

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF: )  
)  
BTR PARTNERSHIP, originally )  
filed as BTR FARMS, )  
)  
Debtor(s). )

CASE NO. BK01-41170

A01-4076

FARMERS STATE BANK OF NEBRASKA, )  
)  
Plaintiff, )

CH. 11

vs. )

CITIZENS BANK; STATE SAVINGS )  
BANK; and BTR PARTNERSHIP, )  
originally filed as BTR FARMS, )  
)  
Defendants. )

STATE SAVINGS BANK & )  
CITIZENS BANK, )  
)  
Third-Party Plaintiffs, )

vs. )

TIMOTHY H. SHIRLEY & )  
CAROLYN L. SHIRLEY, )  
)  
Third-Party Defendants. )

JUDGMENT

RICHARD MYERS, Ch. 11 Trustee, )  
)  
Third-Party Plaintiff, )

vs. )

FARMERS STATE BANK; CITIZENS )  
BANK; STATE SAVINGS BANK; )  
TIMOTHY & CAROLYN SHIRLEY; and )  
BTR PARTNERSHIP, originally )  
filed as BTR FARMS, )

Third-Party Defendants. )  
)

Hearing was held in Lincoln, Nebraska, on November 13, 2002, on various cross-motions for summary judgment:

Farmers State Bank's motion for summary judgment (Fil. #17), objection by Citizen Bank (Fil. #31); objection by State Savings Bank (Fil. #33); objection by Trustee (Fil. #52); objection by Tim Shirley (Fil. #61)

Citizens Bank's cross-motion for summary judgment (Fil. #30); State Savings Bank's motion for summary judgment (Fil. #34); Trustee's joinder in Defendants' motions (Fil. #49); response by Citizens Bank (Fil. #70)

Trustee's motion for summary judgment (Fil. #51); Farmers State Bank's response (Fil. #68); objection by Citizens Bank (Fil. #84)

Citizens Bank's & State Savings Bank's motion for summary judgment on third-party complaint (Fil. #57)

Richard Hoch appeared for Farmers State Bank, Rod Kubat appeared for Citizens Bank, Charles Smith appeared for State Savings Bank, and Alan Pedersen appeared for the trustee.

Farmers State Bank's motion for summary judgment (Fil. #17) is denied. Citizens Bank's cross-motion for summary judgment (Fil. #30) is granted. State Savings Bank's motion for summary judgment (Fil. #34) is granted. Trustee's motion for summary judgment (Fil. #51) is granted in part. Citizens Bank's & State Savings Bank's motion for summary judgment on third-party complaint (Fil. #57) is denied.

Farmers State Bank has no security interest in the cattle or the proceeds thereof which are the subject matter of this adversary proceeding. Judgment is hereby entered against Farmers State Bank and in favor of State Saving Bank and Citizens Bank on this issue. The preference issues raised by the trustee are not ruled on and are preserved for further development at trial.

See Order entered this date.

DATED: January 30, 2003

BY THE COURT:

/s/Timothy J. Mahoney  
Chief Judge

Notice given by the Court to:

\*Richard Hoch  
\*Rod Kubat  
\*Charles Smith  
\*Alan Pedersen  
\*Richard Myers  
U.S. Trustee

Movant (\*) is responsible for giving notice of this order to all other parties not listed above if required by rule or statute.