, Range Forty-one (41) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0027100: The West Half of the Southwest Quarter (W1/2 SW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section Fifteen (15), in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0058600: The East Half of the Southwest Quarter (E1/2 SW1/4), Government Lots Three (3) and Four (4), LESS the West Seven Hundred (700) feet of said Government Lot Four (4) of Section Thirty-one (31), in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0016600: The Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Nine (9), in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0058800: The West Seven Hundred (700) feet of Government Lot Four (4), LESS the North 651 feet of the South 1,156.8 feet of the West 700 feet of Lot Four (4), of Section Thirty-one (31) in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0052000: The Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Twenty-eight (28), in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0054100: The North Half of the North Half (N1/2 N1/2) of Section Twenty-nine (29), in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof,

Roseau County, Minnesota; AND

Parcel No. 20.0036400: The Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Twenty (20) in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0050200: The Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4), lying West of State Ditch No. 20 and the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), LESS that part lying East of State Ditch No. 20, all in Section Twenty-eight (28), of Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0036700 AND Parcel No. 20.0037600: The West Half (W1/2) and the West Half of the Southeast Quarter (W1/2 SE1/4) in Section Twenty-one (21), of Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0035800: The Northeast Quarter (NE1/4) of Section Twenty (20) in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 20.0028000: All of Section Sixteen (16) in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 07.0029600: The West Half of the Southeast Quarter (W 1/2 SE 1/4), LESS the West 580 feet of the SW 1/4 SE 1/4 and the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) in Section Fifteen (15) of Township One Hundred Sixty-three (163) North, Range Forty-one (41) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 07.0046000: The North Half of the North Half of the Northeast Quarter (N1/2 of N1/2 of NE1/4); the North Half of the Northwest Quarter (N 1/2 NW1/4) LESS the West 283.7 feet of the South 208.7 feet of said N1/2 NW1/4, AND LESS the North 450 feet of the West 450 feet of the

Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section Twenty-three (23) in Township One Hundred Sixty-three (163) North, Range Forty-one (41) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 07.0049300: The North Half of the Northwest Quarter of the Northwest Quarter (N1/2 of NW1/4 NW1/4) of Section Twenty-four (24) in Township One Hundred Sixty-three (163) North, Range Forty-one (41) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel No. 07.0042700: The Northeast Quarter (NE 1/4) and the East 693.7 feet of the North 254.9 feet of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) in Section Twenty-two (22), of Township One Hundred Sixty-three (163) North, Range Forty-one (41) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota; AND

Parcel 20.0054103: That part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Twenty-nine (29), in Township One Hundred Sixty-two (162) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, Roseau County, Minnesota, described as follows:

Commencing at the Southwest Corner of said Section 29; thence Easterly, on and along the South line of said Section 29, a distance of 2,729 feet; thence Northerly, parallel with the West line of said Section 29, a distance of 495 feet to the Point of Beginning of the parcel herein intended to be described; thence continuing Northerly, parallel with the West line of said Section 29, a distance of 198 feet; thence Easterly, parallel with the South line of said Section 29, a distance of 455 feet; thence Southerly, parallel with the West line of said Section 29, a distance of 198 feet; thence Westerly, parallel with the South line of said Section 29, a distance of 455 feet to the Point of Beginning and there terminating.

Also conveying unto the Grantee an easement for ingress and egress purposes, over and across the already existing driveway located on the Easterly 250 feet of the Southerly 900 feet of the SE 1/4 SW 1/4 of said Section 29, and on the Northerly 207 feet of the Southerly 900 feet of the Westerly 250 feet of the SW 1/4 SE 1/4 of said Section 29.

3. The mortgages of AXA Equitable Life Insurance Company, Bremer Bank, National Association, and Ultima Bank Minnesota, shall attach to the sale proceeds.
4. Mortgages will be paid in order of recordation with the Roseau County, Minnesota Recorder's office, plus interest, fees and costs to the date of sale.
5. Secured creditor/mortgagees AXA Equitable Life Insurance Company (AXA Company); Bremer Bank, National Association; and Ultima Bank Minnesota are entitled to credit bid at the auction sale.
6. The filing of a certified copy of this Order with the County Recorder of Roseau County, Minnesota, shall act to discharge any claims, liens or encumbrances against the property.
7. From the proceeds of sale, the auctioneer will be paid its fees and costs pursuant to an order of the court authorizing the retention of the auctioneer to perform said auction.
8. The sale of the Real Property will be sold subject to the current lease agreements in place for the 2018 growing season, allowing the current operators a chance to harvest the existing crop on the land. Any party interested in reviewing any of the leases may contact the Trustee's office for a copy. After the crop has been harvested, any new operator will have the right of entry to prepare the land for the following crop year.

9. The Trustee will provide to the Buyer(s) a Trustee's Deed, Certificate Regarding Trustee, and a court-certified copy of the order approving the sale free and clear.
10. The auction sale is subject to the debtor's right of first refusal as provided under Minn.Stat. Sec. 500.245.
11. Except as otherwise provided for herein, the Buyer shall pay for all closing costs including, but not limited to, title commitment fees, premiums, recording fees and closing fees.
12. The Buyer will pay any real estate taxes, interest, penalties or assessments due and payable upon the real estate sold.
13. The Real Property will be sold "as-is, where-is" as to the physical condition of the property.
14. Buyer shall pay any other costs not previously identified in this motion, which are owing and/or necessary to obtain clear title to the Real Property. The Trustee has obtained owners and encumbrance's reports on each parcel and does not believe there to be any interest attaching to the parcels other than as described herein.
15. Unless otherwise approved by the Court, the Auctioneer's fees and expenses will be paid at the end of the Auction from the auction proceeds, with the net amount remitted to the Bankruptcy Estate. Buyer may take possession of the Real Property immediately upon closing.
16. If a parcel is purchased through a credit-bid, the issue of auctioneer's fees and expenses is reserved by the Court for further determination.

17. The Trustee is authorized to pay the motion filing fee from the bankruptcy estate's funds.
18. The proceeds from the auction will not be dispersed without further order of the Court. The Trustee will seek to pay approved claims, fees and expenses in the ordinary course of the administration of the estate, pursuant to the Trustee's final report which is subject to the approval of the U.S. Trustee's Office and the United States Bankruptcy Court.
19. The Trustee is authorized to sign any documents necessary to facilitate the sale and transfer of the Real Property.

Dated: August 15, 2018

/e/ Michael E. Ridgway

Michael E. Ridgway
United States Bankruptcy Court Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 08/15/2018 Lori Vosejpka, Clerk, by AMM
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