

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

IN RE:)	
)	
SAND & SAGE FARM & RANCH, INC.,)	Case No. 00-12209-12
)	
)	
)	
Debtor.)	
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IN RE:)	
)	
RANDOLF R. ARDERY and)	Case No. 00-12210-12
SANDRA K. ARDERY,)	
)	
)	
Debtors.)	
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JUDGMENT ON DECISION

On May 22, 2001, this matter came before the Court for evidentiary hearing on Debtors' Motion for Authority to Sell Property Free and Clear Of Liens. Debtors, Sand & Sage Farm & Ranch, Inc. and the Arderys, filed their Chapter 12 petition on June 13, 2000, and are the owners of certain real and personal property located in Edwards County, Kansas.¹ Offerle National Bank claims a properly perfected security interest in the real and personal property. Pursuant to 11 U.S.C. § 363(c)(1) and (f), and Fed. R. Bankr. P. 6004, the Arderys seek to sell the real and personal property to Bohn Enterprises, L.P.

¹In re Sand & Sage Farm & Ranch, Inc., Case No. 00-12209, and In re Ardery, Case No. 00-12210, were administratively consolidated on November 21, 2000. Hereinafter, they will be jointly referred to as "Sand & Sage."

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF KANSAS
In re Sand & Sage Farm & Ranch, Inc., Case No. 00-12209-12; In re Randolph R.
Arderly and Sandra K. Arderly, Case No. 00-12210-12.

Judgment on Decision

for \$100,000.00. Ag Services of America objects to the proposed sale asserting a valid and perfected security interest in the irrigation system, pumps and grain bins.

At the hearing, the Court heard testimony and oral arguments from both parties regarding whether the irrigation system was "equipment" or a "fixture" as those terms are defined in the Uniform Commercial Code. For reasons stated in the Memorandum Opinion, the Court determines that the irrigation system is a "fixture" in which the Offerle National Bank has a valid, perfected, and first security interest. Therefore, the objection of Ag Services of America, Inc. is OVERRULED and the \$10,000 of sale proceeds reserved by the debtors pending today's decision shall be distributed forthwith, along with any interest which has accrued thereon, to the Offerle National Bank.

IT IS SO ORDERED.

Dated at Wichita, Kansas, this 16th day of August, 2001.

ROBERT E. NUGENT, BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

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Judgment on Decision

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the **Judgment on Decision** were deposited in the United States mail, postage prepaid on this 16th day of August, 2001, to the following:

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