

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

**IN THE MATTER OF:** ) **Chapter 7**  
**THOUSAND ADVENTURES, INC.,** ) **Case No. 97-03618 DJ**  
**Debtor.** )

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**ERIC W. LAM, exclusively in his capacity** )  
**as Trustee of the bankruptcy of:** )  
**THOUSAND ADVENTURES, INC.,** ) **Adversary No. 99-99145**  
**Plaintiff,** )  
vs. )  
**CHEROKEE ELECTRIC COOPERATIVE,** )  
**Defendant** )

NOTICE OF MOTION TO APPROVE COMPROMISE SETTLEMENT WITH DEFENDANT,  
CHEROKEE ELECTRIC COOPERATIVE, NOTICE OF MOTION TO APPROVE COMPENSATION  
FOR ATTORNEY AND NOTICE OF BAR DATE FOR OBJECTIONS

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TO ALL PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN that on the 5<sup>th</sup> day of January, 2003, the Plaintiff filed a Motion to Approve Compromise Settlement with Defendant, Cherokee Electric Cooperative, and to Approve Compensation of Attorney for the Trustee. The Motion to Compromise Settlement with Defendant, Cherokee Electric Cooperative, proposes that the Trustee accept the sum of \$20,000.00 in complete and total settlement of Trustee's claims against Defendant. Trustee has identified transfers of \$57,559.50 having been made to Defendant. Of these transfers \$54,940.25 were pre-petition and \$2,619.25 were post-petition. Defendant has asserted the typical defenses in preference actions: a) contemporaneous exchange for value; b) subsequent new value; and, c) ordinary course of business. Trustee has determined that some of these defenses may be meritorious. Therefore, Trustee has requested that this Court approve the compromise to ensure the estate receives some settlement without the risk and expense which trial would occasion.

NOTICE IS FURTHER GIVEN that upon approval of this Motion to Compromise that Plaintiff will forever release Defendant from all claims that he might ever be able to assert against Defendant and that this Adversary Proceeding shall be dismissed with prejudice.

NOTICE IS FURTHER GIVEN that Plaintiff's motion also seeks Court approval of compensation for his attorney of one-third of the settlement in the amount of \$6,666.67, as was agreed when he was hired to pursue these actions on March 16, 1999.

NOTICE IS GIVEN that the bar date for objection to this Motion to Approve Compromise Settlement and Motion to Compensate Attorney shall be the 26<sup>th</sup> day of February, 2003. The original of all objections shall be filed with the Clerk of U.S. Bankruptcy Court, P.O. Box 9264, Des Moines, Iowa 50309-9264 with copies to James Snyder, Assistant U.S. Trustee, Room 517, 210 Walnut Street, Des

Moines, Iowa 50309-2108, Trustee, Eric W. Lam, Moyer & Bergman, P.L.C., P.O. Box 1943, Cedar Rapids, Iowa 52406-1943 and Counsel for Trustee, Joseph A. Peiffer, P.O. Box 2877, Cedar Rapids, Iowa 52406-2877.

NOTICE IS GIVEN that if objections are filed a hearing shall be set by separate notice.

NOTICE IS FURTHER GIVEN that if no objections are timely filed the Court may enter an order consistent with the relief sought in the Motion.

Dated this 5<sup>th</sup> day of January, 2003.

Eric W. Lam, Trustee

/s/ Joseph A. Peiffer  
Joseph A. Peiffer IS 9999471  
P.O. Box 2877  
Cedar Rapids, IA 52406-2877  
Telephone: (319) 365-0437  
FAX: (319) 365-5866  
ATTORNEY FOR CHAPTER 7 TRUSTEE

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the document on which this appears and all enclosures, was mailed the date indicated below, to the parties in interest listed below as required by the Bankruptcy Rules by Day Rettig Peiffer Johansen, P.C.; it was also transmitted to Dan Hopper, Chairman of the Thousand Adventures, Inc. Members Committee for posting on the National Association of Members web site. In addition, this Notice was mailed to the parties listed on attached Exhibit B, which are the same parties listed in the Motion to Limit Notice filed in Bankruptcy Case #97-03618DJ on December 1, 1999 as amended on January 12, 2000 and as modified by the request of the parties on May 8, 2001.

Dated: February 6<sup>th</sup>, 2003.

Signed: /s/ Sandra L. Brock

United States Bankruptcy Clerk  
Southern District of Iowa  
300 U.S. Courthouse Annex  
110 East Court Avenue  
PO Box 9264  
Des Moines IA 50309-9264

James Snyder  
Assistant U.S. Trustee  
Room 517  
210 Walnut Street  
Des Moines IA 50309-2108

Robert D. McWhorter, Jr.  
Inzer, Haney, Johnson & McWhorter  
Post Office Drawer 287  
Gadsden, AL 35902

Eric W. Lam, Esq.  
Moyer & Bergman  
PO Box 1943  
Cedar Rapids IA 52406-1943

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FOR THE SOUTHERN DISTRICT OF IOWA**

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**Debtor.** )

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**ERIC W. LAM, exclusively in his capacity** )  
**as Trustee of the bankruptcy of:** )  
**THOUSAND ADVENTURES, INC.,** ) **Adversary No. 00-20091**  
**Plaintiff,** )  
vs. )  
**CINERGY CORP.** )  
**Defendant** )

**ORDER APPROVING COMPROMISE AND PAYMENT OF ATTORNEY FEES**

THIS COURT having been presented with the Plaintiff's Motion to Approve Compromise Settlement with Defendant, Cinergy Corp., and Motion to Pay Attorneys Fees, finds that the Motions were filed with this Court and served upon the parties as directed by this Court pursuant to prior Court order herein.

THE COURT FURTHER FINDS that the time for objections has passed and no objections to the settlement or payment of Attorney fees have been filed.

THE COURT FURTHER FINDS that it is in the best interests of the estate that the settlement proposed herein be approved and that the attorney fees be approved with the Trustee being directed to pay the attorney fees.

WHEREFORE, IT IS HEREBY ORDERED that the settlement proposed in the Trustee's Motion be approved and the Trustee is authorized to accept \$4,500.00 in full and complete settlement of his actions against the Defendant, Cinergy Corp.

IT IS FURTHER ORDERED that the Motion to Approve Attorney Fees is approved with the Trustee directed to forthwith pay his attorney the sum of \$1,500.00 from the settlement proceeds.

IT IS FURTHER ORDERED that all claims and causes of action, which the Plaintiff could ever bring against Defendant are now released and forever barred from being asserted.

IT IF FURTHER ORDERED that the above adversary is now dismissed with prejudice.

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LEE M. JACKWIG, Bankruptcy Judge  
Southern District of Iowa

Order prepared by:  
Joseph A. Peiffer IS 9999471  
P.O. Box 2877  
Cedar Rapids, IA 52406-2877  
Telephone: (319) 365-0437  
FAX: (319) 365-5866  
ATTORNEY FOR CHAPTER 7 TRUSTEE