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Division III
State of Washington

**Court of Appeals Case No. 347893
Walla Walla County Sup. Ct. No. 16-2-00215-4**

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION III

RUNNING MC RANCH, a Washington partnership;
JESSE MCCAWE and KATE MCCAWE,
husband and wife, and the marital community composed thereof,

Appellants/Defendants,

v.

BANNER BANK, a Washington corporation,

Respondent/Plaintiff.

BRIEF OF RESPONDENT, BANNER BANK

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TABLE OF CONTENTS

I. TABLE OF AUTHORITIES.....iii

II. INTRODUCTION1

III. ASSIGNMENT(S) OF ERROR.....5

IV. STATEMENT OF THE CASE6

A. Appellants Defaulted on their Loan Obligations to Banner Bank.....7

B. Appellants Admit that they Must Repay the Loan to Banner Bank10

C. The McCaws’ Bankruptcy Filing Ultimately Submerged This Appeal13

V. ISSUES PRESENTED.....15

VI. STANDARD OF REVIEW.....16

VII. LEGAL AUTHORITY & ARGUMENT.....17

A. Civil Rule 54(b) Was Satisfied and Properly Observed In the Case17

B. Appellants’ Legal Authority is Unpersuasive and Distinguishable20

C. Summary Judgment Was Properly Granted Against Appellants22

D. According to the Appellants, the Judgment Was Not a Final Judgment, and Thus is Not Appealable/Reviewable as a Matter of Right.....24

E. Appellants Were Not Prejudiced By Entry of the Judgment27

F. Appellants' Lack of Standing to Prosecute this Appeal	28
G. Banner Bank Is Entitled To Its Attorneys' Fees And Costs In This Appeal.....	29
VIII. CONCLUSION.....	31
IX. APPENDIX A.....	32

I. TABLE OF AUTHORITIES

A. Table of Cases

<i>Bank of Am., NA v. Owens</i> , 173 Wn.2d 40, 48-49 (2011).....	16
<i>Boeing N. Am. Inc. v. Ybarra (In re Ybarra)</i> , 454 F.2d 1018 (9 th Cir. 2005)	30
<i>Federal Way Sch. Dist. No. 210 v. State</i> , 167 Wn.2d 514, 523, 219 P.3d 941 (2009).....	16
<i>Fluor Enterprises, Inc. v. Walter Construction, Ltd.</i> , 141 Wn.App. 761, 172 P.3d 368 (2007)	20,21,22
<i>Grimwood v. Univ. of Puget Sound, Inc.</i> , 110 Wn.2d 355, 359-60, 753 P.2d 517 (1988)	23
<i>Hulbert v. Port of Everett</i> , 159 Wn.App. 389, 245 P.3d 779 (2011).....	17,19
<i>Loeffelholz v. C.L.E.A.N.</i> , 119 Wn.App. 665, 694, 82 P.3d 1199 (2004)	17
<i>Mackey v. Graham</i> , 99 Wn.2d 572, 663 P.2d 490 (1983)	23
<i>Olympic Fish Products, Inc. v. Lloyd</i> , 93 Wn.2d 596, 611 P.2d 737 (1980).....	22
<i>State Farm General Insurance Co. v. Emerson</i> , 102 Wn.2d 477, 687 P.2d 1139 (1984)	22
<i>Tokaz v. Frontier Federal Savings & Loan Association</i> , 33 Wn.App. 456, 656 P.2d 1089 (1982)	23

B. Statutes

RCW 4.56.190.....21
RCW 4.56.200(2).....21
RCW 4.84.330.....29

C. Rules, Other Authorities, Treatises

CR 54.....17
CR 54(b).....4,12,15,17,18,19,20
CR 56(c).....16
CR 62(a).....25
11 U.S.C. § 323.....5,14
11 U.S.C. § 524(a)(1).....14
11 U.S.C. § 541.....5,15
11 U.S.C. § 554(d).....15,29
11 U.S.C. § 704.....5
11 U.S.C. § 727.....13
11 U.S.C. § 727(b).....30

D. Rules of Appellate Procedure

RAP 2.2(a)(1).....24
RAP 6.1.....24
RAP 6.2.....24
RAP 10.1(b)(2).....1
RAP 10.3(a)(4).....6

RAP 10.3(b)	1,7
RAP 18.1	29
RAP 18.1(b)	7,30

II. INTRODUCTION

Respondent, Banner Bank, a Washington banking corporation (“Banner Bank” or “Respondent”), Plaintiff below, by and through its attorneys, HACKER & WILLIG, INC., P.S., respectfully presents this Brief of Respondent pursuant to Washington Rules of Appellate Procedure (“RAP”) 10.1(b)(2) and 10.3(b).

Appellants, Jesse and Kate McCaw, husband and wife and the marital community composed thereof (the “McCaws”), and Running MC Ranch, a Washington partnership (“Running MC”) (collectively, the “Appellants”) do not dispute, and in fact freely admit on the record, that they failed to repay their loan from Banner Bank pursuant to its terms. Verbatim Report of Proceedings (“VRP”) 25: 22-23 (“Jesse McCaw is the guy. He has to pay his debts. Gets it. He is on the hook for this.”). The loan matured on November 1, 2015, and Appellants do not dispute that they have been in default on their loan obligations to Banner Bank since that time due to their failure to pay the promissory note in full.

In fact, the Appellants do not dispute anything having to do with the facts or the merits of the case against them. They agree that they solicited and accepted a **\$1,200,000.00** loan (the “Loan”) from Banner Bank on or about October 1, 2013. Clerk’s Papers (“CP”) 8 and 68-69. The Loan was originally set to mature on September 30, 2014, but was

modified several times through Change in Terms Agreements by which the maturity date was extended to November 1, 2015. CP 8, 16-19. The McCaws personally guaranteed the Loan. CP 10, 29-36. Once the maturity date arrived, the Appellants failed to repay the Loan, putting themselves in default. CP 10.

On or about November 20, 2015, after Appellants were aware the Loan was in default, the McCaws formed Double J Farms, LLC (“Double J”), in which they are the sole owners and managers. CP 10. Double J took over the farming operations previously owned by Running MC and the McCaws; Double J is using the same property, equipment, and personnel to run all farming operations; Double J is the successor in interest to Running MC; and the proceeds of the collateral securing the Banner Bank Loan (the “Collateral”) were used to finance the 2016 crops of Double J. CP 10.

Given Appellants’ clear and undisputed default on the Loan, Banner Bank brought suit against Appellants and Double J on or about March 25, 2016. CP 7-36. The Appellants and Double J filed a single answer to the Complaint, with McCaws alleging a single counterclaim. CP 67-75. Banner Bank then brought a Motion for Summary Judgment Against All Defendants approximately four (4) months later, on or about July 15, 2016. CP 108. The lower court conducted extensive oral

argument on summary judgment, and thoroughly heard and considered all of Appellants' arguments, issues, and legal authority. CP 175, 196-204, 221-222; VRP 3-28. Ultimately, the lower court entered judgment against Appellants but denied summary judgment against Double J. CP 202-204.

In doing so, on or about September 7, 2016, the lower court entered an Order Granting Plaintiff Banner Bank's Motion for Summary Judgment Against Defendants McCaws and Running MC Ranch and Denying Summary Judgment as to Double J Farms (the "Order," CP 199-201), followed by a Judgment Against Defendants Running MC Ranch and McCaws (the "Judgment," CP 202-204), and a detailed Letter Ruling of the same date (the "Letter Ruling," CP 196-198).

In rendering its decision, the lower court made specific findings in the Order as to all of Banner Bank's claims against Appellants (excluding Double J), and made specific findings in the Judgment to support its award of Banner Bank's attorneys' fees incurred through May 31, 2016. CP 200. Additionally, the Letter Ruling addressed in depth the lower court's findings, analysis, and conclusions as to the remaining claims in the lower court proceeding. CP 196-198. Six days later, the McCaws filed a voluntary Chapter 7 bankruptcy case.

Appellants' primary argument in this Appeal appears to be procedural: that the Judgment did not contain sufficient "findings or

reference to C.R. 54(b)[.]” to make it a final judgment. Appellants’ Brief (“AB”) 7. Given the clear detail and extent of the lower court’s findings and conclusions in its Order, Judgment, and especially in the Letter Ruling, Appellants’ primary argument falls flat.

Washington Superior Court Civil Rule (“CR”) 54(b), discussed at length in Section VII (A) below, requires that for a final judgment to be entered as to fewer than all claims/parties, the court must direct the entry of the judgment and make an express determination supported by written findings that there is no just reason for delay in entry of the judgment. CR 54(b). Both the letter and spirit of the Rule were followed here:

- The Order, Judgment, and Letter Ruling were all entered on the same day, and each contained the Court’s written findings, including, in the Letter Ruling, a directive that the Judgment be entered. CP 197.
- The lower court’s extensive written findings in the Order, Judgment, and Letter Ruling, all consider and confirm the lower court’s conclusion that there was no just reason for delay in entering the Judgment. CP 196-204.
- Appellants do not in any way dispute the debt. CP 68: 8 and 9; CP 69: 11, 12, and 13.
- Entry of the Order, Judgment, and Letter Ruling followed

lengthy oral argument on Banner Bank's Motion, at which hearing Appellants had every opportunity to present all of their arguments and authority to the lower court, which the lower court carefully considered. CP 70-77, 134-154; VRP 3-28.

The McCaws' bankruptcy filing, done only six days after the Judgment was entered against them, is dispositive of their appeal:
Appellants fail to inform the Court that they lack standing to present and/or prosecute this appeal. Upon filing a bankruptcy petition, an estate is created of all legal and equitable interests of the debtor(s) property. 11 U.S.C. § 541. The appointed Chapter 7 Trustee is the representative of the estate. 11 U.S.C. § 323. Under 11 U.S.C. § 704, the Chapter 7 Trustee is charged with collecting and reducing to money all property of the estate. Only the Trustee appointed in the McCaws' Chapter 7 bankruptcy case may pursue these claims with respect to the McCaws' bankruptcy estate. With this appeal, the McCaws seek to have Banner Bank's judgment determined to be void or without effect for the purpose of avoiding its judgment lien against property of the estate. Such action is under the exclusive purview of the Trustee.

For all the reasons set forth herein, Banner Bank respectfully requests that the Order and Judgment against Running MC and the

McCaws entered in the trial court be affirmed, that this appeal be dismissed, and that Banner Bank be awarded its reasonable attorneys' fees and costs herein.

III. ASSIGNMENT(S) OF ERROR

Curiously, Appellants do not set forth any assignment of error and altogether fail to comply with RAP 10.3(a)(4), which requires a "separate concise statement of each error a party contends was made by the trial court, together with the issues pertaining to the assignments of error." RAP 10.3(a)(4). Thus, this appeal should be dismissed outright. To the extent Appellants are deemed to have raised any purported assignment(s) of error, Banner Bank specifically denies and disputes same and Appellants do not assert any sufficient or legitimate basis on which to prevail in this appeal.

Banner Bank assigns no error to any action taken, ruling made, or order entered by the trial court. Banner Bank is not appealing any decision of the trial court in this matter, and respectfully requests that the Order, Judgment, and Letter Ruling entered in the trial court against Appellants be affirmed.

Banner Bank herein respectfully requests that it be awarded all its attorneys' fees, costs, and other expenses incurred in this appeal pursuant

to RAP 18.1(b) and the plain language of the contracts at issue.¹

IV. STATEMENT OF THE CASE

Pursuant to RAP 10.3(b), Banner Bank does not concur with Appellants' statement of the case, and so Banner Bank respectfully sets forth the following facts in this matter:

A. Appellants Defaulted on their Loan Obligations to Banner Bank.

Promissory Note. On or about October 1, 2013, Appellants Running MC and the McCaws solicited and accepted the Loan from Banner Bank in the principal amount of **\$1,200,000.00**, under loan number ending xxxx7569. CP 10. The Loan is evidenced by a written Promissory Note (the "Note") of the same date and in the same principal amount. CP 8 and 16-17. The Loan, as last modified, fully matured on November 1, 2015. CP 8 and 19.

Security Agreement. As security for the Note, on or about October 1, 2013, the McCaws, individually and as Partners of Running MC, executed an Agricultural Security Agreement (the "Security Agreement") and an Agricultural Loan Agreement (the "Loan Agreement") of the same date in favor of Banner Bank. CP 8-9 and 88-

¹ Among their other deficiencies, Appellants failed to observe RAP 18.1(b) by omitting any request for fees/costs from Appellants' Brief, and are therefore precluded from seeking an award of fees even in the unlikely event that they prevail on appeal.

94. The purpose of the Loan was to finance the McCaws' farm production costs for their ongoing crop and farming operations. Consequently, the Security Agreement granted to Banner Bank a security interest in "All Inventory, Chattel Paper, Accounts, Equipment, General Intangibles, Crops, Farm Products and Farm Equipment," some or all of which may be located in Walla Walla and Columbia Counties, Washington (the "Collateral"). CP 21-27 and 88-94.

The McCaws' Personal Guaranties. To support and guaranty repayment of the Note, on October 1, 2013, and again on January 2, 2015, the McCaws executed and delivered to Banner Bank continuing, unlimited Commercial Guaranty documents as to all indebtedness of Running MC to Banner Bank (the "Guaranties"). CP 96-104. By executing the Guaranties, the McCaws absolutely and unconditionally guaranteed repayment of the Note, and all associated indebtedness, to Banner Bank. *Id.* The Guaranties were specifically continuing and unlimited. *Id.* The Note, Security Agreement, Loan Agreement, Change in Terms Agreement(s), Guaranties, and any other loan documents applicable to the Loan or the Note, may be collectively referred to herein as the "Loan Documents."

Appellants Admit Default, Unpaid Loan Balance. The Loan matured on November 1, 2015, and was not repaid. CP 80. Appellants are in default on their Loan obligations to Banner Bank, primarily due to their failure to repay the Note in full upon maturity. CP 80. There is no

dispute on this issue and Appellants have admitted their default. VPR 25: 22-23. As of June 30, 2016, approximately the time the Judgment was entered, the sum of **\$618,970.68** was owing on the Loan and was due and properly payable to Banner Bank, including principal and prior accrued interest (through June 30, 2016), but excluding further accruing interest, attorneys' fees, and costs. CP 80.

Banner Bank's Complaint Against Appellants. Based on Appellants' continuing nonpayment, default under the Loan Documents, and resulting Loan balance, and having demanded payment from Appellants but receiving none, Banner Bank was left with no other option but to file its Complaint Against Defendants, which it did on or about March 25, 2016. CP 10-39. The Complaint asked for entry of a Judgment for compensatory damages as a result of Appellants' breach of contract, for unjust enrichment, for successor liability, for establishment of lien and conversion, and for attorneys' fees and costs. CP 14-16. Pursuant to the Loan Documents, Banner Bank is entitled to repayment of the full Loan balance, and is entitled to recover from Appellants all of its attorneys' fees and costs in this proceeding to enforce the terms of the Loan Documents. CP 14-15.

B. Appellants Admit that they Must Repay the Loan to Banner Bank.

The record here is replete with admissions that Appellants signed each and every one of the Loan Documents in evidence. *See, e.g.*, CP 70-77. Appellants also admit that they remain indebted, and owe the entire Loan balance, to Banner Bank. *Id.* at 3:12-13. During oral argument on Banner Bank's Motion for Summary Judgment, Appellants' counsel stated: "You know our, our defendant representative is Jesse McCaw. We openly admit he borrowed the money." VRP 10:1-3. Appellants go on to state: "We borrowed the money, didn't pay it back." *Id.* at 22-23. Appellants admit they are "on the hook for this." *Id.* at 25:23.

There are no outstanding cross-claims or counterclaims in the case, the only claim left to be adjudicated is Banner Bank's successor liability claim against Double J. CP 7-36 and 67-75. There are no claims for contribution and any liability against Double J will have no impact on the liability of Appellants. *Id.*

These admissions, among others, by Appellants, along with their failed arguments on summary judgment, resulted in the lower court finding in favor of Banner Bank on its motion for summary judgment against Appellants on August 29, 2016. VRP at 26:15-17. However, the Court took under advisement the issue of entry of judgment against non-

appellant Defendant Double J. *Id.* at 28:22-23.

Following oral argument and prior to entry of the Order, Judgment, and Letter Ruling on September 7, 2016, the lower court carefully reviewed all the parties' legal authority and argument, including Appellants repeated statements that CR 54 prohibited entry of judgment against any one defendant. *See, Id.* at 26:7 and 28:17. Ultimately, the lower court agreed that judgment should be entered against Appellants but disagreed, at the time, that judgment should be entered against Double J. CP 199-201.

In the order granting summary judgment, the Court specifically entered findings of fact that:

2. Defendants Running MC Ranch and Jesse McCaw and Kate McCaw entered into a contract with Banner Bank, borrowed money from Banner Bank pursuant to such contract, used such funds to produce crops, including the 2016 crop year, failed to repay the amounts due and are therefore in default,

4. Defendants McCaw and Running MC Ranch, and each of them, are jointly and severally liable on the full amount of the loan obligation to Banner Bank in the amount of \$621,574.47, as of August 29, 2016, plus all of Banner Bank's attorneys' fees and costs, including fees of \$8,122.54 as of May 31, 2016, with future fees subject to supplemental notice and judgment.

The Court thereafter ordered as follows:

ORDERED. ADJUDGED, AND DECREED that Banner Bank's Motion for Summary Judgment is GRANTED except as to Double J Farms as no genuine issue of material fact exists in this proceeding, and Banner Bank is entitled to judgment as a matter of law. Any objections to the Motion are hereby OVERRULED except as to Double J Farms, as to which Plaintiff's Motion for Summary Judgment is DENIED.

And it is further ORDERED that the Court will contemporaneously enter the corresponding final judgment against the specified Defendants, jointly and severally, including findings and conclusions on Banner Bank's attorneys' fees and costs.

And it is further ORDERED that Banner Bank may take any action at law, equity, or pursuant to its loan documents to collect on the Judgment and foreclose on any part of its collateral.

CP 196-198.

Appellants do not challenge or appeal entry of the Order.

Legal proceedings against Double J are very likely to continue in the lower court and discovery must be taken.² Ultimately, Banner Bank will seek to take a judgment as to Defendant Double J, and thus the action is not terminated against Double J, and any possible defect in the Judgment may be subject to revision "at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties." CR 54(b).

² Because Double J is an asset of the McCaw's in their bankruptcy, the stay arguably remains in place precluding any action against that entity.

Appellants, however, cannot refute the facts of their own default, which are carefully and correctly set forth in this record. On this basis, the lower court correctly entered summary judgment in favor of Banner Bank, and the corresponding Order and Judgment should be upheld.

C. The McCaws' Bankruptcy Filing Ultimately Submarined this Appeal.

Six (6) days after the Judgment was entered, on September 13, 2016, the McCaws filed a Chapter 7 bankruptcy case in the United States Bankruptcy Court for the Eastern District of Washington under case number 16-02892-FLK7 (the "Bankruptcy"). Appellants filed a notice of bankruptcy stay with the trial court on or about September 16, 2016. CP 202-204. Appellants have neglected to cite to the Bankruptcy docket or provide this Court with any of the relevant documents filed in the Bankruptcy Court. Thus, Banner Bank respectfully files same as **Appendix A-1-A-4** herewith.

The McCaws filed their Petition on September 13, 2016, and filed their Schedules and Statements on September 27, 2016. Appendix A-1[Docket]. Attorney John D. Munding was appointed as Chapter 7 Trustee in the Bankruptcy. *Id.* The McCaws, as debtors in bankruptcy, received their discharge on January 25, 2017, pursuant to 11 U.S.C. § 727. *Id.*

Code Section 524 (a)(1) provides, “(a) A discharge in a case under this title—

(1) voids any judgment at any time obtained, *to the extent that such judgment is a determination of the personal liability of the debtor* with respect to any debt discharged under section 727, 944, 1141, 1228, or 1328 of this title, whether or not discharge of such debt is waived...”

11 U.S.C. § 524 (a)(1) (West 2017).

On February 16, 2017, the McCaws and Banner Bank entered into an agreed order in the Bankruptcy, pursuant to which the McCaws turned over proceeds to Banner Bank in the amount of \$74,625.00. Appendix A-4 [Agreed Order]. These proceeds were crop insurance relief payments from Farm Services Agency and related to the apparently poor 2015 crop grown by the McCaws on the Running MC Ranch. These proceeds are encumbered by Banner Bank’s perfected Security Agreement. This was the only relief from stay sought or obtained in the bankruptcy. The Appellants’ acquiescence in this relief further demonstrates the lack of dispute as to the liability under the underlying claim.

Under the legal authority set forth below, Appellants do not have standing to prosecute this appeal because, once their Bankruptcy was filed, absent a Bankruptcy Court Order, only the Chapter 7 Trustee may pursue the claims raised herein, and Appellants did not obtain any Court Order to the contrary.

Under 11 U.S.C. § 323(a) the Trustee is the representative of the bankruptcy estate. Property of the estate includes “all legal or equitable interests of the debtor in property as of the commencement of the case.” See, 11 U.S.C. § 541 (a)(1). All assets are under the exclusive control of the Trustee unless abandoned pursuant to 11 U.S.C. § 554(d).

Therefore, Banner Bank respectfully requests that the Order and Judgment entered in the trial court be affirmed, that Banner Bank be awarded its attorneys’ fees and costs incurred on appeal, and that a mandate issue accordingly.

V. ISSUE(S) PRESENTED

Having raised no assignment(s) of error, Appellants also fail to set forth any specific issue(s) presented in this appeal. Gleaning a statement of issues from their Table of Contents, Appellants appear to assert three primary legal issues for determination:

1. The Judgment is not a “final judgment” because it does not, itself, cite to CR 54(b);
2. The Judgment should be vacated as prejudicial; and
3. Entry of the Judgment should be somehow deemed to have “lacked any legal effect.”

For the reasons and under the authority set forth herein, none of these issues raised by Appellants offer any sufficient or legitimate basis on

which to prevail in this appeal.

Additionally, Appellants' Notice of Appeal is also fundamentally flawed. Appellants purport to appeal the Judgment, but fail to name and/or appeal the Order or Letter Ruling, which are integral to the Judgment, which were all entered by the lower court on the same date, and which all contain written findings, conclusions, and authority adverse to Appellants. See, Notice of Appeal at CP 205-211. Thus, Appellants' appeal cannot stand and/or achieve the remedy they seek without a proper appeal of the Order and Letter Ruling along with the Judgment.

Accordingly, the decision of the lower court, including entry of the Order, Judgment, and Letter Ruling, should be affirmed and upheld in all respects.

VI. STANDARD OF REVIEW

Appellants failed to include any statement of the standard of review to be applied by this Court. In this case, there are two applicable standards of review.

First, “[a] grant of summary judgment is reviewed *de novo*.” *Federal Way Sch. Dist. No. 210 v. State*, 167 Wn.2d 514, 523, 219 P.3d 941 (2009). Here, Banner Bank carried its burden of demonstrating that there is no genuine issue as to any material fact as to Appellants, that the Judgment was entered appropriately, and that it is entitled to judgment as a

matter of law against Appellants. CR 56(c); *Federal Way Sch. Dist.*, 167 Wn.2d at 523; *Bank of Am., NA v. Owens*, 173 Wn.2d 40, 48-49 (2011).

Clearly, there were no genuine disputes of material fact. In fact, the Appellants openly admitted to their liability. Entry of summary judgment was appropriate and the Judgment must be upheld.

Second, the court's entry of judgment under CR 54(b) is reviewed for abuse of discretion. *See, Loeffelholz v. C.L.E.A.N.*, 119 Wn.App. 665, 694, 82 P.3d 1199 (2004); *See also, Hulbert v. Port of Everett*, 159 Wn.App. 389, 245 P.3d 779 (2011). Here, there were sufficient grounds for entry of judgment against Appellants, notwithstanding the existence of an additional party, because there were no remaining set-off rights or claims between Banner Bank and Appellants (or between them) and there was no reason to delay. The lower court clearly did not abuse its discretion in entering judgment against direct borrowers and guarantors on a promissory note which had matured and gone unpaid.

VII. LEGAL AUTHORITY & ARGUMENT

A. **Civil Rule 54(b) Was Satisfied and Properly Observed in this Case.**

In its entirety, CR 54(b) provides:

(b) Judgment Upon Multiple Claims or Involving Multiple Parties. When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross claim, or third party claim, or when multiple parties

are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination in the judgment, supported by written findings, that there is no just reason for delay and upon an express direction for the entry of judgment. The findings may be made at the time of entry of judgment or thereafter on the courts own motion or on motion of any party. In the absence of such findings, determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

CR 54(b) (West 2016 ed.)

Here, in thoughtfully issuing its decision following extensive oral argument, the lower court expressly made the required “written findings” as follows: (1) in the Order, as to all of Banner Bank’s claims against Appellants (excluding Double J) [CP 196-198], (2) in the Judgment, to support its award of Banner Bank’s attorneys’ fees incurred through May 31, 2016 [CP 199-201], and (3) in the Letter Ruling, which set forth the lower court’s in-depth findings, analysis, and conclusions as to the remaining claims in the lower court proceeding [CP 193-195].

Given the foregoing, Banner Bank and the lower court complied with the spirit and the letter of CR 54(b). Though a further claim, successor liability, remains as to Defendant, non-appellant Double J, the

Order, Judgment, and Letter Ruling were all entered on the same day, and each contained the Court's written findings, including, in the Letter Ruling, a directive that the Judgment be entered. CP 193-195. That the lower court made extensive written findings in the Letter Ruling confirms its conclusion that there was no just reason for delay in entering the Judgment, and indeed the lower court did so the same day. CP 199-201.

The Letter Ruling and Order included findings of fact that supported immediate entry of the judgment, and those findings have not been challenged or appealed by Appellants. Therefore, entry of the Judgment should be upheld. *See, e.g., Hulbert*, 159 Wn.App. at 406.

Entry of the Order, Judgment, and Letter Ruling followed lengthy oral argument on Banner Bank's Motion, at which hearing Appellants had every opportunity to present all of their arguments and authority to the lower court, which the lower court carefully considered. VRP 1-28.

Further, Appellants' remedy sought in this appeal, that the Judgment be vacated, void, and/or voidable [AB 1], is unduly prejudicial to Banner Bank given that Appellants have not cited any fact misconstrued by the trial court or any law or statute misapplied by the trial court. Essentially, Appellants have no legal basis, grounded in the actions of the trial court, to support this appeal.

In the event this Court finds that any revision to the Judgment is

needed, CR 54(b) dictates the appropriate result: the Judgment does not “terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.” CR 54(b). Thus, to vacate or declare the Judgment void and/or voidable is not warranted.

B. Appellants’ Legal Authority is Unpersuasive and Distinguishable.

The Appellants rely almost exclusively on a single case, *Fluor Enterprises, Inc. v. Walter Construction, Ltd.*, 141 Wn.App. 761, 172 P.3d 368 (2007), to argue that Banner Bank’s Judgment is not enforceable and should be deemed void. See, AB 10-12. The *Fluor* case involved two distinct matters, a claim by Fluor Enterprises, Inc. (“Fluor”) against Walter Construction, Ltd. (“Walter”) for breach of settlement and a separate claim by Walter against Fluor for breach of construction subcontract, which had been consolidated into one action. *Fluor*, 141 Wn.App. at 763. As a result of the consolidated action, the parties had competing claims against each other. *Id.* The parties proceeded to arbitration on one of the claims, the breach of settlement claim, and Fluor was awarded \$3,000,000. Fluor then moved in the trial court to confirm the arbitrator’s award and have judgment entered on that claim. *Fluor*,

141 Wn.App. at 765. The claim against Fluor remained outstanding. In the meantime, Fluor began to take action to execute on the judgment and sought to have a sheriff's sale of Walter's pending construction claim against *Fluor*, Walter's only claimed asset. *Fluor*, 141 Wn.App. at 765-66. Clearly, Fluor was using its existing judgment on one claim to do an end run and preclude any continuation of Walter's remaining claim against Fluor.

Under the circumstances, and not surprisingly, the *Fluor* Court found that the judgment was not a final judgment and was therefore not subject to execution. *Fluor*, 141 Wn.App. at 766-67. In so holding, the *Fluor* Court stated:

Indeed the reasons justifying the trial court's decision to delay entering a final judgment in *Leoffelholz* existed here: to preserve the opportunity to offset judgments favorable to each side before any enforcement took place, and to prevent the disruptive effects of enforcement and appeal on the ongoing trial proceedings. Because the cases had earlier been consolidated and the construction claims were still unresolved, delaying entering final judgment on the Settlement Agreement suit was necessary so the trial court could offset the judgment on both claims before allowing enforcement of either of them.

Fluor, 141 Wn.App. at 769.

The *Fluor* Court did not go on to rule that the judgment entered

was void or voidable, or that a judgment lien may not attach.³ The Appellants attempt to extend the impact of the *Fluor* ruling far beyond its scope.

In any event, the *Fluor* case is completely distinguishable. Here, there are no remaining counterclaims, crossclaims, or any potential for offset and therefore entry of final judgment was completely appropriate. In the event Banner Bank is able to obtain judgment against Double J, it is possible that it might make some recovery on such judgment, which would work only to partially satisfy the obligation owed. There is clearly no prejudice to the Appellants. Because of the bankruptcy petition was filed by the McCaws only six (6) days after the Judgment was entered, Banner Bank made no attempt to execute on its Judgment against the McCaws, and so immediate enforceability was never an issue here. There is simply no basis or reason to declare the Judgment void and without effect.

C. Summary Judgment Was Properly Granted Against Appellants.

The purpose of summary judgment is to avoid useless trials when there is no issue of any material fact. *Olympic Fish Products, Inc. v.*

³ Pursuant to RCW 4.56.190, a lien of judgment is automatically established against the real property of the judgment debtor commencing, pursuant to RCW 4.56.200(2), from the time of filing by the County Clerk.

Lloyd, 93 Wn.2d 596, 611 P.2d 737 (1980). If there is no issue as to any material fact, the trial court may grant summary judgment as a matter of law. *State Farm General Insurance Co. v. Emerson*, 102 Wn.2d 477, 687 P.2d 1139 (1984).

To avoid summary judgment, the nonmoving party must present specific facts to demonstrate that genuine issues of material fact exist. *Mackey v. Graham*, 99 Wn.2d 572, 663 P.2d 490 (1983); *Tokaz v. Frontier Federal Savings & Loan Association*, 33 Wn. App. 456, 656 P.2d 1089 (1982). Conclusory statements are insufficient to overcome a summary judgment motion. *Grimwood v. Univ. of Puget Sound, Inc.*, 110 Wn.2d 355, 359-60, 753 P.2d 517 (1988).

Here, Appellants were given every opportunity to present their case to the trial court [VRP 1-28], opposing summary judgment with extensive substantive arguments [CP 131-145; 167-169], and filing a written Answer to Banner Bank's Complaint [CP 67-75]. Appellants raised no defense to their liability under the Note and, in fact, readily admitted their default and that they owed the money. CP 69 and VRP 25. The lower court ultimately found no merit to any of Appellants' arguments, except that judgment against Double J should be reserved. CP 193-195.

The documentary evidence confirmed signatures on all of the Loan

Documents, and confirmed Appellants' default on the Loan. As such, Appellants could not show the existence of any genuine issue as to any material fact to prevent entry of judgment against them. Despite Appellants attempted arguments to the contrary, this collection action is quite simple, and the record is well documented to support entry of the Judgment.

The decision of the trial court should be upheld.

D. According to the Appellants, the Judgment Was Not a Final Judgment, and Thus is Not Appealable/Reviewable as a Matter of Right.

Incorrectly, Appellants do not cite any Rule of Appellate Procedure in their Notice of Appeal dated October 6, 2016. So, Banner Bank is left to assume that Appellants are bringing this appeal under RAP 2.2(a)(1). Yet, if the Appellants' argument is accepted, the Judgment – the only document appealed – is not a “final judgment” under RAP 2.2(a)(1). To fall under RAP 2.2(a)(1), the judgment must be a “final judgment entered in any action or proceeding, regardless of whether the judgment reserves for future determination an award of attorney fees or costs.” Thus, assuming, *arguendo*, that Appellants' arguments are correct, the Judgment is not reviewable as a matter of right under RAP 6.1.

Indeed, if the Judgment were not final, and therefore “interlocutory,” the Appellants would have needed to obtain leave of court

to even file this appeal. The Appellants' only possible appeal method would have been to file a Notice of Discretionary Review under RAP 6.2 (which they did not do), accompanied within fifteen (15) days by a motion for discretionary review (which was never filed).

Appellants' appeal here fails in either case.

The only remaining claim in the case following entry of the Judgment was Banner Bank's successor liability claim against Double J. Double J had no counterclaims against Banner Bank. CP 67-75. Double J had no claims or crossclaims against the McCaws or Running MC Ranch. *Id.* It merely joined with the McCaws in their standard affirmative defenses (setoff/fault of non-party/statue of frauds/failure of consideration/waiver/additional defenses as discovery may support) (CP 72). There was no possibility for offsetting claims against Banner Bank.⁴ In fact, the Appellants make no arguments regarding any of the merits of the case. They simply argue that the Judgment was not final, and is therefore "unenforceable."

Once the Judgment was entered against the Appellants, it was automatically stayed from enforcement under Civil Rule 62(a) ("[N]o

⁴ The counterclaim raised by the McCaws against Banner Bank (CP 72) was resolved prior to summary judgment because Banner Bank had released funds it had been paid by Richie Brothers following demand. CP 164

execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of 10 days after its entry.”).

Appellants McCaw filed their Chapter 7 bankruptcy case within the ten (10) day stay period for enforcements of judgments. Even if their arguments on appeal had any merit, the McCaws’ personal liability for the Judgment against them is “discharged.” Further, even if the Judgment entered against them were not “final,” the only effect would be that execution on the judgment is premature, not having the Judgment be deemed void as they suggest.

Finally, C.R. 54(b) states in pertinent part, “The findings may be made at the time of entry of judgment or thereafter on the courts (sic) own motion or on the motion of any party.” The Appellants filed a Chapter 7 petition and therefore invoked the bankruptcy automatic stay before any further action in the state court case could take place.

Appellants stated position for opposing the entry of the Order and Judgment as stated by counsel on the record were “I think we have grounds to seek an amendment to our Answer after I discuss it with my client.” (AB at 4) and in a candid moment stated, “Here is the rub: I said earlier, Jesse McCaw is the guy. **He has to pay his debts. Gets it. He is on the hook for this.** But the point is he has to file bankruptcy probably.” (AB at 5) (Emphasis added).

Appellants do not appeal anything relating to the merits of the case. Their only issue is that the Judgment was not “final” because of Banner Bank’s remaining claim against Double J for successor liability. The record is contrary to Appellants’ assertion that the McCaw entities should await the Court’s “determination as to whether the [sic] a ‘right of contribution’ might exist such that Double J Farms, LLC and its property was also available to satisfy the judgment or not.” (AB at 12). There is nothing in the record raising claims or rights of contribution by Double J to the Appellants. See, CP 67-75 and 131-145. Further, the McCaws filed their bankruptcy petition six (6) days after the Judgment was entered against them.

E. Appellants Were Not Prejudiced By Entry of the Judgment.

Banner Bank attached its proposed order and judgment to its motion for summary judgment at the time it was filed on July 18, 2016 (CP 122-124) and a slightly modified version of the Judgment was presented at hearing. The Appellants were afforded ample opportunity to object to the form of judgment or to present their own forms of judgment prior to the hearing on summary judgment. The trial court ordered on the record on August 29, 2016, that it was granting summary judgment against the Appellants. The lower court thereafter caused to be entered the

original form of judgment submitted by Banner Bank at the hearing, with the only alteration being expressly removing findings as to Double J. Notwithstanding any timing issues relating to the submission of forms of order and judgment made following the hearing (which orders and judgment were not entered in any event), there is simply no prejudice to Appellants that the court entered a slightly modified version of the judgment that had been presented to the parties no later than July 18, 2016.

F. Appellants' Lack Standing to Prosecute this Appeal.

The McCaws' Chapter 7 case is still open and being administered by their Chapter 7 Trustee, John Munding. (United States Bankruptcy Court for the Eastern District of Washington, *In re Jesse Jay and Kate McCaw*, Case No. 16-02892-FLK (Chapter 7). All of the McCaws' assets, including their 100% ownership interest in Running MC Ranch and (non-appellant) Double J Ranch, are assets of their bankruptcy estate under the exclusive contract and management of their Bankruptcy Trustee.⁵

⁵ 541(a)(2)(A) and (B) define property of the bankruptcy estate as (2) "All interests of the debtor and the debtor's spouse in community property as of the commencement of the case that is— (A) under the sole, equal, or joint management and control of the debtor; or (B) liable for an allowable claim against the debtor, or for both an allowable claim against the debtor and an allowable claim against the debtor's spouse, to the extent that such interest is so liable." Bankruptcy Code section 323(a) states that: "The trustee in a case under this title is the representative of the estate."

The Appellants did not seek an order that the Trustee abandon the bankruptcy estate's interest in the Debtors' interest in Running MC or Double J as required by 11 U.S.C 552(b). Under Bankruptcy Code Section 554(d), "Unless the court orders otherwise, property of the estate that is not abandoned under this section and that is not administered in the case remains property of the estate." 11 U.S.C. § 554(d).

Appellants argument that the stay does not apply them and they can proceed with this appeal is misguided. The purpose of the Appeal is to have the judgment deemed void and without effect so that the Appellants may avoid a judgment lien. This is clearly relief that impacts property of the estate. They no longer have standing to assert any claim that belongs to their bankruptcy trustee.

G. Banner Bank Is Entitled To Its Attorneys' Fees And Costs In This Appeal.

Pursuant to RAP 18.1, Banner Bank respectfully requests an award of its attorneys' fees, costs, and expenses incurred in this appeal.

Banner Bank's attorneys' fees and costs, through May 31, 2017, were properly awarded against Appellants in the trial court. CP 200. Both the Note and Security Agreement, signed by the McCaws, among other Loan Documents, specify that Banner Bank is entitled to repayment of all its attorneys' fees, costs, and general expenses related to collection upon

the McCaws' default under the Note. CP 83-84; 92. As the prevailing party, the trial court properly awarded Banner Bank its attorneys' fees, costs, and expenses in this matter pursuant to RCW 4.84.330.

Banner Bank has incurred additional attorneys' fees and costs in this appeal. Thus, under RAP 18.1, should Banner Bank prevail on appeal, Banner Bank respectfully requests an award of its attorneys' fees and costs incurred since entry of the Judgment, including in this appeal. The Bankruptcy Code provides a discharge for debts only to the extent such debts are incurred prior to the date the bankruptcy petition is filed. See, 11 U.S.C. § 727(b). *See also, Boeing N. Am. Inc. v. Ybarra (In re Ybarra)*, 424 F.3d 1018 (9th Cir. 2005).⁶

As stated above, Appellants ignored RAP 18.1(b) and failed to request attorneys' fees/costs in their opening Brief. As such, Banner Bank objects to any award of attorneys' fees and/or costs to Appellants. Because Appellants should not prevail on appeal, and given their numerous failures to follow applicable Rules, they should not be entitled

⁶ Stating: "In sum, we have held that post-petition attorney fee awards are not discharged where post-petition, the debtor voluntarily "pursued a whole new course of litigation," commenced litigation, or "returned to the fray" voluntarily. *Siegel*, 143 F.3d at 533-34. We have also endorsed the notion that by voluntarily continuing to pursue litigation post-petition that had been initiated pre-petition, a debtor may be held personally liable for attorney fees and costs that result from that litigation." *Ybarra*, 424 F.3d at 1024.

to any award of their attorneys' fees, costs, or expenses, either on appeal or in the trial court.

VIII. CONCLUSION

Appellants' arguments are without merit. The Order, Letter Ruling and Judgment were all properly entered by the trial court following extensive briefing and argument. Tellingly, the Appellants raise absolutely no arguments as to the merits of the action against them and they admit that they are liable under the Note and Guaranties for all amounts outstanding on the Loan.

For all the reasons stated above, the Order and Judgment should be affirmed and this appeal dismissed without further delay. The trial court committed no error of any kind, and its rulings should be upheld.

DATED this 21ST day of April, 2017.

Respectfully submitted,

HACKER & WILLIG, INC., P.S.

Charles L. Butler, III
Arnold M. Willig, WSBA #20104
Elizabeth H. Shea, WSBA #27189
Charles L. Butler, III, WSBA #36893
Attorneys for Respondent,
Banner Bank

IX. APPENDIX A

Documents relating to the Bankruptcy of Jesse McCaw and Kate McCaw filed in U.S. Bankruptcy Court for the Eastern District of Washington Under Case No. 16-02892-FLK7

U.S.B.C. Eastern District of Washington Court DocketA-1
Bankruptcy Voluntary PetitionA-2
Bankruptcy Schedules and Statements.....A-3
Agreed Order on Relief From StayA-4

APPENDIX A-1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON (Spokane/Yakima)
Bankruptcy Petition #: 16-02892-FLK7**

Assigned to: Judge Frank L Kurtz
Chapter 7
Voluntary
Asset

Date filed: 09/13/2016
Debtor discharged: 01/25/2017
Joint debtor discharged: 01/25/2017
341 meeting: 11/15/2016
Deadline for objecting to discharge: 01/17/2017

Debtor disposition: Standard Discharge
Joint debtor disposition: Standard Discharge

Debtor

Jesse Jay McCaw
1479 Spring Branch Road
Walla Walla, WA 99362
WALLA WALLA-WA
usa
(509) 240-5338
SSN / ITIN: xxx-xx-5730

represented by **Zachary P Hummer**

Carlson Boyd PLLC
230 S 2nd St Ste 202
Yakima, WA 98901
(509) 834-6611
Fax : (509) 834-6610
Email: zhummer@cbblawfirm.com

Joint Debtor

Kate Garland Waetje
1479 Spring Branch Road
Walla Walla, WA 99362
WALLA WALLA-WA
usa
(509) 240-5338
SSN / ITIN: xxx-xx-4000
aka Kate McCaw
dba Beehive Cut and Color Bar

represented by **Zachary P Hummer**
(See above for address)**Trustee**

John D Munding
Munding, P.S.
1610 W. Riverside Avenue
Spokane, WA 99201
509-624-6464

represented by **John D Munding**

Munding, P.S.
1610 W. Riverside Avenue
Spokane, WA 99201
509-624-6464
Email: trustee@mundinglaw.com

U.S. Trustee

US Trustee
US Court House
920 W Riverside Ave, Suite 593
Spokane, WA 99201
509-353-2999

Filing Date	#	Docket Text

09/13/2016	<u>1</u> (8 pgs)	CHAPTER 7 Voluntary Petition and Accompanying Documents Individual, Fee Amount \$335. (Hummer, Zachary) (Entered: 09/13/2016)
09/13/2016		RECEIPT of Voluntary Petition (Chapter 7) and Accompanying Documents(16-02892-7) [misc,volp7] (335.00) Filing Fee. Receipt number 6504065. Fee amount 335.00 (RE: Voluntary Petition (Chapter 7) and Accompanying Documents1). (U.S. Treasury) (Entered: 09/13/2016)
09/13/2016	<u>2</u> (1 pg)	CREDIT Counseling Certificate as to Debtor. Filed by Zachary P Hummer on behalf of Jesse Jay McCaw (Hummer, Zachary) DEPUTY Clerk Note: changed docket text from Joint Debtor to Debtor. Modified on 9/14/2016 (KAM). (Entered: 09/13/2016)
09/13/2016	<u>3</u> (1 pg)	CREDIT Counseling Certificate as to Joint Debtor. Filed by Zachary P Hummer on behalf of McCaw Garland Waetje (Hummer, Zachary) (Entered: 09/13/2016)
09/13/2016	<u>4</u>	STATEMENT of Social Security Number(s). This PDF is restricted due to the Judicial Privacy Policy. Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, McCaw Garland Waetje (Hummer, Zachary) (Entered: 09/13/2016)
09/14/2016	<u>5</u> (6 pgs; 4 docs)	FIRST Meeting of Creditors Scheduled 11/15/2016 at 10:00 AM at Riverfront Shilo Inn, 50 Comstock Street, International III Ballroom, Richland, WA 99352. Objections for Discharge due by 01/17/2017. Notice to Debtor(s) Re Personal Financial Management Course attached. (Notice, User) (Entered: 09/14/2016)
09/14/2016		CORRECTION - The case name was edited from McCaw Garland Waetje to Kate Garland Waetje to match the name of the debtor on the Voluntary Petition form (RE: Voluntary Petition (Chapter 7) and Accompanying Documents1). (KAM) (Entered: 09/14/2016)
09/14/2016		CORRECTION - The following item(s) was edited to match the information on the Voluntary Petition form - Alias added (RE: Voluntary Petition (Chapter 7) and Accompanying Documents1). (KAM) (Entered: 09/14/2016)
09/15/2016	<u>6</u>	NOTICE of Appearance and Request for Special Notice. Please take notice that Arnold M. Willig hereby enters an appearance in this case on behalf of Banner Bank, and requests that, pursuant to the Federal Rules of Bankruptcy 2002, 3017 and 9010, he/she be given special notice of all papers and pleadings filed in this case at: Arnold M. Willig 520 Pike Street Suite 2500 Seattle WA 98101 arnie@hackerwillig.com 206-340-1935. Filed by Arnold M

		Willig on behalf of BANNER BANK (Willig, Arnold) (Entered: 09/15/2016)
09/16/2016	<u>7</u> (4 pgs)	BNC Certificate of Mailing - Meeting of Creditors Notice Date 09/16/2016. (Admin.) (Entered: 09/16/2016)
09/16/2016	<u>8</u> (2 pgs)	BNC Certificate of Mailing Notice Date 09/16/2016. (Admin.) (Entered: 09/16/2016)
09/17/2016	<u>9</u> (1 pg)	REQUEST for Notices. Filed by Recovery Management Systems Corporation (Singh, Ramesh) (Entered: 09/17/2016)
09/27/2016	<u>10</u> (54 pgs; 10 docs)	SCHEDULES A-J With Summary and Debtor Verification. (With attachments) Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, Kate Garland Waetje (Hummer, Zachary) (Entered: 09/27/2016)
09/27/2016	<u>11</u> (13 pgs)	STATEMENT of Financial Affairs for Individual. Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, Kate Garland Waetje (Hummer, Zachary) (Entered: 09/27/2016)
09/27/2016	<u>12</u> (3 pgs)	CHAPTER 7 Statement of Your Current Monthly Income Form 122A-1 and Statement of Exemption from Presumption of Abuse Form 122A-1Supp (RE: Voluntary Petition (Chapter 7) and Accompanying Documents ¹). Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, Kate Garland Waetje (Hummer, Zachary) DEPUTY Clerk Note: entry clarified. Modified on 9/28/2016 (KAM). (Entered: 09/27/2016)
09/27/2016	<u>13</u> (14 pgs)	STATEMENT of Compensation. Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, Kate Garland Waetje (Hummer, Zachary) (Entered: 09/27/2016)
10/13/2016	<u>14</u> (3 pgs)	DEBTOR'S Statement of Intention. Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, Kate Garland Waetje (Hummer, Zachary) (Entered: 10/13/2016)
10/13/2016	<u>15</u> (2 pgs)	CERTIFICATE of Service. Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, Kate Garland Waetje (RE: Debtor's Statement of Intention ¹⁴). (Hummer, Zachary) (Entered: 10/13/2016)
11/16/2016	<u>16</u> (1 pg)	PERSONAL Financial Management Course Certification as to Joint Debtor. Filed by Zachary P Hummer on behalf of Jesse Jay McCaw (Hummer, Zachary) (Entered: 11/16/2016)
11/16/2016	<u>17</u> (1 pg)	PERSONAL Financial Management Course Certification as to Joint Debtor. Filed by Zachary P Hummer on behalf of Kate Garland Waetje (Hummer, Zachary) (Entered: 11/16/2016)

11/18/2016	<u>18</u>	MEETING of Creditors held and concluded. Trustee not submitting a report at this time. Debtor appeared. Joint debtor appeared. (Munding, John) (Entered: 11/18/2016)
11/23/2016	<u>19</u> (4 pgs)	APPLICATION to Approve Employment of John D. Munding, Munding P.S. as Attorney for the Trustee. Filed by Trustee John D Munding (Munding, John) (Entered: 11/23/2016)
11/23/2016	<u>20</u> (1 pg)	ORDER Uploaded. Filed by Munding, John. (RE: <u>19</u>) (Entered: 11/23/2016)
12/01/2016	<u>21</u> (1 pg)	ORDER Granting Application to Approve Employment (Re: # <u>19</u>) . (KAM) (Entered: 12/01/2016)
01/13/2017	<u>22</u> (10 pgs)	MOTION for Relief from Stay as to Farm Services Agency proceeds from the 2015 crops grown by Debtors, MOTION for Abandonment in Combination With Relief From Stay. Fee Amount \$181. Filed by Arnold M Willig on behalf of BANNER BANK. (Willig, Arnold) DEPUTY Clerk Note: Abandonment added to docket text. Modified on 1/17/2017 (KAM). (Entered: 01/13/2017)
01/13/2017		RECEIPT of Motion for Relief from Stay(16-02892-FLK7) [motion,mrlfsty] (181.00) Filing Fee. Receipt number 6610307. Fee amount 181.00 (RE: Motion for Relief from Stay <u>22</u>). (U.S. Treasury) (Entered: 01/13/2017)
01/13/2017	<u>23</u> (3 pgs)	NOTICE of Motion and Time to Object. Filed by Arnold M Willig on behalf of BANNER BANK (RE: Motion for Relief from Stay <u>22</u>). (Willig, Arnold) (Entered: 01/13/2017)
01/13/2017	<u>24</u> (5 pgs)	CERTIFICATE of Service. Filed by Arnold M Willig on behalf of BANNER BANK (RE: Motion for Relief from Stay <u>22</u> , Notice of Motion and Time to Object <u>23</u>). (Willig, Arnold) (Entered: 01/13/2017)
01/25/2017	<u>25</u> (4 pgs; 2 docs)	DISCHARGE of Debtor. (Admin.) (Entered: 01/25/2017)
01/27/2017	<u>26</u> (4 pgs)	BNC Certificate of Mailing - Discharge of Debtor Notice Date 01/27/2017. (Admin.) (Entered: 01/27/2017)
01/30/2017	<u>27</u> (5 pgs)	OBJECTION (RE: Motion for Relief from Stay <u>22</u>). Filed by Zachary P Hummer on behalf of Jesse Jay McCaw, Kate Garland Waetje (Hummer, Zachary) (Entered: 01/30/2017)
02/14/2017	<u>28</u> (3 pgs)	ORDER Uploaded. Filed by Willig, Arnold. (RE: <u>22</u>) (Entered: 02/14/2017)

02/16/2017	<u>29</u> (4 pgs; 2 docs)	AGREED ORDER Regarding Motion for Relief from Stay and Abandonment re Creditor Banner Bank (RE: <u>22</u>) . (KAM) (Entered: 02/16/2017)
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PACER Service Center			
Transaction Receipt			
04/21/2017 11:57:59			
PACER Login:	hackerwillig:2563877:0	Client Code:	BB/McCaw
Description:	Docket Report	Search Criteria:	16-02892-FLK7 Fil or Ent: filed From: 1/1/1980 To: 4/21/2017 Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	3	Cost:	0.30

APPENDIX A-2

Fill in this information to identify your case:

United States Bankruptcy Court for the:
Eastern District of Washington

Case number (if known) _____ Chapter you are filing under:
 Chapter 7
 Chapter 11
 Chapter 12
 Chapter 13

Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

JESSE
First name
JAY
Middle name
MCCAW
Last name
Suffix (Sr., Jr., II, III)

KATE
First name
GARLAND
Middle name
WAETJE
Last name
Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

First name
Middle name
Last name
First name
Middle name
Last name

KATE
First name
Middle name
MCCAW
Last name
First name
Middle name
Last name

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

xxx - xx - 5 7 3 0
OR
9 xx - xx -

xxx - xx - 4 0 0 0
OR
9 xx - xx -

Debtor 1 JESSE MCCAW
First Name Middle Name Last Name

Case number (if known) _____

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

Include trade names and doing business as names

I have not used any business names or EINs.

I have not used any business names or EINs

Business name _____

Beehive Cut and Color Bar (No EIN)
Business name

Business name _____

Business name _____

EIN - - - - -

5. Where you live

If Debtor 2 lives at a different address:

1479 Spring Branch Road
Number Street

Number Street

Walla Walla WA 99362
City State ZIP Code

City State ZIP Code

Walla Walla
County

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number Street

Number Street

P.O. Box

P.O. Box

City State ZIP Code

City State ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason. Explain. (See 28 U.S.C. § 1408.)

I have another reason. Explain. (See 28 U.S.C. § 1408.)

Debtor 1

JESSE
First Name

Middle Name

MCCAW
Last Name

Case number (if known)

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under

Check one. (For a brief description of each, see Notice Required by 11 U.S.C § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

8. How you will pay the fee

- I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- I need to pay the fee in installments. If you choose this option, sign and attach the Application for Individuals to Pay The Filing Fee in Installments (Official Form 103A).
- I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

- No
- Yes. District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

- No
- Yes. Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY
- Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY

11. Do you rent your residence?

- No. Go to line 12.
- Yes. Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?
 - No. Go to line 12.
 - Yes. Fill out Initial Statement About an Eviction Judgment Against You (Form 101A) and file it with this bankruptcy petition.

Debtor 1

JESSE

MCCAW

Case number (if known)

First Name Middle Name

Last Name

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

- No. Go to Part 4.
Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Kate Waetje is a stylist (working at booth at Beehive Cut and Color Bar)
Name of business, if any

126 E Main Street
Number Street

Walla Walla
City

WA
State

99362
ZIP Code

Check the appropriate box to describe your business:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
Stockbroker (as defined in 11 U.S.C. § 101(53A))
Commodity Broker (as defined in 11 U.S.C. § 101(6))
None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

For a definition of small business debtor, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

- No. I am not filing under Chapter 11.
No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.
Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

- No
Yes. What is the hazard?

If immediate attention is needed, why is it needed?

Where is the property?

Number Street

City State ZIP Code

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counselling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity. I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability. My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

Incapacity. I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability. My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?
- 16a. Are your debts primarily consumer debts? *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
 No. Go to line 16b.
 Yes. Go to line 17.
- 16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
 No. Go to line 16c.
 Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts.

17. Are you filing under Chapter 7?
 Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?
- No. I am not filing under Chapter 7. Go to line 18.
 Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
 No
 Yes
18. How many creditors do you estimate that you owe?
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |
19. How much do you estimate your assets to be worth?
- | | | |
|---|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input checked="" type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |
20. How much do you estimate your liabilities to be?
- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Part 7: Sign Below

For you

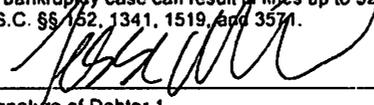
I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

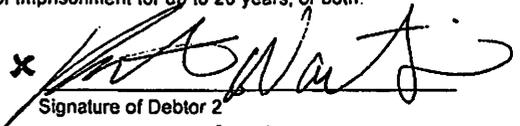
If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

x 

 Signature of Debtor 1
 Executed on 9/12/2016
MM / DD / YYYY

x 

 Signature of Debtor 2
 Executed on 9/12/2016
MM / DD / YYYY

Debtor 1

JESSE
First Name

Middle Name

MCCAW
Last Name

Case number (if known)

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

X /s/ Zachary P. Hummer

Date

09/13/2016

Signature of Attorney for Debtor

MM / DD /YYYY

Zachary P. Hummer

Printed name

Carlson Boyd, PLLC

Firm name

230 S. 2nd St., Ste. 202

Number Street

Yakima

City

WA

State

98901

ZIP Code

Contact phone (509) 834-6611

Email address zhummer@cbblawfirm.com

43249

Bar number

WA

State

Debtor 1

JESSE
First Name

Middle Name

MCCAW
Last Name

Case number (if known)

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete. Bankruptcy fraud is a serious crime; you could be fined and imprisoned.

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

- No
- Yes

Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy forms are inaccurate or incomplete, you could be fined or imprisoned?

- No
- Yes

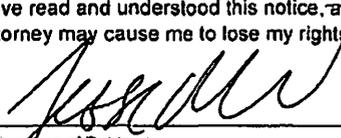
Did you pay or agree to pay someone who is not an attorney to help you fill out your bankruptcy forms?

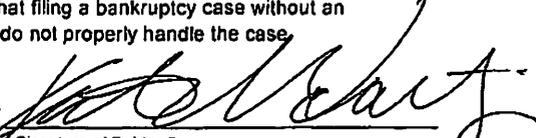
- No

Yes. Name of Person _____

Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119).

By signing here, I acknowledge that I understand the risks involved in filing without an attorney. I have read and understood this notice, and I am aware that filing a bankruptcy case without an attorney may cause me to lose my rights or property if I do not properly handle the case.

x 
Signature of Debtor 1

x 
Signature of Debtor 2

Date 9/12/2016
MM / DD / YYYY

Date 9/12/2016
MM / DD / YYYY

Contact phone 509-240-5338

Contact phone 509-540-5597

Cell phone _____

Cell phone _____

Email address jmccaw79@gmail.com

Email address beehivesalon@hotmail.com

APPENDIX A-3

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

1.3. _____
 Street address, if available, or other description

 City State ZIP Code

 County

What is the property? Check all that apply.
 Single-family home
 Duplex or multi-unit building
 Condominium or cooperative
 Manufactured or mobile home
 Land
 Investment property
 Timeshare
 Other _____

Who has an interest in the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number: _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____
Current value of the portion you own? \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here. _____ → \$ 600,000.00

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles
 No
 Yes

3.1. Make: Dodge
 Model: Ram
 Year: 2011
 Approximate mileage: 131052
 Other information:
Rear is flatbed bed fitted for farming purposes

Who has an interest in the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ 18,968.00
Current value of the portion you own? \$ 18,968.00

If you own or have more than one, describe here:

3.2. Make: GMC
 Model: YUKON
 Year: 2016
 Approximate mileage: 20628
 Other information:

Who has an interest in the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ 51,650.00
Current value of the portion you own? \$ 51,650.00

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

3.3. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.
 Current value of the entire property? \$ _____
 Current value of the portion you own? \$ _____

3.4. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.
 Current value of the entire property? \$ _____
 Current value of the portion you own? \$ _____

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories
Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

No
 Yes

4.1. Make: Trails West
 Model: Sierra II
 Year: 2016
 Other information:
Horse trailer

Who has an interest in the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.
 Current value of the entire property? \$ 16,804.00
 Current value of the portion you own? \$ 16,804.00

If you own or have more than one, list here:

4.2. Make: Honda
 Model: Foreman
 Year: 2006
 Other information:

Who has an interest in the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.
 Current value of the entire property? \$ 2,000.00
 Current value of the portion you own? \$ 2,000.00

5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here → \$ 89,422.00

Debtor 1

Jesse

Jay

McCaw

First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own? Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

No

Yes. Describe..... Refrigerator, dishwasher, stove/micro, couches, chairs, tables, lamps, dressers, beds, tv stands, buffet, chest, kitchenware, decorations, linens, bbqs, racks \$ 8,940.00

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

No

Yes. Describe..... televisions (4), computer (desktop), ipad, cannon camera, cell phones \$ 800.00

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

No

Yes. Describe..... Books, media, pictures, keepsakes \$ 100.00

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

No

Yes. Describe..... Saddle, skis, poles, golf clubs, other \$ 2,750.00

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

No

Yes. Describe..... 4 guns \$ 650.00

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

No

Yes. Describe..... Kate Wardrobe/shoes, Jesse Wardrobe, childrens' clothing \$ 4,000.00

12. Jewelry

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

No

Yes. Describe..... Wedding ring, diamond hoops, birthstone ring, miscellaneous \$ 975.00

13. Non-farm animals

Examples: Dogs, cats, birds, horses

No

Yes. Describe..... Horses (2), Dogs (3) \$ 1,500.00

14. Any other personal and household items you did not already list, including any health aids you did not list

No

Yes. Give specific information..... Lawn equipment (JD lawn mower, leaf blower, weed eater, misc. hand tools), \$ 800.00

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here

\$ 20,515.00

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following? Current value of the portion you own? Do not deduct secured claims or exemptions.

16. Cash
Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

No
 Yes Cash: \$ 100.00

17. Deposits of money
Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

No
 Yes Institution name:

17.1. Checking account:	<u>Baker Boyer Bank</u>	\$ <u>6,192.31</u>
17.2. Checking account:	<u>Umpqua Bank</u>	\$ <u>454.54</u>
17.3. Savings account:	<u>Baker Boyer Bank</u>	\$ <u>401.00</u>
17.4. Savings account:	_____	\$ _____
17.5. Certificates of deposit:	_____	\$ _____
17.6. Other financial account:	_____	\$ _____
17.7. Other financial account:	_____	\$ _____
17.8. Other financial account:	_____	\$ _____
17.9. Other financial account:	_____	\$ _____

18. Bonds, mutual funds, or publicly traded stocks
Examples: Bond funds, investment accounts with brokerage firms, money market accounts

No
 Yes Institution or issuer name:

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture

<input type="checkbox"/> No	Name of entity:	% of ownership:	
<input checked="" type="checkbox"/> Yes. Give specific information about them.....	<u>Running MC Ranch (General Partnership)</u>	<u>100%</u> %	\$ <u>0.00</u>
	<u>Double J Farms, LLC (Washington LLC)</u>	<u>100%</u> %	\$ <u>0.00</u>
	<u>4MC (General Partnership)</u>	<u>10%</u> %	\$ <u>0.00</u>

Please see Attachment "B" hereto regarding interests in businesses

20. Government and corporate bonds and other negotiable and non-negotiable instruments

Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders.
Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.

No
 Yes. Give specific information about them.....

Issuer name: _____ \$ _____
 _____ \$ _____
 _____ \$ _____

21. Retirement or pension accounts

Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

No
 Yes. List each account separately.

Type of account:	Institution name:	
401(k) or similar plan:	_____	\$ _____
Pension plan:	_____	\$ _____
IRA:	<u>Edward Jones (Roth IRA)</u>	\$ <u>15,000.00</u>
Retirement account:	_____	\$ _____
Keogh:	_____	\$ _____
Additional account:	_____	\$ _____
Additional account:	_____	\$ _____

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company
Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

No
 Yes.....

Institution name or Individual:

Electric:	_____	\$ _____
Gas:	_____	\$ _____
Heating oil:	_____	\$ _____
Security deposit on rental unit:	_____	\$ _____
Prepaid rent:	_____	\$ _____
Telephone:	_____	\$ _____
Water:	_____	\$ _____
Rented furniture:	_____	\$ _____
Other:	_____	\$ _____

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)

No
 Yes.....

Issuer name and description:

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

24. Interests in an education IRA, in an account in a qualified ABLÉ program, or under a qualified state tuition program.
 26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

No
 Yes Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit

No
 Yes. Give specific information about them... _____ \$ _____

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property
Examples: Internet domain names, websites, proceeds from royalties and licensing agreements

No
 Yes. Give specific information about them.... _____ \$ _____

27. Licenses, franchises, and other general intangibles
Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

No
 Yes. Give specific information about them... _____ \$ _____

Money or property owed to you?

Current value of the portion you own?
 Do not deduct secured claims or exemptions.

28. Tax refunds owed to you

No
 Yes. Give specific information about them, including whether you already filed the returns and the tax years.

Federal: \$ _____
 State: \$ _____
 Local: \$ _____

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

No
 Yes. Give specific information.....

Alimony: \$ _____
 Maintenance: \$ _____
 Support: \$ _____
 Divorce settlement: \$ _____
 Property settlement: \$ _____

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

No
 Yes. Give specific information..... _____ \$ _____

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

31. Interests in Insurance policies

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

No

Yes. Name the insurance company of each policy and list its value. ...

Company name:

Beneficiary:

Surrender or refund value:

All State (Paid through Bank loan) Debtors/Bank \$ 0.00

All State (Car insurance) Debtors \$ 0.00

\$ _____

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

No

Yes. Give specific information.....

\$ _____

33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment

Examples: Accidents, employment disputes, insurance claims, or rights to sue

No

Yes. Describe each claim.

Breach of contract/tort against Vargas Thompkins & Ass (CPAs)

Unknown / TBD
(0-500000)

\$ _____

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims

(CPAs in Walla Walla)

No

Yes. Describe each claim.

\$ _____

35. Any financial assets you did not already list

No

Yes. Give specific information.....

\$ _____

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here

\$ 22,147.85

Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.

37. Do you own or have any legal or equitable interest in any business-related property?

No. Go to Part 6.

Debtor is in the business of farming, see below.

Yes. Go to line 38.

Current value of the portion you own?

Do not deduct secured claims or exemptions.

38. Accounts receivable or commissions you already earned

No

Yes. Describe.....

\$ 0.00

39. Office equipment, furnishings, and supplies

Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices

No

Yes. Describe.....

\$ 0.00

40. Machinery, fixtures, equipment, supplies you use in business, and tools of your trade

No
 Yes. Describe..... Hairstyling tools, supplies, etc. \$ 500.00

41. Inventory

No
 Yes. Describe..... _____ \$ 0.00

42. Interests in partnerships or joint ventures

No
 Yes. Describe.....

Name of entity:	<u>See attached</u>	% of ownership:	<u>Varies</u> %	\$ <u>0.00</u>
	_____		_____%	\$ _____
	_____		_____%	\$ _____

43. Customer lists, mailing lists, or other compilations

No
 Yes. Do your lists include personally identifiable information (as defined in 11 U.S.C. § 101(41A))?
 No
 Yes. Describe..... _____ \$ 0.00

44. Any business-related property you did not already list

No
 Yes. Give specific information

_____	\$ <u>0.00</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

45. Add the dollar value of all of your entries from Part 5, including any entries for pages you have attached for Part 5. Write that number here → \$ 500.00

Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.
 If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

No. Go to Part 7. **Please note that Debtor is a farmer and holds interests in entities that do themselves**
 Yes. Go to line 47. **own farm-related assets, i.e., crops, equipment, etc. as further described in Attachment "B" hereto, but that said assets are being accounted for herein as values of Debtors' interest in entities rather than assets of the Debtor personally.**

Current value of the portion you own?
 Do not deduct secured claims or exemptions.

47. Farm animals

Examples: Livestock, poultry, farm-raised fish
 No
 Yes..... _____ \$ _____

ATTACHMENT A to SCHEDULE A/B

The Debtor holds an interest in a number of Leasehold properties which are described further in Schedule G. Generally speaking, each of the Leases is share-crop lease for dryland wheat ground and is farmed by one of the respective McCaw family co-tenants. Debtor is unable to attribute a reliable statement of value as to the Lease hold interests at this time but believes that their value is of a negligible amount as to third parties due to the farming inputs required of a proposed tenant under the respective Leases as well as the fact the Debtor's tenancy is shared with other members of his family which, though of value to the Debtor, would likely not be favorable to a third party outside of the family.

Creditor Banner Bank, in relation to its operating line of credit debt in the amount of \$629,671.01 as described in Schedule D, has indicated that it may express the position that its debt is secured by the Debtors' interest under said Leases. Debtors do dispute that any claim by Banner Bank or another that the Debtors' interests in the land leases are subject to any lien or security agreement, but are aware that such a claim may be made.

<u>Landlord</u>	<u>Schedule "G" No.</u>	<u>McCaw Named Tenants</u>	<u>Acres</u>	<u>General Location</u>	<u>Farmed in 2016 by</u>
Charles Heady	2.1	Jack, Guy, John, Jesse	623	0.5 mile west of Waitsburg, on Bolles Road	Guy McCaw and/or his entities
Hill-Whitney LLC (Expired) See 2.9	2.2	Jack, Guy, John, Jesse			
Edward and Mildred Maring	2.3	Guy, John, Jesse	234	1 mile south of Waitsburg, on Highway 12	John McCaw and/or his entities
Evan Mehlenbacher	2.4	Jack, Guy, John, Jesse	1246	0.5 mile east of Waitsburg, on Millrace Road	Guy McCaw and/or his entities
ORWA-FARMS LLC	2.5	Jack, Guy, John, Jesse, Rocking MC, Rolling MC	866	3 miles north of Waitsburg, on McKay/Alto Road	John McCaw and/or his entities
Kathy Payne and William Payne	2.6	Guy, John, Jesse, Rolling	342, 561, 275	3 miles north of Waitsburg, on McKay/Alto Road; 2 miles north of Waitsburg, on Whoopem-Up Hollow Road	John McCaw and/or his entities
ORWA-FARMS LLC	2.7	Jack, Guy, John, Jesse, Rocking MC, Rolling MC	171	3 miles north of Waitsburg, on McKay/Alto Road	Debtors' entities
Tristan Renz and Leslie Renz	2.8	Jack, Guy, John, Jesse	1,249	1.5 mile north of Waitsburg, on Whoopem-Up Hollow Road	John McCaw and/or his entities
Kim Whitney Johnson	2.9	Jack, Guy, John, Jesse	834	2 miles west of Waitsburg, on Miller Road	Debtors' entities

Eli Whitney	2.10	Jack, Guy, John, Jesse		Same as 2.9	
Shirley Garder Hill	2.11	Jack, Guy, John, Jesse		Same as 2.2	
Marilyn Archer Wilson c/o Baker Boyer Trust Dept.	2.12	Jack, Guy, John, Jesse	1525		Debtors' entities

ATTACHMENT B to SCHEDULE A/B

The Debtor holds an interest in the following entities:

RUNNING MC RANCH

Running MC Ranch (“Running MC”) is a general partnership owned and operated exclusively by the Debtors. During the 2015 crop year, Running MC obtained an operating line of credit from Banner Bank and was the form of entity utilized by the Debtor to farm wheat in 2015. Payment of the loan was personally guaranteed by the Debtors. Proceeds of the 2015 crop are subject a security interest in favor of Banner Bank.

Crop returns in 2015 fell far short of expectations as a result of drought and Running MC was unable to satisfy the outstanding balance on its operating line of credit provided by Banner Bank for the 2015 crop year. At present, Banner Bank has a claim against Running MC in the amount of \$629,697.01.

In terms of assets, Running MC has an estimated 551.5 tons of straw (representing 2015 crop proceeds and which has been revised downward from a previous estimate of 710 tons), which at the estimated value of \$37.50/ton, provides an estimated asset of \$20,681.25. In addition, Running MC, as a result of the drought, anticipates the receipt of a crop insurance/disaster relief payment from the Farm Services Agency (FSA) in the estimated amount of \$50,000.00. Running MC also anticipates a patronage receivable in the amount of \$4,182.00 from the Northwest Grain Growers cooperative.

Its estimated assets being well below six figures, the value of the Debtors’ interest in Running MC is considered negative and is believed to be appropriately valued as \$0.00 or below.

Banner Bank’s claim against Running MC (and the Debtors) was reduced to a judgment entered by the Walla Walla Superior Court in cause no. 16-2-00215-4, though the actual entry of the judgment and circumstances attendant thereto are disputed. Notwithstanding the dispute regarding the entry of the judgment, the Debtors believe that Running MC is insolvent.

DOUBLE J FARMS LLC

The Debtors formed Double J Farms LLC, a limited liability formed under the Laws of the State of Washington, for purposes of farming wheat in the 2016 crop year and as a result of Banner Bank’s unwillingness to finance Running MC or the Debtors during the 2016 crop year. Double J Farms is wholly owned by the Debtors.

During the 2016 crop year, Double J Farms received an operating financing, via a line of credit, from Baker Boyer National Bank. Harvest having been completed for the 2016 crop year, the Debtors estimated the value of the crop harvested by Double J Farms to be as follows as of September 6th, 2016:

Crop	Bushels	Price/Bushel	Total
Hard Red Wheat (HRW)	375.47	\$4.61	\$1,730.92
Soft White Wheat (SWH)	85,654.83	\$4.35	\$372,598.51
Club Wheat (WHC)	4,816.76	\$4.45	\$21,434.58
Hard Red Seed (HRSEED)	13,400.54	\$5.61	\$75,177.03
Soft White Seed (SWSEED)	6,728.77	\$5.35	\$35,998.92
Club Seed (WCSEED)	9,115.81	\$5.45	\$49,681.16
		TOTAL	\$556,621.12

* Price quotes as of 9/6/2016 - \$0.43 subtracted from Portland delivered price as estimate of local cash price

** Premium of \$0.10 added to club wheat

*** Premium of \$1.00 added to seed

As of September 6th, 2016, the line of credit provided by Baker Boyer National Bank, a which is secured by the 2016 crop proceeds estimated above, totals \$548,754.64. The Debtors personally guaranteed the loan.

Double J Farms has outstanding bills payable to PAPE Machinery relating to its rental of grain carts in the amount of \$ 6,522.00 and \$7,880.75.

Baker Boyer National Bank's security interest also covers equipment owned by Double J Farms, LLC. The equipment holdings of Double J Farms, though relatively meager, do include a trailer, a culti-weeder, a sprayer, and 4x4 quad whose estimated liquidation value is estimated at \$11,750.00 or less.

As part of Banner Bank's lawsuit pending at Walla Walla Superior Court under cause no. 16-2-00215-4, Banner Bank principally sought judgment against Running MC, the Debtors personally, *and* Double J Farms, LLC, jointly and severally. Though the court entered an interlocutory judgment as against Running MC and the Debtors personally on or about September 7th, 2016 (which judgment is disputed as referenced above), the Court denied Banner Bank's motion for summary judgment as to Double J Farms, LLC.

Though it is acknowledged and anticipated that the ultimate revenue realized from the sale of the crop may materially differ due to the volatility and fluctuations associated with the underlying market, it is difficult to predict whether Double J Farms may experience revenue that is greater or worse than the estimate set forth above. If the estimates above are reasonable close to actual returns then, notwithstanding that denial of summary judgment and relief against Double J Farms, the litigation against Double J Farms, LLC will nevertheless remain pending and, if required to continue, it is reasonably anticipated that the fees and costs associated with litigation will exceed that net equity value of Double Farms, LLC after accounting for its existing assets and the outstanding secured interests of Baker Boyer National Bank. Accordingly, the Debtors value their net equity in Double J Farms as \$0.00 or below.

4MC

4MC is a general partnership in which the Debtor Jesse McCaw holds a 10.4% interest. Guy McCaw (Debtor Jesse McCaw's father) and John McCaw (Debtor Jesse McCaw's cousin) each hold a 44.8% interest.

4MC essential purpose was to hold the various types of farming equipment utilized by the respective partners in their farming operations, and included such items as combines, heads, tractors, wagons, trailers, disks, harrows, bins, tanks, etc. An appraisal of the 4MC equipment, with an effective date of November 24th, 2015, was prepared by Jeff Pittman and values the equipment at \$3,039,050.00 if auctioned (liquidated) though these appraised values proved largely unachievable at auction particularly as the farm equipment market regionally was negatively impacted by 2015's sub-par, drought-related returns and increased pressures on price from foreign competitors.¹

4MC's equipment is subject to secured interests in favor of CNH Industrial Capital America LLC, AgDirect, and AgCo Finance LLC. 4MC's assets are currently subject to a cooperate liquidation effort (ratified by a written agreement among the partners in dated December 15, 2015) which was intended to satisfy as much of the outstanding debts against it as possible though it is anticipated that proceeds of the liquidation will not be sufficient to satisfy all those claims of the creditors secured in the equipment. As

¹ A "market value", as opposed to auction, is provided in the amount of \$5,080,500.00.

part of the liquidation, John McCaw and Guy McCaw took distributions of certain equipment in exchange for assuming the debt associated therewith, but which equipment value and assumption is believed to have left them in an underwater equity position. The Debtors received a Caulkins Culti-Weeder, Flexi-coil Sprayer and trailer, but otherwise largely elected to forego obtaining any additional equipment and assuming additional debt as their intended approach going forward sought to emphasize leasing equipment as opposed to taking on additional debt.

BOLLES JUNCTION TRUCKING LLC

Bolles Junction Trucking LLC is a Washington limited liability company in which the Debtors hold a 1/3 (33.33%) interest. Guy McCaw and John McCaw likewise hold 1/3 (33.33%) interests respectively.

Bolles Junction Trucking LLC was established as an LLC to own trucks and perform over-the-road trucking activities to serve the farming operations of its respective members. During 2015 and ending April 12th, 2016, each of the respective trucks and trailers owned by Bolles Junction Trucking were sold in an effort to satisfy the claims of the secured creditors of 4MC, of which each of the members held a stake, as part of a broader liquidation plan associated with 4MC and Bolles Junction Trucking.

As part of that plan, the respective stakeholders received distributions of some equipment from those respective entities, but largely the assets were sold or are in the process of being liquidated. Approximately \$20,000.00 of liquidation proceeds is being held in a controlled account at Baker Boyer National Bank.

As of the date of filing, no equipment or assets existed in Bolles Junction Trucking. The members of the LLC intend to dissolve the entity and the entity will be filing its final tax return this year.

WHYNOTMC

Was a general partnership that was dissolved effective December 31st, 2015 by agreement of the partners at time. The partnership generally served as an operating entity and included John McCaw, Guy McCaw, and the Debtors as partners.

In reality, John McCaw and Guy McCaw principally used the entity for operations and contributed roughly 50% apiece as to the operations of the entity and thereby essentially split the proceeds thereof.

Despite this, Jesse McCaw and Kate McCaw did collectively hold for a period a 90% interest in contrast to Guy McCaw (Debtor Jesse McCaw's father) and John McCaw's (Debtor Jesse McCaw's cousin) respective 5% interest. In April of 2016, the tax returns of the partnership were amended to reflect the relative interests as being reflected by actual contributions and the 2014 was amended such that at the end of 2014 the partnership interests were effectively established as 50 / 50 between John McCaw and Guy McCaw and continuing in like manner until the partnership's dissolution in 2015. At the time of dissolution, the partnership owed \$43,000 John McCaw and \$32,000 to Rolling MC (an operating entity run by Guy McCaw.) It is noted that, on or about 9/20/2016, \$34,000.00 is understood to have been received by those 50 / 50 partners as a patronage receivable from Northwest Grain Growers, though that appears to be consistent with contributions made to the partnership.

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u>	<u>Jay</u>	<u>McCaw</u>
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	<u>Kate</u>	<u>Garland</u>	<u>Waetje</u>
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: Eastern District of Washington			
Case number (if known)	<u>16-02892-FLK7</u>		

Check if this is an amended filing

Official Form 106C

Schedule C: The Property You Claim as Exempt

04/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 108A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own	Amount of the exemption you claim	Specific laws that allow exemption
Brief description: <u>Residence</u> Line from <i>Schedule A/B</i> : <u>1.1</u>	<u>\$ 600,000.00</u>	<input checked="" type="checkbox"/> <u>\$ 125,000.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<u>RCW 6.13.030</u>
Brief description: <u>Domestic items</u> Line from <i>Schedule A/B</i> : <u>6, 7, 9, 14</u>	<u>\$ 13,290.00</u>	<input checked="" type="checkbox"/> <u>\$ 13,000.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<u>RCW 6.15.010(1)(c)(i)</u>
Brief description: <u>Motor Vehicle Equity</u> Line from <i>Schedule A/B</i> : <u>3.1, 3.2</u>	<u>\$ 70,618.00</u>	<input checked="" type="checkbox"/> <u>\$ 6,500.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<u>RCW 6.15.010(1)(c)(iii)</u>

3. Are you claiming a homestead exemption of more than \$160,375? (Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)

- No
- Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
 - No
 - Yes

Debtor 1

Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

Part 2: Additional Page

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption	Specific laws that allow exemption
Brief description: <u>Farm Equipment</u> Line from Schedule A/B: <u>49</u>	\$ <u>3,500.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(d)(i)
Brief description: <u>Hairstyling tools</u> Line from Schedule A/B: <u>40</u>	\$ <u>500.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(d)(iii)
Brief description: <u>Jewelry</u> Line from Schedule A/B: <u>12</u>	\$ <u>800.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(a)
Brief description: <u>Pictures/Keepsakes</u> Line from Schedule A/B: <u>8</u>	\$ <u>100.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(b)
Brief description: <u>Books/media</u> Line from Schedule A/B: <u>8</u>	\$ <u>100.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(b)
Brief description: <u>Clothing, shoes</u> Line from Schedule A/B: <u>11</u>	\$ <u>4,000.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(a)
Brief description: <u>Firearms</u> Line from Schedule A/B: <u>10</u>	\$ <u>650.00</u>	<input checked="" type="checkbox"/> \$ <u>650.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(c)(ii)
Brief description: <u>Checking Acct</u> Line from Schedule A/B: <u>17.1, 17.2</u>	\$ <u>500.00</u>	<input checked="" type="checkbox"/> \$ <u>500.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(c)(ii)
Brief description: <u>Non-Farm Animals</u> Line from Schedule A/B: <u>13</u>	\$ <u>1,500.00</u>	<input checked="" type="checkbox"/> \$ <u>1,500.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(c)(ii)
Brief description: <u>GMC Yukon</u> Line from Schedule A/B: <u>3.2</u>	\$ <u>51,650.00</u>	<input checked="" type="checkbox"/> \$ <u>350.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.010(1)(c)(ii)
Brief description: <u>Roth IRA</u> Line from Schedule A/B: <u>21</u>	\$ <u>15,000.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	RCW 6.15.020; 11 USC 522(b)(3)(C)
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u> <small>First Name</small>	<u>Jay</u> <small>Middle Name</small>	<u>McCaw</u> <small>Last Name</small>
Debtor 2 <small>(Spouse, if filing)</small>	<u>Kate</u> <small>First Name</small>	<u>Garland</u> <small>Middle Name</small>	<u>Waetje</u> <small>Last Name</small>

United States Bankruptcy Court for the: Eastern District of Washington

Case number (if known) 16-02892-FLK7

Check if this is an amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

1. Do any creditors have claims secured by your property?

- No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- Yes. Fill in all of the information below.

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Column A	Column B	Column C
Amount of claim Do not deduct the value of collateral.	Value of collateral that supports this claim	Unsecured portion if any

2.1	Banner Bank	Describe the property that secures the claim:	\$ <u>375,041.56</u>	\$ <u>600,000.00</u>	
Creditor's Name <u>PO Box 907</u> <small>Number Street</small>		Residence: <u>1479 Spring Branch Rd</u> <u>Walla Walla, WA 99362</u>			
City <u>Walla Walla</u> State <u>Wa</u> ZIP Code <u>99362</u>		As of the date you file, the claim is: Check all that apply.			
Who owes the debt? Check one.		Nature of lien. Check all that apply.			
<input type="checkbox"/> Debtor 1 only		<input checked="" type="checkbox"/> An agreement you made (such as mortgage or secured car loan)			
<input type="checkbox"/> Debtor 2 only		<input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien)			
<input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only		<input type="checkbox"/> Judgment lien from a lawsuit			
<input type="checkbox"/> At least one of the debtors and another		<input type="checkbox"/> Other (including a right to offset) _____			
<input checked="" type="checkbox"/> Check if this claim relates to a community debt		Last 4 digits of account number <u>3 0 6 0</u>			
Date debt was incurred <u>04/13/2013</u>					

2.2	Banner Bank	Describe the property that secures the claim:	\$ <u>99,841.99</u>	\$ <u>600,000.00</u>	
Creditor's Name <u>PO Box 907</u> <small>Number Street</small>		Residence: <u>1479 Spring Branch Rd</u> <u>Walla Walla, WA 99362</u>			
City <u>Walla Walla</u> State <u>Wa</u> ZIP Code <u>99362</u>		As of the date you file, the claim is: Check all that apply.			
Who owes the debt? Check one.		Nature of lien. Check all that apply.			
<input type="checkbox"/> Debtor 1 only		<input checked="" type="checkbox"/> An agreement you made (such as mortgage or secured car loan)			
<input checked="" type="checkbox"/> Debtor 2 only		<input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien)			
<input type="checkbox"/> Debtor 1 and Debtor 2 only		<input type="checkbox"/> Judgment lien from a lawsuit			
<input type="checkbox"/> At least one of the debtors and another		<input type="checkbox"/> Other (including a right to offset) _____			
<input checked="" type="checkbox"/> Check if this claim relates to a community debt		Last 4 digits of account number <u>8 7 3 7</u>			
Date debt was incurred <u>01/14/2015</u>					

Add the dollar value of your entries in Column A on this page. Write that number here: \$ 474,883.55

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

		Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	Column C Unsecured portion if any	
Part 1:	Additional Page After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth.				
2.6	Banner Bank Creditor's Name <u>PO Box 907</u> <small>Number Street</small> <u>Walla Walla</u> <u>Wa</u> <u>99362</u> <small>City State ZIP Code</small> Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input checked="" type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim relates to a community debt Date debt was incurred <u>Varies</u>	Describe the property that secures the claim: <div style="border: 1px solid black; padding: 2px; font-size: small;"> The scope of the Bank's security interest as to Debtor's property is a matter of genuine dispute, Bank contends lien against leasehold interests and personal property pursuant to security agreement, judgment, etc. whereas Debtor disputes attachment to any real property interest, vehicles, etc. Please note that Banner's Bank security interest likely does attach to those assets of Running MC Ranch as described in Attachment "B" to Schedule B, including 2015 crops and proceeds. </div> As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Nature of lien. Check all that apply. <input checked="" type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input checked="" type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____	\$ <u>629,697.01</u>	\$ <u>0.00</u>	\$ <u>629,697.01</u>
2.7	Walla Walla County Treasurer Creditor's Name <u>315 W Main St #204</u> <small>Number Street</small> <u>Walla Walla</u> <u>Wa</u> <u>99362</u> <small>City State ZIP Code</small> Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim relates to a community debt Date debt was incurred <u>2nd 1/2 2016</u>	Describe the property that secures the claim: <div style="border: 1px solid black; padding: 2px;"> <u>1479 Spring Branch Road, Walla Walla</u> </div> As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input checked="" type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____	\$ <u>3,605.44</u>	\$ <u>600,000.00</u>	
2.7	Creditor's Name _____ <small>Number Street</small> _____ <small>City State ZIP Code</small> Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt Date debt was incurred _____	Describe the property that secures the claim: <div style="border: 1px solid black; height: 40px; width: 100%;"></div> As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____	\$ _____	\$ _____	\$ _____
Add the dollar value of your entries in Column A on this page. Write that number here:		\$ <u>633,302.45</u>			
If this is the last page of your form, add the dollar value totals from all pages. Write that number here:		\$ <u>1,180,122.04</u>			

Fill in this information to identify your case:

Debtor 1	Jesse	Jay	McCaw
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	Kate	Garland	Waetje
	First Name	Middle Name	Last Name

United States Bankruptcy Court for the: Eastern District of Washington

Case number (if known) 16-02892-FLK7

Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

- No. Go to Part 2.
- Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. (For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

Total claim	Priority amount	Nonpriority amount
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2.1

Erica Ramos
 Priority Creditor's Name
 2297 Leonard Drive
 Number Street

Last 4 digits of account number _____ \$ _____ \$ _____ \$ _____
 When was the debt incurred? Monthly

Walla Walla WA 99362
 City State ZIP Code

- Who incurred the debt? Check one.
- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

- As of the date you file, the claim is: Check all that apply.
- Contingent
 - Unliquidated
 - Disputed

- Type of PRIORITY unsecured claim:
- Domestic support obligations
 - Taxes and certain other debts you owe the government
 - Claims for death or personal injury while you were intoxicated
 - Other. Specify _____

*Regular child support payment was tendered pre-petition but appears to have "cleared" post-petition. Claim would be for said payment in the event of turnover demand. Amount of payment was \$1,250.00 but is listed as "\$0.00" pending receipt of an actual demand for turnover.

2.2

Priority Creditor's Name
 Number Street

Last 4 digits of account number _____ \$ _____ \$ _____ \$ _____
 When was the debt incurred? _____

City State ZIP Code

- Who incurred the debt? Check one.
- Debtor 1 only
 - Debtor 2 only
 - Debtor 1 and Debtor 2 only
 - At least one of the debtors and another
 - Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

- As of the date you file, the claim is: Check all that apply.
- Contingent
 - Unliquidated
 - Disputed

- Type of PRIORITY unsecured claim:
- Domestic support obligations
 - Taxes and certain other debts you owe the government
 - Claims for death or personal injury while you were intoxicated
 - Other. Specify _____

Part 2: List All of Your NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?
 No. You have nothing to report in this part. Submit this form to the court with your other schedules.
 Yes

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

4.1	<p>Baker Boyer National Bank <small>Nonpriority Creditor's Name</small> <u>PO Box 1796</u> <small>Number Street</small> <u>Walla Walla WA 99362</u> <small>City State ZIP Code</small></p> <p>Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input checked="" type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<p>Last 4 digits of account number <u>0 0 9 9</u></p> <p>When was the debt incurred? <u>01/15/2016</u></p> <p>As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____</p>	<p>Total claim</p> <p>\$ <u>135,000.00</u></p>
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4.2	<p>Baker Boyer National Bank <small>Nonpriority Creditor's Name</small> <u>PO Box 1796</u> <small>Number Street</small> <u>Walla Walla WA 99362</u> <small>City State ZIP Code</small></p> <p>Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input checked="" type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<p>Last 4 digits of account number <u>9 0 9 1</u></p> <p>When was the debt incurred? <u>01/15/2016</u></p> <p>Note Attachment "B" to Schedules A/B re: Double J Farms security</p> <p>As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify _____</p>	<p>\$ <u>548,754.64</u></p>
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4.3	<p>American Express <small>Nonpriority Creditor's Name</small> <u>P.O. Box 360001</u> <small>Number Street</small> <u>Fort Lauderdale FL 33336</u> <small>City State ZIP Code</small></p> <p>Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<p>Last 4 digits of account number <u>0 8 1 0</u></p> <p>When was the debt incurred? <u>Varies</u></p> <p>As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <u>Credit card</u></p>	<p>\$ <u>10,264.28</u></p>
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Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.4

Bank of America

Nonpriority Creditor's Name

PO Box 851001

Number Street
Dallas TX 75285
City State ZIP Code

Last 4 digits of account number 4 2 6 0

\$ 11,092.75

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

- Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.

- Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
 Yes

Type of NONPRIORITY unsecured claim:

- Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Credit Card

4.5

Pathology Associates Medical Laboratories

Nonpriority Creditor's Name

PO Box 2720

Number Street
Spokane WA 99220
City State ZIP Code

Last 4 digits of account number 2 5 2 2

\$ 417.01

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

- Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.

- Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
 Yes

Type of NONPRIORITY unsecured claim:

- Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Medical Expenses

4.6

Walla Walla Clinic

Nonpriority Creditor's Name

55 West Tietan Street

Number Street
Walla Walla WA 99362
City State ZIP Code

Last 4 digits of account number 2 6 1 1

\$ 241.31

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

- Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.

- Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
 Yes

Type of NONPRIORITY unsecured claim:

- Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Medical Expenses

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth. Total claim

4.7 Walla Walla Clinic Last 4 digits of account number 0 6 6 6 \$ 79.70
 Nonpriority Creditor's Name
55 West Tietan Street
 Number Street
Walla Walla WA 99362
 City State ZIP Code

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Medical Expenses

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.8 Providence Health and Services (St. Mary's) Last 4 digits of account number 5 4 6 7 \$ 29.88
 Nonpriority Creditor's Name
401 W Poplar Street
 Number Street
Walla Walla WA 99362
 City State ZIP Code

When was the debt incurred? 12/31/2015

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Medical Expenses

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.9 DeSales Catholic School Last 4 digits of account number _____ \$ 0.00
 Nonpriority Creditor's Name
919 E Sumach St
 Number Street
Walla Walla WA 99362
 City State ZIP Code

When was the debt incurred? Monthly

As of the date you file, the claim is: Check all that apply.
 Contingent *Regular tuition was tendered pre-petition but appears to have "cleared"
 Unliquidated post-petition. Claim would be for said payment in the event of turnover
 Disputed demand. Amount of payment was \$1,250.00 but is listed as "\$0.00"
 pending receipt of an actual demand for turnover.

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Tuition

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.10

CNH Industrial Capital America LLC

Nonpriority Creditor's Name

PO Box 3600

Number Street
Lancaster PA 17604
City State ZIP Code

Last 4 digits of account number 6 0 0 2

\$ 919,241.6

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Ag-related loan to 4MC, a general partnership in which debtor is a partner and may be claimed to be personally liable for debt of partnership)

4.11

AgDirect

Nonpriority Creditor's Name

PO Box 2409

Number Street
Omaha NE 68103
City State ZIP Code

Last 4 digits of account number 1 0 0 1

\$ 16,235.33

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Ag-related loan to 4MC, a general partnership in which debtor is a partner and may be claimed to be personally liable for debt of partnership)

4.12

AgDirect

Nonpriority Creditor's Name

PO Box 2409

Number Street
Omaha NE 68103
City State ZIP Code

Last 4 digits of account number 3 0 0 1

\$ 59,603.03

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Ag-related loan to 4MC, a general partnership in which debtor is a partner and may be claimed to be personally liable for debt of partnership)

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.13

AgCo Finance LLC

Nonpriority Creditor's Name

PO Box 9283

Number Street

Des Moines

IA

50306

City

State

ZIP Code

Who incurred the debt? Check one.

Debtor 1 only

Debtor 2 only

Debtor 1 and Debtor 2 only

At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

No

Yes

Last 4 digits of account number 2 5 2 0

\$ 199,537.9

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

Contingent

Unliquidated

Disputed

Type of NONPRIORITY unsecured claim:

Student loans

Obligations arising out of a separation agreement or divorce that you did not report as priority claims

Debts to pension or profit-sharing plans, and other similar debts

Other. Specify Ag-related loan to 4MC, a general partnership

in which debtor is a partner and may be claimed to be personally liable for debt of partnership)

4.14

AgCo Finance LLC

Nonpriority Creditor's Name

PO Box 9283

Number Street

Des Moines

IA

50306

City

State

ZIP Code

Who incurred the debt? Check one.

Debtor 1 only

Debtor 2 only

Debtor 1 and Debtor 2 only

At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

No

Yes

Last 4 digits of account number 7 0 0 8

\$ 79,587.15

When was the debt incurred? Varies

As of the date you file, the claim is: Check all that apply.

Contingent

Unliquidated

Disputed

Type of NONPRIORITY unsecured claim:

Student loans

Obligations arising out of a separation agreement or divorce that you did not report as priority claims

Debts to pension or profit-sharing plans, and other similar debts

Other. Specify Ag-related loan to 4MC, a general partnership

in which debtor is a partner and may be claimed to be personally liable for debt of partnership)

4.15

4MC (partnership)

Nonpriority Creditor's Name

1954 Bolles Road

Number Street

Waitsburg

WA

99361

City

State

ZIP Code

Who incurred the debt? Check one.

Debtor 1 only

Debtor 2 only

Debtor 1 and Debtor 2 only

At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

No

Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

Contingent

Unliquidated

Disputed

Type of NONPRIORITY unsecured claim:

Student loans

Obligations arising out of a separation agreement or divorce that you did not report as priority claims

Debts to pension or profit-sharing plans, and other similar debts

Other. Specify General partnership of which debtor is a partner,

may include, by way of example but w/o limitation, claims for contributions, liability for partnership debts or debts of other partners, breach of agmt, tort, etc.

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth. Total claim

4.16 WhyNotMC (partnership) Last 4 digits of account number _____ \$ 1.00

Nonpriority Creditor's Name
1954 Bolles Road
 Number Street
Waitsburg WA 99361
 City State ZIP Code

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify General partnership of which debtor is a partner, may include, by way of example but w/o limitation, claims for contributions, liability for partnership debts or debts of other partners, breach of agmt, tort, etc.

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.17 Bolles Junction Trucking, LLC Last 4 digits of account number _____ \$ 1.00

Nonpriority Creditor's Name
1954 Bolles Road
 Number Street
Waitsburg WA 99361
 City State ZIP Code

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify LLC of which debtor is a member, may include, by way of example but w/o limitation, claims for contributions, liability to other members or LLC re: debts, breach of agmt, tort, etc.

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.18 Guy and Lynn McCaw Last 4 digits of account number _____ \$ 1.00

Nonpriority Creditor's Name
1954 Bolles Road
 Number Street
Waitsburg WA 99361
 City State ZIP Code

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Cotenant, partner of debtor, and co-member of LLC w debtor (several entities) may include, by way of example but w/o limitation, claims for contributions, liability re: partnership/LLC debts, breach of agmt, tort, etc.

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.19

John and Tarah McCaw

Nonpriority Creditor's Name
3163 Bolles Road
Number Street
Waitsburg WA 99361
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Cotenant, partner of debtor, and co-member of LLC w debtor

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

(several entities) may include, by way of example but w/o limitation, claims for contributions, liability re: partnership/LLC debts, breach of agmt, tort, etc.

4.20

Jack McCaw

Nonpriority Creditor's Name
PO Box 643
Number Street
Waitsburg WA 99361
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Cotenant, partner of debtor, and co-member of LLC w debtor

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

(several entities) may include, by way of example but w/o limitation, claims for contributions, liability re: partnership/LLC debts, breach of agmt, tort, etc.

4.21

Estate of Lorette Deloris McCaw

Nonpriority Creditor's Name
PO Box 643
Number Street
Waitsburg WA 99361
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Pledged security interest in land re: loan to Debtor (\$135,000)

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

from Baker Boyer Nat. Bank, claims may include any right to contribution for payment of debt, etc.

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.22

Rolling MC

Nonpriority Creditor's Name

1954 Bolles Road

Number Street

Waitsburg

WA

99361

City

State

ZIP Code

Who incurred the debt? Check one.

Debtor 1 only

Debtor 2 only

Debtor 1 and Debtor 2 only

At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

No

Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

Contingent

Unliquidated

Disputed

Type of NONPRIORITY unsecured claim:

Student loans

Obligations arising out of a separation agreement or divorce that you did not report as priority claims

Debts to pension or profit-sharing plans, and other similar debts

Other. Specify Partnership between Guy and Lynn McCaw involved in farming land of which Debtors are co-tenant and re: any potential claims arising from farming operations or otherwise

4.23

Rocking MC

Nonpriority Creditor's Name

PO Box 643

Number Street

Waitsburg

WA

99361

City

State

ZIP Code

Who incurred the debt? Check one.

Debtor 1 only

Debtor 2 only

Debtor 1 and Debtor 2 only

At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

No

Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

Contingent

Unliquidated

Disputed

Type of NONPRIORITY unsecured claim:

Student loans

Obligations arising out of a separation agreement or divorce that you did not report as priority claims

Debts to pension or profit-sharing plans, and other similar debts

Other. Specify DBA or entity of Jack McCaw involved in farming

land of which Debtor is co-tenant and re: any potential claims arising from farming operations or otherwise

4.24

Just Farms LLC

Nonpriority Creditor's Name

3163 Bolles Road

Number Street

Waitsburg

WA

99361

City

State

ZIP Code

Who incurred the debt? Check one.

Debtor 1 only

Debtor 2 only

Debtor 1 and Debtor 2 only

At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

No

Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

Contingent

Unliquidated

Disputed

Type of NONPRIORITY unsecured claim:

Student loans

Obligations arising out of a separation agreement or divorce that you did not report as priority claims

Debts to pension or profit-sharing plans, and other similar debts

Other. Specify LLC owned by John and Sarah McCaw involved in farming

land of which Debtor is co-tenant and re: any potential claims arising from farming operations or otherwise

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.25

Running MC

Nonpriority Creditor's Name
1479 Spring Branch Road
Number Street
Walla Walla WA 99362
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify General partnership owned by debtors (and thus potentially DBA), and re: any potential claims for contributions to debts, liabilities, breach of duties, etc.

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

4.26

Double J Farms, LLC

Nonpriority Creditor's Name
1479 Spring Branch Road
Number Street
Walla Walla WA 99362
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify LLC owned by debtors and re: any potential claims for contributions to debts, liabilities, breach of duties, etc.

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

4.27

Charles Heady

Nonpriority Creditor's Name
3205 Glenn Ave
Number Street
Gillette WY 82716
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.28

Hill-Whitney LLC

Nonpriority Creditor's Name

129 W Main St

Number Street

Walla Walla

WA

99362

City

State

ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

4.29

Edward and Mildred Maring

Nonpriority Creditor's Name

1536 Frank Cox Road

Number Street

Patterson

CA

95363

City

State

ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

4.30

Evan Mehlenbacher

Nonpriority Creditor's Name

72812 E 279 PR NE

Number Street

Richland

WA

99352

City

State

ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.31

ORWA-FARMS LLC
 Nonpriority Creditor's Name
6805 83rd Ave SE
Number Street
Mercer Island WA 98040
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

4.32

Kathy Payne and William Payne
 Nonpriority Creditor's Name
401 W 6th Ave
Number Street
Waitsburg WA 99361
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

4.33

Tristan Renz and Leslie Renz
 Nonpriority Creditor's Name
42 N Royal Fern Dr
Number Street
The Woodlands TX 77380
City State ZIP Code

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.34

Kim Whitney Johnson

Nonpriority Creditor's Name

1830 S Upper Terrace Road

Number Street

Spokane WA 99170

City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
 Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
 Unliquidated
 Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

4.35

Eli Whitney

Nonpriority Creditor's Name

1215 San Julian Place

Number Street

San Marcos CA 92078

City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
 Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
 Unliquidated
 Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

4.36

Marilyn Archer Wilson c/o Baker Boyer Trust Dept.

Nonpriority Creditor's Name

PO Box 1796

Number Street

Walla Walla WA 99362

City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
 Yes

Last 4 digits of account number _____

\$ 1.00

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply.

- Contingent
 Unliquidated
 Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Landlord re: lease for farmground, and including by way of example but w/o limitation, any claims re lease payment/performance (past, present, or future), breach of lease, etc.

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.37 **RESERVED** Last 4 digits of account number _____ \$ 0.00

Nonpriority Creditor's Name _____

 Number Street

 City State ZIP Code

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply:
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify _____

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.38 **RESERVED** Last 4 digits of account number _____ \$ 0.00

Nonpriority Creditor's Name _____

 Number Street

 City State ZIP Code

When was the debt incurred? Unknown

As of the date you file, the claim is: Check all that apply:
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify _____

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.39 **Verizon Wireless** Last 4 digits of account number _____ \$ 600.00

Nonpriority Creditor's Name _____
500 Technology Drive Ste 550
 Number Street
Weldon Spring MO 63304
 City State ZIP Code

When was the debt incurred? Monthly

As of the date you file, the claim is: Check all that apply:
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Cell phone service provider, and including by way of example, but not limited to, claims for service provided to date of petition, and any claims resulting from breach of term commitment if applicable

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.40

Pacific Power

Nonpriority Creditor's Name

PO Box 26000

Portland OR 97256
Number Street City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Monthly

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Electric service provider, and including by way of example, but not limited to, claims for service provided to date of petition, and any claims resulting from breach of term commitment if applicable

4.41

BDI Basin Disposal

Nonpriority Creditor's Name

2021 N Commercial Ave

Pasco WA 99301
Number Street City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Monthly

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Garbage service provider, and including by way of example, but not limited to, claims for service provided to date of petition, and any claims resulting from breach of term commitment if applicable

4.42

Directv

Nonpriority Creditor's Name

P.O. Box 105261

Atlanta GA 30348
Number Street City State ZIP Code

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Last 4 digits of account number _____ \$ 1.00

When was the debt incurred? Monthly

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify Television service provider, and including by way of example, but not limited to, claims for service provided to date of petition, and any claims resulting from breach of term commitment if applicable

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

4.43 PocketiNet Last 4 digits of account number _____ \$ 1.00
Nonpriority Creditor's Name
45 Terminal Loop Suite 210
Number Street
Walla Walla WA 99362
City State ZIP Code

When was the debt incurred? Monthly

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Internet service provider, and including by way of example, but not limited to, claims for service provided to date of petition, and any claims resulting from breach of term commitment if applicable

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.44 Banner Bank Last 4 digits of account number 7 5 6 9 \$ 629,697.0
Nonpriority Creditor's Name
PO Box 907
Number Street
Walla Walla WA 99362
City State ZIP Code

When was the debt incurred? Varies See Schedule "D" re: dispute as to security and undersecured status

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Personal Guaranty on Ag Loan

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

4.45 Ally Bank Last 4 digits of account number 3 5 6 2 \$ 1,753.63
Nonpriority Creditor's Name
PO Box 78234
Number Street
Phoenix AZ 85062
City State ZIP Code

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed

Who incurred the debt? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another

Type of NONPRIORITY unsecured claim:
 Student loans
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims
 Debts to pension or profit-sharing plans, and other similar debts
 Other. Specify Unsecured portion of car loan

Check if this claim is for a community debt

Is the claim subject to offset?
 No
 Yes

Part 3: List Others to Be Notified About a Debt That You Already Listed

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Collection Bureau of Walla Walla Inc.
Name
224 E Poplar St
Number Street

Walla Walla WA 99362
City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line 4.7 of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number 6 9 9 4

Creditors Bureau USA
Name
757 L Street
Number Street

Fresno CA 93721
City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line 4.5 of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number 2 9 3 0

Health Services Asset Management
Name
2201 Lind Ave SW Ste 200
Number Street

Renton WA 98057
City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line 4.8 of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number 5 4 6 7

Shirley Hill
Name
129 W Main St
Number Street

c/o Larry Seigel
Walla Walla WA 99362
City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line 4.28 of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Part 4: Add the Amounts for Each Type of Unsecured Claim

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. § 159. Add the amounts for each type of unsecured claim.

		Total claim	
Total claims from Part 1	6a. Domestic support obligations	6a. \$	0.00
	6b. Taxes and certain other debts you owe the government	6b. \$	0.00
	6c. Claims for death or personal injury while you were intoxicated	6c. \$	0.00
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d. + \$	2,612,161.00 \$0.00 (Attorney correction)
	6e. Total. Add lines 6a through 6d.	6e. \$	2,612,161.00 \$0.00 (Attorney correction)

		Total claim	
Total claims from Part 2	6f. Student loans	6f. \$	0.00
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g. \$	0.00
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h. \$	0.00
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i. + \$	2,612,161.00
	6j. Total. Add lines 6f through 6i.	6j. \$	2,612,161.00

Fill in this information to identify your case:

Debtor	Jesse	Jay	McCaw
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if filing)	Kate	Garland	Waetje
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: Eastern District of Washington			
Case number (if known)	16-02892-FLK7		

Check if this is an amended filing

Official Form 106G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

1. Do you have any executory contracts or unexpired leases?

- No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
 Yes. Fill in all of the information below even if the contracts or leases are listed on *Schedule A/B: Property* (Official Form 106A/B).

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease

State what the contract or lease is for

2.1	Charles Heady Name 3205 Glenn Ave Number Street Gillette WY 82716 City State ZIP Code	Farming lease, wheat ground
2.2	Hill-Whitney LLC (Expired) Name 129 W Main St (c/o Larry Seigel) Number Street Walla Walla WA 99362 City State ZIP Code	Farming lease, wheat ground, expired, replaced by Lease in 2.9
2.3	Edward and Mildred Maring Name 1536 Frank Cox Road Number Street Patterson CA 95363 City State ZIP Code	Farming lease, wheat ground
2.4	Evan Mehlenbacher Name 72812 E 279 PR NE Number Street Richland WA 99352 City State ZIP Code	Farming lease, wheat ground
2.5	ORWA-FARMS LLC Name 6805 83rd Ave SE Number Street Mercer Island WA 98040 City State ZIP Code	Farming lease, wheat ground

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

Additional Page If You Have More Contracts or Leases

Person or company with whom you have the contract or lease

What the contract or lease is for

2.6	<u>Kathy Payne and William Payne</u> Name <u>401 W 6th Ave</u> Number Street <u>Waitsburg WA 99361</u> City State ZIP Code	Farming lease, wheat ground
2.7	<u>ORWA-FARMS LLC</u> Name <u>6805 83rd Ave SE</u> Number Street <u>Mercer Island WA 98040</u> City State ZIP Code	Farming lease, wheat ground
2.8	<u>Tristan Renz and Leslie Renz</u> Name <u>42 N Royal Fern Dr</u> Number Street <u>The Woodlands TX 77380</u> City State ZIP Code	Farming lease, wheat ground
2.9	<u>Kim Whitney Johnson</u> Name <u>1830 S Upper Terrace Road</u> Number Street <u>Spokane WA 99203</u> City State ZIP Code	Farming lease, wheat ground
2.10	<u>Shirley Hill (Expired)</u> Name <u>129 W Main St (c/o Larry Seigel)</u> Number Street <u>Walla Walla WA 99362</u> City State ZIP Code	Farm lease, wheat ground (Add'l Landlord as to 2.2 above) Replace by Lease 2.9
2.11	<u>Eli Whitney</u> Name <u>1215 San Julian Place</u> Number Street <u>San Marcos CA 92078</u> City State ZIP Code	Farm lease, wheat ground (Add'l Landlord as to 2.9 above)
2.12	<u>Marilyn Archer Wilson c/o Baker Boyer Trust Dept.</u> Name <u>PO Box 1796</u> Number Street <u>Walla Walla WA 99362</u> City State ZIP Code	Farming lease, wheat ground
2.13	<u>-</u> Name <u>-</u> Number Street <u>-</u> City State ZIP Code	

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u>	<u>Jay</u>	<u>McCaw</u>
	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>
Debtor 2 (Spouse, if filing)	<u>Kate</u>	<u>Garland</u>	<u>Waetje</u>
	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>
United States Bankruptcy Court for the: Eastern District of Washington			
Case number (if known)	<u>16-02892-FLK7</u>		

Check if this is an amended filing

Official Form 106H

Schedule H: Your Codebtors

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

- No
 Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- No. Go to line 3.
 Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

- No
 Yes. In which community state or territory did you live? Washington. Fill in the name and current address of that person.

Jesse McCaw and Kate Waetje

Name of your spouse, former spouse, or legal equivalent

1479 Spring Branch Road

Number Street

Walla Walla

WA

99362

City

State

ZIP Code

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.1

Running MC (debtor-owned partnership)

Name

1479 Spring Branch Rd

Number Street

Walla Walla

WA

99362

City

State

ZIP Code

Schedule D, line 2.6

Schedule E/F, line 4.44

Schedule G, line _____

3.2

Double J Farms, LLC

Name

1479 Spring Branch Rd

Number Street

Walla Walla

WA

99362

City

State

ZIP Code

Schedule D, line 2.6, (Creditor claims but disputed)

Schedule E/F, line 4.2, (Creditor claims 4.44 but disputed)

Schedule G, line _____

3.3

Guy McCaw and Lynn McCaw

Name

1954 Bolles Road

Number Street

Waitsburg

WA

99361

City

State

ZIP Code

Schedule D, line _____

Schedule E/F, line 4.1, 4.10, 4.11, 4.12, 4.13, 4.14

Schedule G, line 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11

Additional Page to List More Codebtors

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.4
Name John McCaw and Tarah McCaw
Number 3163 Street Bolles Road
City Waitsburg State WA ZIP Code 99361

- Schedule D, line _____
- Schedule E/F, line 4.1, 4.10, 4.11, 4.12, 4.13, 4.14
- Schedule G, line 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11

3.5
Name Jack McCaw
Number PO Box 643 Street _____
City Waitsburg State WA ZIP Code 99361

- Schedule D, line _____
- Schedule E/F, line 4.10, 4.11, 4.12, 4.13, 4.14
- Schedule G, line 2.1, 2.2, 2.4, 2.5, 2.7, 2.8, 2.9, 2.10, 2.11

3.6
Name 4MC (partnership)
Number 1954 Street Bolles Road
City Waitsburg State WA ZIP Code 99361

- Schedule D, line _____
- Schedule E/F, line 4.10, 4.11, 4.12, 4.13, 4.14
- Schedule G, line _____

3.7
Name Rolling MC
Number 1954 Street Bolles Road
City Waitsburg State WA ZIP Code 99361

- Schedule D, line _____
- Schedule E/F, line _____
- Schedule G, line 2.5, 2.7

3.8
Name Rocking MC
Number PO Box 643 Street _____
City Waitsburg State WA ZIP Code 99361

- Schedule D, line _____
- Schedule E/F, line _____
- Schedule G, line 2.5, 2.7

3._
Name _____
Number _____ Street _____
City _____ State _____ ZIP Code _____

- Schedule D, line _____
- Schedule E/F, line _____
- Schedule G, line _____

3._
Name _____
Number _____ Street _____
City _____ State _____ ZIP Code _____

- Schedule D, line _____
- Schedule E/F, line _____
- Schedule G, line _____

3._
Name _____
Number _____ Street _____
City _____ State _____ ZIP Code _____

- Schedule D, line _____
- Schedule E/F, line _____
- Schedule G, line _____

	For Debtor 1	For Debtor 2 or non-filing spouse	
Copy line 4 here..... → 4.	\$ 0.00	\$ 0.00	
<small>As both debtors are self employed, they do not receive standard paychecks per se, rather their estimated annual income is divided by twelve and applicable taxes and deductions are referenced below. Debtor Jesse's monthly income is funded by draws from AG operating entity (Double J Farms LLC).</small>			
5. List all payroll deductions:			
5a. Tax, Medicare, and Social Security deductions	\$ 0.00	\$ 0.00	
5b. Mandatory contributions for retirement plans	\$ 0.00	\$ 0.00	
5c. Voluntary contributions for retirement plans	\$ 0.00	\$ 0.00	
5d. Required repayments of retirement fund loans	\$ 0.00	\$ 0.00	
5e. Insurance	\$ 0.00	\$ 0.00	
5f. Domestic support obligations <small>Monthly Child Support of \$1,250</small>	\$ 0.00	\$ 0.00	
5g. Union dues	\$ 0.00	\$ 0.00	
5h. Other deductions. Specify: _____	+\$ 0.00	+\$ 0.00	
6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e + 5f + 5g + 5h.	\$ 0.00	\$ 0.00	
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	\$ 0.00	\$ 0.00	
8. List all other income regularly received:			
8a. Net income from rental property and from operating a business, profession, or farm <small>Income from farming operation is received as monthly draws of 6667.00 (funded by operating entities' line of credit) which is estimated net profit of farming operations on an annualized basis after payment of operating line of credit and lender's retention of margin requirements for following crop year financing requirements, actual monthly net income figures are not available as income is only generated once a year, a statement showing draws is attached, and add'l details re: Double J Farms' operating performance is provided at Attachment B to Schedules (A/B). Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.</small>	\$ 6,667.00	\$ 1,250.00	(See attached)
8b. Interest and dividends	\$ 0.00	\$ 0.00	
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive <small>Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.</small>	\$ 0.00	\$ 0.00	
8d. Unemployment compensation	\$ 0.00	\$ 0.00	
8e. Social Security	\$ 0.00	\$ 0.00	
8f. Other government assistance that you regularly receive <small>Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.</small> Specify: _____	\$ 0.00	\$ 0.00	
8g. Pension or retirement income	\$ 0.00	\$ 0.00	
8h. Other monthly income. Specify: <u>Rental Income (See attached)</u>	+\$ 0.00	+\$ 0.00	
9. Add all other income. Add lines 8a + 8b + 8c + 8d + 8e + 8f + 8g + 8h.	\$ 0.00	\$ 1,538.92	
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	\$ 6,667.00	\$ 2,788.92	= \$ 9,455.92
11. State all other regular contributions to the expenses that you list in Schedule J. <small>Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J.</small> Specify: _____			11. + \$ 0.00
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Your Assets and Liabilities and Certain Statistical Information, if it applies			12. \$ 9,455.92 Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____			

2:37 PM
09/26/16
Cash Basis

DOUBLE J FARMS LLC
Transactions by Account
As of December 31, 2016
Double J Farms - Owner Draws

Type	Date	Memo	Debit
Owner Draw	01/20/2016	Owner draws - October through January	26,666.00
Owner Draw	02/09/2016		6,666.00
Owner Draw	03/07/2016	Funds Transfer	6,666.00
Owner Draw	04/04/2016	Funds Transfer	6,666.00
Owner Draw	05/03/2016	Funds Transfer	6,667.00
Owner Draw	06/02/2016	June Draw	6,600.00
Owner Draw	07/01/2016	July Draw	6,667.00
Owner Draw	08/01/2016	Aug Draw	6,667.00
Owner Draw	09/06/2016	September Draw	6,667.00

**Kate's Schedule C
Estimate as of 9/6/16**

Income	\$ 12,480.00
Expenses	\$ (2,325.95)
Net Income	\$ 10,154.05

**Jesse & Kate McCaw
House Rental Estimate
9/6/16**

(248 days)

Rental Income

VRBO	\$ 7,905.00	
PayPal	<u>\$12,894.91</u>	
	\$20,799.91	/ 248 = 83.87

Expenses

Miscellaneous & Deposit Refunds	\$ (8,078.14)	/ 248 = 32.57
---------------------------------------	---------------	---------------

Net Income	\$12,721.77	/ 248 = 51.30
------------	-------------	---------------

51.30 * 30 = 1,538.92

Fill in this information to identify your case:

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Debtor 2 Kate Garland Waetje
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Eastern District of Washington

Case number 16-02892-FLK7
(if known)

Check if this is:

- An amended filing
 A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

- No. Go to line 2.
Yes. Does Debtor 2 live in a separate household?
No
Yes. Debtor 2 must file Official Form 106J-2, Expenses for Separate Household of Debtor 2.

2. Do you have dependents?

Do not list Debtor 1 and Debtor 2.
Do not state the dependents' names.

Table with 4 columns: Dependent's relationship to Debtor 1 or Debtor 2, Dependent's age, Does dependent live with you? (Yes/No), Split custody (Yes/No). Rows include Child (15), Child (13), and Child (7).

3. Do your expenses include expenses of people other than yourself and your dependents?
No
Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income (Official Form 106I).

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

Your expenses

4. \$ 2,703.26

If not included in line 4:

- 4a. Real estate taxes
4b. Property, homeowner's, or renter's insurance
4c. Home maintenance, repair, and upkeep expenses
4d. Homeowner's association or condominium dues

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

Your expenses

5. Additional mortgage payments for your residence, such as home equity loans	5.	\$	<u>572.75</u>
6. Utilities:			
6a. Electricity, heat, natural gas	6a.	\$	<u>350.00</u>
6b. Water, sewer, garbage collection	6b.	\$	<u>24.00</u>
6c. Telephone, cell phone, internet, satellite, and cable services	6c.	\$	<u>480.00</u>
6d. Other. Specify: _____	6d.	\$	_____
7. Food and housekeeping supplies	7.	\$	<u>750.00</u>
8. Childcare and children's education costs	8.	\$	<u>233.00</u>
9. Clothing, laundry, and dry cleaning	9.	\$	<u>150.00</u>
10. Personal care products and services	10.	\$	<u>50.00</u>
11. Medical and dental expenses	11.	\$	<u>100.00</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12.	\$	<u>350.00</u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13.	\$	<u>400.00</u>
14. Charitable contributions and religious donations	14.	\$	<u>0.00</u>
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.			
15a. Life insurance	15a.	\$	<u>0.00</u>
15b. Health insurance	15b.	\$	<u>0.00</u>
15c. Vehicle insurance	15c.	\$	<u>1,160.00</u>
15d. Other insurance. Specify: _____	15d.	\$	_____
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____ (Self employed rate of Medicare and SS applied at 12.4% + 2.9%)	16.	\$	<u>1,211.30</u>
17. Installment or lease payments:			
17a. Car payments for Vehicle 1	17a.	\$	<u>415.95</u>
17b. Car payments for Vehicle 2	17b.	\$	<u>564.62</u>
17c. Other. Specify: _____	17c.	\$	_____
17d. Other. Specify: _____	17d.	\$	_____
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18.	\$	<u>1,250.00</u>
19. Other payments you make to support others who do not live with you. Specify: _____	19.	\$	_____
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.			
20a. Mortgages on other property	20a.	\$	_____
20b. Real estate taxes	20b.	\$	_____
20c. Property, homeowner's, or renter's insurance	20c.	\$	_____
20d. Maintenance, repair, and upkeep expenses	20d.	\$	_____
20e. Homeowner's association or condominium dues	20e.	\$	_____

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

21. Other. Specify: _____

21. +\$ _____

22. Calculate your monthly expenses.

22a. Add lines 4 through 21.

22a. \$ 10,814.88

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

22b. \$ _____

22c. Add line 22a and 22b. The result is your monthly expenses.

22c. \$ 10,814.88

23. Calculate your monthly net income.

23a. Copy line 12 (your combined monthly income) from Schedule I.

23a. \$ 9,455.22

23b. Copy your monthly expenses from line 22c above.

23b. - \$ 10,814.88

23c. Subtract your monthly expenses from your monthly income.
The result is your *monthly net income*.

23c. \$ -1,359.66

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

No.

Yes.

Explain here: Debtors intend to obtain health insurance

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u>	<u>Jay</u>	<u>McCaw</u>
	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>
Debtor 2 (Spouse, if filing)	<u>Kate</u>	<u>Garland</u>	<u>Waetje</u>
	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>
United States Bankruptcy Court for the: Eastern District of Washington			
Case number	<u>16-02892-FLK7</u>		
	<small>(if known)</small>		

Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information 12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. <i>Schedule A/B: Property</i> (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from <i>Schedule A/B</i>	\$ <u>600,000.00</u>
1b. Copy line 62, Total personal property, from <i>Schedule A/B</i>	\$ <u>136,084.85</u>
1c. Copy line 63, Total of all property on <i>Schedule A/B</i>	\$ <u>736,084.85</u>

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. <i>Schedule D: Creditors Who Have Claims Secured by Property</i> (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i>	\$ <u>1,180,122.04</u>
3. <i>Schedule E/F: Creditors Who Have Unsecured Claims</i> (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$ <u>0.00</u>
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	+ \$ <u>2,612,161.00</u>
Your total liabilities	\$ <u>3,792,283.04</u>

Part 3: Summarize Your Income and Expenses

4. <i>Schedule I: Your Income</i> (Official Form 106I)	
Copy your combined monthly income from line 12 of <i>Schedule I</i>	\$ <u>9,455.92</u>
5. <i>Schedule J: Your Expenses</i> (Official Form 106J)	
Copy your monthly expenses from line 22c of <i>Schedule J</i>	\$ <u>10,814.88</u>

Part 4: Answer These Questions for Administrative and Statistical Records

6. Are you filing for bankruptcy under Chapters 7, 11, or 13?
 No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
 Yes

7. What kind of debt do you have?
 Your debts are primarily consumer debts. *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
 Your debts are not primarily consumer debts. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

8. From the *Statement of Your Current Monthly Income*: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 9,455.00

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:

	Total claim
From Part 4 on <i>Schedule E/F</i>, copy the following:	
9a. Domestic support obligations (Copy line 6a.)	\$ <u>0.00</u>
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ <u>0.00</u>
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ <u>0.00</u>
9d. Student loans. (Copy line 6f.)	\$ <u>0.00</u>
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ <u>0.00</u>
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+ \$ <u>0.00</u>
9g. Total. Add lines 9a through 9f.	\$ <u>0.00</u>

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u> <small>First Name</small>	<u>Jay</u> <small>Middle Name</small>	<u>McCaw</u> <small>Last Name</small>
Debtor 2 (Spouse, if filing)	<u>Kate</u> <small>First Name</small>	<u>Garland</u> <small>Middle Name</small>	<u>Waetje</u> <small>Last Name</small>
United States Bankruptcy Court for the: Eastern District of Washington			
Case number (if known)	<u>16-02892-FLK7</u>		

Check if this is an amended filing

Official Form 107

Statement of Financial Affairs for Individuals Filing for Bankruptcy

04/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Give Details About Your Marital Status and Where You Lived Before

1. What is your current marital status?

- Married
 Not married

2. During the last 3 years, have you lived anywhere other than where you live now?

- No
 Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1:	Dates Debtor 1 lived there	Debtor 2:	Dates Debtor 2 lived there
		<input type="checkbox"/> Same as Debtor 1	<input type="checkbox"/> Same as Debtor 1
Number Street	From To	Number Street	From To
City State ZIP Code		City State ZIP Code	
		<input type="checkbox"/> Same as Debtor 1	<input type="checkbox"/> Same as Debtor 1
Number Street	From To	Number Street	From To
City State ZIP Code		City State ZIP Code	

3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- No
 Yes. Make sure you fill out *Schedule H: Your Creditors* (Official Form 108H).

Part 2: Explain the Sources of Your Income

4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities.

If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- No
 Yes. Fill in the details.

	Debtor 1		Debtor 2	
	Sources of Income Check all that apply.	Gross Income (before deductions and exclusions)	Sources of Income Check all that apply.	Gross Income (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	<input type="checkbox"/> Wages, commissions, bonuses, tips <input checked="" type="checkbox"/> Operating a business	\$ <u>79,932.00</u>	<input type="checkbox"/> Wages, commissions, bonuses, tips <input checked="" type="checkbox"/> Operating a business	\$ <u>12,480.00</u>
For last calendar year: (January 1 to December 31, <u>2015</u>) <small>YYYY</small>	<input type="checkbox"/> Wages, commissions, bonuses, tips <input checked="" type="checkbox"/> Operating a business	\$ <u>419,052.00</u>	<input type="checkbox"/> Wages, commissions, bonuses, tips <input checked="" type="checkbox"/> Operating a business	\$ <u>12,447.00</u>
For the calendar year before that: (January 1 to December 31, <u>2014</u>) <small>YYYY</small>	<input type="checkbox"/> Wages, commissions, bonuses, tips <input checked="" type="checkbox"/> Operating a business	\$ <u>-8,532.00</u>	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	\$ <u>0.00</u>

5. Did you receive any other income during this year or the two previous calendar years?

Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security, unemployment, and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

- No
 Yes. Fill in the details.

	Debtor 1		Debtor 2	
	Sources of Income Describe below.	Gross Income from each source (before deductions and exclusions)	Sources of Income Describe below.	Gross Income from each source (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	<u>Rent (Residence)</u>	\$ <u>12,721.77</u>		\$ <u>0.00</u>
	_____	\$ _____		\$ _____
	_____	\$ _____		\$ _____
For last calendar year: (January 1 to December 31, <u>2015</u>) <small>YYYY</small>		\$ _____	<u>Barrel Racing</u>	\$ <u>960.00</u>
		\$ _____		\$ _____
		\$ _____		\$ _____
For the calendar year before that: (January 1 to December 31, <u>2014</u>) <small>YYYY</small>		\$ _____		\$ _____
		\$ _____		\$ _____
		\$ _____		\$ _____

7. Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?
Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- No
 Yes. List all payments to an Insider.

	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
Insider's Name _____	_____	\$ _____	\$ _____	
Number Street _____	_____			
City State ZIP Code _____				
Insider's Name _____	_____	\$ _____	\$ _____	
Number Street _____	_____			
City State ZIP Code _____				

8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?
Please take notice that this question, though not applicable to the Debtors, may be applicable to an entity in which the Debtors holds an interest, including a partnership with others and/or an LLC. Please see Attachment B to Schedule A/B. Further information in that regard can be made available upon reasonable request.

- No
 Yes. List all payments that benefited an Insider.

	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
Insider's Name _____	_____	\$ _____	\$ _____	
Number Street _____	_____			
City State ZIP Code _____				
Insider's Name _____	_____	\$ _____	\$ _____	
Number Street _____	_____			
City State ZIP Code _____				

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- No
 Yes. Fill in the details.

	Describe the action the creditor took	Date action was taken	Amount
Creditor's Name _____ Number Street _____ City State ZIP Code _____		_____	\$ _____
	Last 4 digits of account number: XXXX-____		

12. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?

- No
 Yes

Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- No
 Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift _____ Number Street _____ City State ZIP Code _____ Person's relationship to you _____		_____	\$ _____
		_____	\$ _____

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift _____ Number Street _____ City State ZIP Code _____ Person's relationship to you _____		_____	\$ _____
		_____	\$ _____

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- No
 Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities that total more than \$600	Describe what you contributed	Date you contributed	Value
Charity's Name			\$ _____
Number Street			\$ _____
City State ZIP Code			

Part 6: List Certain Losses

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

- No
 Yes. Fill in the details. Please note that Running MC, a partnership of the debtor, is anticipated an Farm Service Agency payment related to the drought affecting the 2015. To any extent that may qualify as a disaster payment, you are directed to Attachment B to Schedule A/B which provides detail regarding the Debtor's interest in entities.

Describe the property you lost and how the loss occurred	Describe any insurance coverage for the loss Include the amount that insurance has paid. List pending insurance claims on line 33 of Schedule A/B: Property.	Date of your loss	Value of property lost
			\$ _____

Part 7: List Certain Payments or Transfers

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?
 Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- No
 Yes. Fill in the details.

Person Who Was Paid	Description and value of any property transferred	Date payment or transfer was made on or about:	Amount of payment
101CreditCounseling.com	Money	09/04/2016	\$ 14.95
Number Street			\$ _____
City State ZIP Code			
101CreditCounseling.com			
Email or website address			
Person Who Made the Payment, if Not You			

Debtor 1

Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Carlson Boyd PLLC <small>Person Who Was Paid</small> 230 S 2nd St. Ste. 202 <small>Number Street</small> Yakima WA 98901 <small>City State ZIP Code</small> cbblawfirm.com <small>Email or website address</small> <small>Person Who Made the Payment, if Not You</small>	09/12/2016	\$ 3,375.00
		\$

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors? Do not include any payment or transfer that you listed on line 16.

- No
- Yes. Fill in the details.

Description and value of any property transferred	Date payment or transfer was made	Amount of payment
<small>Person Who Was Paid</small> <small>Number Street</small> <small>City State ZIP Code</small>		\$
		\$

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs? Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

- No
 - Yes. Fill in the details.
- Please take notice that this question, though not applicable to the Debtor, may be applicable to an entity in which the Debtor holds interest, including a partnership with others and/or an LLC. Please see Attachment B to Schedule A/B. Further information in that regard can be made available upon reasonable request.

Person Who Received Transfer	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
<small>Person Who Received Transfer</small> <small>Number Street</small> <small>City State ZIP Code</small> Person's relationship to you _____			
<small>Person Who Received Transfer</small> <small>Number Street</small> <small>City State ZIP Code</small> Person's relationship to you _____			

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- No
 Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date transfer was made

Part 8: List Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- No
 Yes. Fill in the details.

Name of Financial Institution	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
<u>Banner Bank</u> <small>Name of Financial Institution</small>	<u>XXXX--</u>	<input checked="" type="checkbox"/> Checking <input checked="" type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	<u>Spring 2016</u>	<u>\$ 0.00</u>
<u>PO Box 907</u> <small>Number Street</small>				
<u>Walla Walla WA 99362</u> <small>City State ZIP Code</small>				
	<u>XXXX--</u>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____		<u>\$</u>
<u>Name of Financial Institution</u>				
<u>Number Street</u>				
	<u>99362</u>			
<u>City State ZIP Code</u>				

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- No
 Yes. Fill in the details.

Name of Financial Institution	Who else had access to it?	Describe the contents	Do you still have it?
<u>Name of Financial Institution</u>	<u>Name</u>		<input type="checkbox"/> No <input type="checkbox"/> Yes
<u>Number Street</u>	<u>Number Street</u>		
<u>City State ZIP Code</u>	<u>City State ZIP Code</u>		

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

26. Have you notified any governmental unit of any release of hazardous material?

- No
- Yes. Fill in the details.

	Governmental unit	Environmental law, if you know it	Date of notice
Name of site _____	Governmental unit _____		_____
Number Street _____	Number Street _____		
_____	City State ZIP Code _____		
City State ZIP Code _____			

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- No
- Yes. Fill in the details.

	Court or agency	Nature of the case	Status of the case
Case title _____	Court Name _____		<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
_____	Number Street _____		
Case number _____	City State ZIP Code _____		

Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- A member of a limited liability company (LLC) or limited liability partnership (LLP)
- A partner in a partnership
- An officer, director, or managing executive of a corporation
- An owner of at least 5% of the voting or equity securities of a corporation

- No. None of the above applies. Go to Part 12.
- Yes. Check all that apply above and fill in the details below for each business.

<p>Double J Farms LLC <small>Business Name</small></p> <p>1479 Spring Branch Road <small>Number Street</small></p> <p>Walla Walla WA 99362 <small>City State ZIP Code</small></p>	<p><small>Describe the nature of the business</small></p> <p>TKCPA PLLC, 5 West Alder Street, Suite 215, Walla Walla, WA 99362</p> <p><small>Name of accountant or bookkeeper</small></p> <p>Farming</p>	<p><small>Employer Identification number</small> <small>Do not include Social Security number or ITIN.</small></p> <p>EIN: <u>3 6 -4 8 2 3 4 5 9</u></p> <p><small>Dates business existed</small></p> <p>From <u>11/15</u> To <u>Present</u></p>
<p>Running MC <small>Business Name</small></p> <p>1479 Spring Branch Road <small>Number Street</small></p> <p>Walla Walla WA 99362 <small>City State ZIP Code</small></p>	<p><small>Describe the nature of the business</small></p> <p>TKCPA PLLC (Address above)</p> <p><small>Name of accountant or bookkeeper</small></p> <p>Farming</p>	<p><small>Employer Identification number</small> <small>Do not include Social Security number or ITIN.</small></p> <p>EIN: <u>4 6 -3 7 1 3 0 0 0</u></p> <p><small>Dates business existed</small></p> <p>From <u>09/01/2013</u> To <u>Present</u></p>

Debtor 1

First Name Middle Name Last Name

Case number (if known)

25. Have you notified any governmental unit of any release of hazardous material?

- No
Yes. Fill in the details.

Governmental unit, Environmental law, if you know it, Date of notice
Name of site, Governmental unit, Number Street, City State ZIP Code

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- No
Yes. Fill in the details.

Court or agency, Nature of the case, Status of the case
Case title, Court Name, Number Street, City State ZIP Code, Case number, City State ZIP Code
Pending, On appeal, Concluded

Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
A member of a limited liability company (LLC) or limited liability partnership (LLP)
A partner in a partnership
An officer, director, or managing executive of a corporation
An owner of at least 5% of the voting or equity securities of a corporation

- No. None of the above applies. Go to Part 12.
Yes. Check all that apply above and fill in the details below for each business.

Bolles Junction Trucking LLC
Business Name
1954 Bolles Road
Number Street

Describe the nature of the business

Trucking related to farming

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 4 6 -2 0 3 4 9 1 6

Name of accountant or bookkeeper

TKCPA PLLC (Address above)

Dates business existed

From 2/11/2013 To Current

Waitsburg WA 99361
City State ZIP Code

WHYNOTMC
Business Name
1954 Bolles Road
Number Street

Describe the nature of the business

Farming

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 3 0 -0 6 5 1 4 4 0

Name of accountant or bookkeeper

TKCPA PLLC (Address above)

Dates business existed

From 11/30/2010 To 12/31/2015

Waitsburg WA 99361
City State ZIP Code

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

4MC
Business Name
1954 Bolles Road
Number Street
Waitsburg WA 99361
City State ZIP Code

Describe the nature of the business
Farming Equipment
Name of accountant or bookkeeper
TKCPA PLLC (Address above)

Employer identification number
Do not include Social Security number or ITIN.
EIN: 2 0 -3 8 0 3 6 0 6
Dates business existed
From 11/15/2005 To Present

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

- No
- Yes. Fill in the details below.

Banner Bank
Name
PO Box 907
Number Street
Walla Walla WA 99362
City State ZIP Code

Date issued

MM / DD / YYYY

Baker Boyer National Bank
PO Box 1796
Walla Walla, WA 99362

Date: _____

(Exact dates unknown, but traditionally supplied in September of year in connection with renewal or obtaining of operating line for subsequent crop year.)

Part 12: Sign Below

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

x [Signature]
Signature of Debtor 1
Date 09/27/2016

x [Signature]
Signature of Debtor 2
Date 09.27.2016

Did you attach additional pages to Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (Official Form 107)?

- No
- Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

- No
- Yes. Name of person _____

Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

Fill in this information to identify your case:

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Debtor 2 Kate Garland Waetje
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Eastern District of Washington

Case number 16-02892-FLK7
(if known)

Check one box only as directed in this form and in Form 122A-1Supp:

1. There is no presumption of abuse.
2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-2).
3. The Means Test does not apply now because of qualified military service but it could apply later.

Check if this is an amended filing

Official Form 122A-1

Chapter 7 Statement of Your Current Monthly Income

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1Supp) with this form.

Part 1: Calculate Your Current Monthly Income

1. What is your marital and filing status? Check one only.

- Not married. Fill out Column A, lines 2-11.
- Married and your spouse is filing with you. Fill out both Columns A and B, lines 2-11.
- Married and your spouse is NOT filing with you. You and your spouse are:
- Living in the same household and are not legally separated. Fill out both Columns A and B, lines 2-11.
- Living separately or are legally separated. Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ 0.00	\$ 0.00
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ 0.00	\$ 0.00
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ 0.00	\$ 0.00
5. Net income from operating a business, profession, or farm	Debtor 1 Gross receipts (before all deductions) \$6,667.00 Ordinary and necessary operating expenses - \$ 0.00 Net monthly income from a business, profession, or farm \$6,667.00	Debtor 2 Gross receipts (before all deductions) \$1,500.00 Ordinary and necessary operating expenses - \$ 250.00 Net monthly income from a business, profession, or farm \$1,250.00
6. Net income from rental and other real property	Debtor 1 Gross receipts (before all deductions) \$2,515.00 Ordinary and necessary operating expenses - \$977.00 Net monthly income from rental or other real property \$1,538.00	Debtor 2 Gross receipts (before all deductions) \$ Ordinary and necessary operating expenses - \$ Net monthly income from rental or other real property \$
7. Interest, dividends, and royalties	\$ 0.00	\$

Debtor 1 Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
8. Unemployment compensation	\$ 0.00	\$ 0.00
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: ↓		
For you	\$ 0.00	
For your spouse	\$ 0.00	
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ 0.00	\$ 0.00
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total below.	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00
Total amounts from separate pages, if any.	+ \$ 0.00	+ \$ 0.00
11. Calculate your total current monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$ 8,205.00	\$ 1,250.00 = \$ 9,455.00
		Total current monthly income

Part 2: Determine Whether the Means Test Applies to You

12. Calculate your current monthly income for the year. Follow these steps:

12a. Copy your total current monthly income from line 11. Copy line 11 here → \$ 9,455.00
Multiply by 12 (the number of months in a year). x 12

12b. The result is your annual income for this part of the form. 12b. \$ 113,460.00

13. Calculate the median family income that applies to you. Follow these steps:

Fill in the state in which you live. WA

Fill in the number of people in your household. 5

Fill in the median family income for your state and size of household. 13. \$ 95,285.00

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

14. How do the lines compare?

14a. Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse.* Go to Part 3.

14b. Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2.* Go to Part 3 and fill out Form 122A-2.

Part 3: Sign Below

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

x Jesse McCaw
Signature of Debtor 1

x [Signature]
Signature of Debtor 2

Date 09/27/2016
MM / DD / YYYY

Date 09/27/2016
MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A-2.

If you checked line 14b, fill out Form 122A-2 and file it with this form.

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u> <small>First Name</small>	<u>Jay</u> <small>Middle Name</small>	<u>McCaw</u> <small>Last Name</small>
Debtor 2 (Spouse, if filing)	<u>Kate</u> <small>First Name</small>	<u>Garland</u> <small>Middle Name</small>	<u>Waetje</u> <small>Last Name</small>

United States Bankruptcy Court for the: Eastern District of Washington

Case number
(if known) 16-02892-FLK7

Check if this is an amended filing

Official Form 122A-1Supp

Statement of Exemption from Presumption of Abuse Under § 707(b)(2) 12/15

File this supplement together with *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1), if you believe that you are exempted from a presumption of abuse. Be as complete and accurate as possible. If two married people are filing together, and any of the exclusions in this statement applies to only one of you, the other person should complete a separate Form 122A-1 if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).

Part 1: Identify the Kind of Debts You Have

1. Are your debts primarily consumer debts? *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." Make sure that your answer is consistent with the answer you gave at line 16 of the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

- No. Go to Form 122A-1; on the top of page 1 of that form, check box 1, *There is no presumption of abuse*, and sign Part 3. Then submit this supplement with the signed Form 122A-1.
- Yes. Go to Part 2.

Part 2: Determine Whether Military Service Provisions Apply to You

2. Are you a disabled veteran (as defined in 38 U.S.C. § 3741(1))?

- No. Go to line 3.
- Yes. Did you incur debts mostly while you were on active duty or while you were performing a homeland defense activity?
10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1).
- No. Go to line 3.
- Yes. Go to Form 122A-1; on the top of page 1 of that form, check box 1, *There is no presumption of abuse*, and sign Part 3. Then submit this supplement with the signed Form 122A-1.

3. Are you or have you been a Reservist or member of the National Guard?

- No. Complete Form 122A-1. Do not submit this supplement.
- Yes. Were you called to active duty or did you perform a homeland defense activity? 10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1).
- No. Complete Form 122A-1. Do not submit this supplement.
- Yes. Check any one of the following categories that applies:
- I was called to active duty after September 11, 2001, for at least 90 days and remain on active duty.
 - I was called to active duty after September 11, 2001, for at least 90 days and was released from active duty on _____, which is fewer than 540 days before I file this bankruptcy case.
 - I am performing a homeland defense activity for at least 90 days.
 - I performed a homeland defense activity for at least 90 days, ending on _____, which is fewer than 540 days before I file this bankruptcy case.

If you checked one of the categories to the left, go to Form 122A-1. On the top of page 1 of Form 122A-1, check box 3, *The Means Test does not apply now*, and sign Part 3. Then submit this supplement with the signed Form 122A-1. You are not required to fill out the rest of Official Form 122A-1 during the exclusion period. The *exclusion period* means the time you are on active duty or are performing a homeland defense activity, and for 540 days afterward. 11 U.S.C. § 707(b)(2)(D)(ii).

If your exclusion period ends before your case is closed, you may have to file an amended form later.

United States Bankruptcy Court

Eastern District Of Washington

In re

Jesse McCaw and Kate McCaw

Case No. 16-02892-FLK7

Debtor

Chapter 7

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

\$13,615.50 (Payment re representation during Nov. 2015-Sept. 2016 re: workout/litigation)

For legal services, I have agreed to accept \$ 3,375 (Flat fee up front re: bankruptcy)

Prior to the filing of this statement I have received \$17,569.92 (Payment of 13,615.50, 3375, and reimbursement of expenses in the amount of \$579.42)*

Balance Due \$ 0.00

2. The source of the compensation paid to me was:
 Debtor Other (specify)

*Debtors engaged counsel in November of 2015 re: potential workout with Banner Bank. Subsequently, a lawsuit was filed in Walla Walla County and counsel represented debtors therein and charged its routine hourly rate and was regularly paid its billed hourly rate during this period. In September bankruptcy was elected and a flat-fee arrangement was adopted per the attached engagement letter. The bankruptcy flat fee is \$3,000 + \$375 filing expenses up front, but hourly as to certain matters in the event they arise as per attached engagement letter.

3. The source of compensation to be paid to me is:
 Debtor Other (specify)

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
- a. Analysis of the debtor' s financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
 - b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
 - c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

LAW OFFICES OF
230 S. 2ND STREET, SUITE 202
YAKIMA, WASHINGTON 98901

TELEPHONE
509-834-6611

FACSIMILE
509-834-6610



TIMOTHY J. CARLSON
tcarlson@cblawfirm.com

DONALD A. BOYD
dboyd@cblawfirm.com

ZACHARY P. HUMMER
zhummer@cblawfirm.com

September 8, 2016

Jesse McCaw and Kate Waetje
1479 Spring Branch Road
Walla Walla, WA 99362

**Engagement Letter / Agreement Re:
Chapter 7 Bankruptcy Representation by Carlson Boyd PLLC**

Dear Jesse and Kate:

Thank you for your interest in retaining Carlson Boyd PLLC to represent you with regard to filing a petition for bankruptcy.

Carlson Boyd PLLC currently represents your interests relating to a potential workout with Banner Bank and that related litigation pending in Walla Walla County Superior Court under cause no. 16-2-00215-4. Carlson Boyd also represents the interests of your wholly owned entities Running MC Ranch and Double J. Farms, LLC as part of that workout and related litigation.

Carlson Boyd PLLC now offers and agrees to assist you, as married individuals, in filing for bankruptcy under Chapter 7. This Agreement will set forth our mutual understanding of the legal services which Carlson Boyd PLLC will provide to you and the expectations each of us will have with regard to our relationship.

It is understood and agreed that a copy of this engagement letter (also referred to herein as "Agreement"), or an accounting or description of the Agreement, may be submitted and/or shared by Carlson Boyd PLLC to the bankruptcy court, the Chapter 7 Trustee, or any other party to bankruptcy as deemed appropriate or as otherwise required by law.

SCOPE OF SERVICES

The scope of Carlson Boyd PLLC's representation and legal services to you will be limited to those matters necessary to represent your interests and assist you with regard to the filing of bankruptcy as set forth in this Agreement.

- A. **Flat-Fee Services:** Carlson Boyd PLLC, in exchange for the flat fee described below, agrees to provide you with the following services:
1. Consulting and legal advice regarding the general bankruptcy process;
 2. Preparation and filing of the petition for relief under chapter 7 of the Bankruptcy Code, including the schedules, statements of affairs, and other forms required in bankruptcy;
 3. Representation of you at the Meeting of Creditors (but not including any actual expenses associated with travel);
 4. Responding to and resolving any motions for relief from the automatic stay, assumption or rejection of unexpired leases or executory contracts, valuation of collateral, and post-petition repossessions and garnishments.
- B. **Hourly, Post-Petition Services:** The flat fee payable to Carlson Boyd PLLC shall not include and shall not cover any fees, costs, or expenses associated with any representation or legal services provided as to any of the following matters should they arise after your voluntary petition for Chapter 7 has been filed:
1. Legal services and representation related to addressing and resolving motions for denial of discharge or denial of discharge of specific debts;
 2. Legal services and representation of you under another Chapter of the Bankruptcy Code, including by way of example but without limitation, Chapter 11, Chapter 12, and Chapter 13;
 3. Legal services and representation pertaining to the winding down of any existing businesses;
 4. Legal services and representation regarding business/farming ventures or personal endeavors following the filing of the bankruptcy petition;
 5. Legal services and representation in any adversary proceedings commenced by or against you or by or against any other person;

6. Legal services or representation related to any separate bankruptcy proceedings to be commenced for any other entity, including by way of example but without limitation, Running MC Ranch, Double J. Farms, LLC, or any other entity in which either of you may hold an interest;
7. Any other services not specifically expressed in section "A" above as being provided in exchange for the flat-fee.

LEGAL FEES

Flat Fee: As advanced payment to be made for Carlson Boyd PLLC's provision of representation and legal services to be provided as part of paragraph "A" in the Scope of Services section above, you agree to pay Carlson Boyd PLLC an up-front, flat fee of \$3,000.00 for those legal services and the representation contemplated therein. You will also provide advance payment of the bankruptcy's court's filing fee, administrative charge, and trustee surcharge for the bankruptcy which total \$335.00. The flat fee and advance payment of expenses must be received by Carlson Boyd PLLC up front and as a condition to its Agreement to represent you as described herein.

It is understood that, by agreeing to a flat fee with respect to those described services, Carlson Boyd need not keep or provided detailed time records with respect to those services being offered in exchange for the flat fee.

Post-Petition, Hourly Services: As to any other potential representation or legal services to be provided to you and not specifically described in paragraph "A" in the Scope of Services section above, and including as an example but without limitation any potential representation or legal services that may be provided to you as described in paragraph "B" in the Scope of Services section above, you agree that you will pay for Carlson Boyd PLLC's representation and legal services which are to be billed on an hourly basis and detailed time records will be prepared by Carlson Boyd PLLC and delivered to you regarding any such legal services and costs.

The hourly rates of the lawyers likely to assist in representation of you in this matter, and their respective hourly rates, are as follows:

Timothy J. Carlson	\$300.00
Donald A. Boyd	\$275.00
Zachary P. Hummer	\$210.00

It is understood that, in the event the need for representation or legal services arises beyond that within the scope of what is to be provided for as part of the flat fee, such liability for payment will likely arise post-petition and will not be discharged as part of the bankruptcy. It is further understood that such liability will likely not be covered, paid, or satisfied by the bankruptcy estate which will generally consist of all of your non-exempt property at the time of filing.

SUPERVISING ATTORNEY AND ASSISTANTS

As supervising attorney, I will be responsible for seeing that the work is carried out in an efficient and economical manner. I may be assisted by other attorneys, paralegals, and legal assistants in our office. They are all bound to you by the same duties of loyalty and confidentiality that bind me.

YOUR RESPONSIBILITIES

As part of this Agreement, you agree to:

1. Provide the attorney with the complete and accurate information as requested by the attorney or described in the bankruptcy forms provided to you;
2. Provide copies of pay stubs for the ninety-day period immediately preceding the filing of the petition as well as any other documents requested by the attorney, such as tax records, pay records, and security documents;
3. Promptly respond to communications and requests for information by Carlson Boyd PLLC and to cooperate with Carlson Boyd PLLC in all matters related to the bankruptcy case;
4. Attend the meeting of creditors and any other meetings or hearings at which debtor's presence is required or requested by Carlson Boyd PLLC.

GENERAL RATES

The usual basis for determining our hourly fees is the time expended by attorneys, paralegals, and legal assistants of the firm. The rates for our services presently range from \$85.00 per hour for legal assistants to about \$300.00 per hour for senior lawyers. Our fees change from time to time without notice, usually in the fall. Whenever it is appropriate, we will use associate attorneys, law clerks, or legal assistants in our office to keep your costs as low as possible.

OTHER FACTORS AND RATES

Although time expended and costs incurred are usually the basis for determining our hourly fees, by mutual agreement, billings to you for legal services may, in some instances, be based on a more comprehensive evaluation of the reasonable value of the firm's services. The firm is committed to charging reasonable fees for services. In certain situations, factors other than the amount of time required will have a significant bearing on the reasonable value of the services performed. Such factors include:

- The novelty and complexity of the questions involved;
- The skill required to provide proper legal representation;
- Familiarity with the specific areas of law involved;
- The preclusion of other engagements caused by your work;
- The magnitude of the matter;
- The results achieved;
- Customary fees for similar legal services;
- Time limitations imposed by you or by circumstances; and
- The extent to which office forms and procedures have produced a high quality product efficiently.

In circumstances where our fees will be based on or include factors other than our normal hourly charges and costs, we will notify you promptly and prior to proceeding.

BILLING FEES AND COSTS

In the event representation and legal services are provided beyond the scope of that which is provided for by the flat-fee, we will bill you on a regular basis, normally each month, for all of the time spent on your matter and for other costs incurred relating to our work on your behalf. The activities for which you will be billed will include:

- Conference time, whether in person or on the telephone;
- Document preparation and revisions;
- Negotiations;
- Correspondence;
- Staff or attorney supervision;
- Factual and legal research and analysis;
- Travel on your behalf; and
- Other matters directly pertinent to and related to the litigation matter being handled by our firm.

Some of our costs include an allocation for administrative services that is shared among the firm's clients. Typical of the costs for which you will be billed:

Filing fees;
Delivery fees;
Computer assisted legal research;
Copying;
Long distance telephone charges;
Charges of outside experts and consultants (which may be billed directly to you); and
Travel.

PAYMENT; REBILL FEE

You will receive monthly statements showing any amount that has been billed. You agree to make payment within 30 days of receipt of Carlson Boyd PLLC's monthly statement. Outstanding balances that are not paid when due will accrue at the rate of 1.5 percent compounded monthly from the date of invoice until paid.

In the event a payment is not received within 45 days after it is originally billed, then a rebill fee will be applied on the following schedule:

<u>Unpaid Billing Amount</u>	<u>Monthly Rebill Fee</u>
Up to \$1,000.00	\$ 50.00
\$1,001.00 to \$2,500.00	\$100.00
\$2,501.00 to \$5,000.00	\$150.00
Above \$5,000.00	\$250.00

The rebill fee will be IN ADDITION to interest charged on the unpaid balance.

TRUST DEPOSITS

Any trust deposits from you will be held in a client trust account. By court rule in Washington, funds deposited to a trust account are subject to IOLTA (interest on lawyer's trust account) participation in a pooled trust account. The exception is when the deposit is large enough to earn interest in excess of bank and administrative costs, and you request that it be held in a separate account, in which case the interest earned will be added to the deposit for

September 8, 2016

Page...7

your benefit and will be taxable income to you. IOLTA funds are used to support law-related charitable and educational activities.

TERMINATION

You may terminate Carlson Boyd PLLC's representation of you at any time, with or without cause, by notifying us. Upon such action, all fees and expenses incurred before the termination are due to Carlson Boyd PLLC. If such termination occurs, your original papers will be returned to you promptly. If you wish to have a copy of your file at the conclusion of our representation, we will provide it to you at the current copy rate per page then in effect at this firm.

ESTIMATES

You may, from time to time, ask us for estimates of our fees and expenses either in whole or in part. We are hesitant to give estimates because of their potential inaccuracy. However, if you require it, and if we do provide you with such estimates, they will be based upon our professional judgment, but always with a clear understanding that it is not a maximum or fixed fee quotation. We cannot guarantee that the actual fees and expenses will be at or below the estimates because of factors outside the control of the firm.

DISPUTE RESOLUTION

If you disagree with the amount of our fee, please take up the question with Timothy J. Carlson, Donald A. Boyd, or Zachary P. Hummer.

Typically, such disagreements are resolved to the satisfaction of both sides and with little inconvenience or formality. The Washington State Bar Association has a Fee Arbitration Board to assist in the settlement of fee disputes. Any disputes relating to the terms of engagement or the amount of legal fees related thereto, will be submitted to the Fee Arbitration Board of the Washington State Bar Association for arbitration and prompt resolution. According to its then-effective rules, the firm and you agree to be bound by the results of such arbitration. In the event of non-payment such that we have to pursue collection of your account, you agree to pay the costs of collecting the debt, including court costs and fees, and a reasonable attorney's fee.

WITHDRAWAL

We reserve the right to withdraw from representing you for any reason, including, without limitation, failure to timely pay our fees in accordance with this Agreement. Written notice of our intent to withdraw will be mailed to you prior to our withdrawing from this matter.

DISCLAIMER

You acknowledge that we have made no guarantees regarding the disposition, outcome, or results of your legal or business matters, and all expressions we have made relevant thereto, are only our opinions as lawyers based upon the information available to us at the time.

FILES

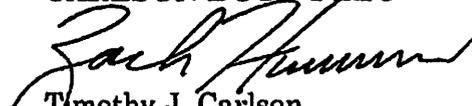
We may destroy files six years after they are closed. Clients are responsible for removal of their papers before that time.

SELECTION OF OUR FIRM

Thank you again for retaining Carlson Boyd PLLC to represent you with regard to this matter. If you agree with the terms of this engagement letter, please sign the Acknowledgment and Acceptance (following page) within the next week and return it to our office in the enclosed self-addressed, stamped envelope.

Very truly yours,

CARLSON BOYD PLLC


Timothy J. Carlson
Zachary P. Hummer

To the extent the information herein relates to any federal tax issues, this is not a "more likely than not" tax opinion. If it were, IRS rules may require that this communication be a lengthy formal tax opinion (which would be much more expensive to produce) or include a disclaimer that you cannot rely on the communication to avoid tax penalties. There is, however, substantial authority for the conclusions reached.



ACKNOWLEDGMENT AND ACCEPTANCE

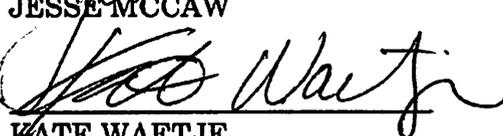
I hereby acknowledge the representation policies of Carlson Boyd PLLC and accept the terms and conditions as set forth in this Engagement Letter and Statement of Billing Policies dated September 8th, 2016.

DATED this 12 day of September, 2016.

CLIENTS:

CARLSON BOYD, PLLC



JESSE MCCA W


KATE WAETJE

By: 

TIMOTHY J. CARLSON
ZACHARY P. HUMMER

To any extent the information herein relates to any federal tax issues, this is not a "more likely than not" tax opinion. If it were, IRS rules may require that this communication be a lengthy formal tax opinion (which would be much more expensive to produce) or include a disclaimer that you cannot rely on the communication to avoid tax penalties. There is, however, substantial authority for the conclusions reached.



STATEMENT OF BILLING POLICIES HOURLY RATE FEE

LEGAL SERVICE Our policy is to bill monthly, based on services performed in the previous month, including expenses incurred on your behalf.

FEES In determining our legal service fees, time charges are but one of several criteria used. We also consider other applicable factors such as the difficulty of the matter, time limitations imposed by the client or by the circumstances, the skill requisite to perform the legal service properly, the responsibility involved, the amount involved, and the results obtained, and Carlson Boyd PLLC reserves the right to bill appropriately in such cases.

EXPENSES Out-of-pocket charges billed to you include such items as:

Incoming wire transfer fees,
commercial messenger deliveries,
filing fees,
transcripts,
outside copying or document management,
printing costs,
travel, and related expenses such as meals and lodging.

If we are required to work under emergency circumstances requiring staff overtime, our practice is to bill for such overtime. Your bills will also reflect charges for additional expenditures made on your behalf, such as long distance telephone calls, and reproductions. There will be no charge for local telephone calls or for local faxing. The standard charges for these services are listed below:

<u>Service</u>	<u>Current Charge</u>
Photocopies	\$0.25/page (black & white)
	\$0.50/page (color)
Long Distance telephone calls	Actual amount billed
Computer legal research	Hourly rate, which includes standard subscription and maintenance costs and

	account charges billed by the vendors to Carlson Boyd PLLC
Out-of-town faxing:	\$1.50 for first page + \$0.50 per add'l page
International faxing:	\$2.00 per page
Flash Drive	\$5.00
Bank Wire Transfer Fees:	Fees charged by Bank

Out-of-pocket charges may be sent directly to you for payment or, if you prefer, we can establish a separate expense retainer that will be held in an escrow account to be applied against these expenses. Expenses paid by the firm will be billed to you when they total \$50.00.

EXPERTS

In circumstances where it is appropriate for Carlson Boyd PLLC to directly engage the consultant or witness directly, you are responsible for payment of costs and fees charged by these people.

TRUST ACCOUNT

If we receive advanced funds belonging to you that in our best judgment are not large enough or are not to be held long enough to earn at least \$100 interest, we will place these funds in a pooled trust account. We are required to do this pursuant to a Rule established by the Washington State Supreme Court. The interest is payable to the Washington Legal Foundation. If we receive advanced funds belonging to you that, in our best judgment, are large enough to earn a material amount of interest, we will place these funds in an interest bearing account for you.

PAYMENT

Payment is due on receipt and, except as expressly agreed to in writing otherwise, is not contingent or dependent on the outcome of the engagement, such as prevailing in a lawsuit or concluding a transaction.

We reserve the right to end our work on this matter and any other matters for which we may be simultaneously engaged, and to withdraw from the representation on proper notice if we do not receive payment in full when due.

Outstanding balances that are not paid when due will accrue a default charge at the rate of 1.5 percent compounded monthly from the date of invoice until paid.

In the event a payment is not received within 45 days after it is originally billed, then a rebill fee will be applied on the following schedule:

<u>Unpaid Billing Amount</u>	<u>Rebill Fee Per Month</u>
Up to \$1,000.00	\$ 50.00
\$1,001.00 to \$2,500.00	\$100.00
\$2,501.00 to \$5,000.00	\$150.00
Above \$5,000.00	Up to \$500

The rebill fee will be IN ADDITION to interest charged on the unpaid balance.

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u> <small>First Name</small>	<u>Jay</u> <small>Middle Name</small>	<u>McCaw</u> <small>Last Name</small>
Debtor 2 (Spouse, if filing)	<u>Kate</u> <small>First Name</small>	<u>Garland</u> <small>Middle Name</small>	<u>Wastle</u> <small>Last Name</small>
United States Bankruptcy Court for the: Eastern District of Washington			
Case number (if known)	<u>16-02892-FLK7</u>		

Check if this is an amended filing

Official Form 108

Statement of Intention for Individuals Filing Under Chapter 7

12/15

If you are an individual filing under chapter 7, you must fill out this form if:

- creditors have claims secured by your property, or
- you have leased personal property and the lease has not expired.

You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also send copies to the creditors and lessors you list on the form.

If two married people are filing together in a joint case, both are equally responsible for supplying correct information.

Both debtors must sign and date the form.

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

Part 1: List Your Creditors Who Have Secured Claims

1. For any creditors that you listed in Part 1 of Schedule D: Creditors Who Have Claims Secured by Property (Official Form 108D), fill in the information below.

Identify the creditor and the property that is collateral

What do you intend to do with the property that secures a debt?

Did you claim the property as exempt on Schedule C?

Creditor's name: Banner Bank

Description of property securing debt: Residence: 1479 Spring Branch Rd Walla Walla, WA 99362

- Surrender the property.
- Retain the property and redeem it.
- Retain the property and enter into a *Reaffirmation Agreement*.
- Retain the property and (explain): Continue regular payments

- No
- Yes

Creditor's name: Banner Bank

Description of property securing debt: Residence: 1479 Spring Branch Rd Walla Walla, WA 99362

- Surrender the property.
- Retain the property and redeem it.
- Retain the property and enter into a *Reaffirmation Agreement*.
- Retain the property and (explain): Continue regular payments

- No
- Yes

Creditor's name: Ally Bank

Description of property securing debt: 2011 Dodge Ram 3500

- Surrender the property.
- Retain the property and redeem it.
- Retain the property and enter into a *Reaffirmation Agreement*.
- Retain the property and (explain): Continue regular payments until surrender

- No
- Yes

Creditor's name: Chase Bank

Description of property securing debt: 2016 GMC Yukon

- Surrender the property.
- Retain the property and redeem it.
- Retain the property and enter into a *Reaffirmation Agreement*.
- Retain the property and (explain): _____

- No
- Yes

Fill in this information to identify your case:

Debtor 1	<u>Jesse</u> <small>First Name</small>	<u>Jay</u> <small>Middle Name</small>	<u>McCaw</u> <small>Last Name</small>
Debtor 2 <small>(Spouse, if filing)</small>	<u>Kate</u> <small>First Name</small>	<u>Garland</u> <small>Middle Name</small>	<u>Waetle</u> <small>Last Name</small>

United States Bankruptcy Court for the: Eastern District of Washington

Case number 16-02892-FLK7
(if known)

Check if this is an amended filing

Official Form 108

Statement of Intention for Individuals Filing Under Chapter 7

12/15

If you are an individual filing under chapter 7, you must fill out this form if:

- creditors have claims secured by your property, or
- you have leased personal property and the lease has not expired.

You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also send copies to the creditors and lessors you list on the form.

If two married people are filing together in a joint case, both are equally responsible for supplying correct information.

Both debtors must sign and date the form.

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

Part 1: List Your Creditors Who Have Secured Claims

1. For any creditors that you listed in Part 1 of *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 106D), fill in the information below.

Identify the creditor and the property that is collateral	What do you intend to do with the property that secures a debt?	Did you claim the property as exempt on Schedule C?
Creditor's name: <u>Banner Bank</u> Description of property securing debt: <u>Disputed claim of lien against farm leases</u>	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input checked="" type="checkbox"/> Retain the property and (explain): <u>Dispute / avoid security interest</u>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: <u>HAPO</u> Description of property securing debt: <u>Horse trailer</u>	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input checked="" type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and (explain): _____	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: _____ Description of property securing debt: _____	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and (explain): _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: _____ Description of property securing debt: _____	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and (explain): _____	<input type="checkbox"/> No <input type="checkbox"/> Yes

Debtor 1

Jesse Jay McCaw
First Name Middle Name Last Name

Case number (if known) 16-02892-FLK7

Part 2: List Your Unexpired Personal Property Leases

For any unexpired personal property lease that you listed in Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G), fill in the information below. Do not list real estate leases. Unexpired leases are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

Describe your unexpired personal property leases

Will the lease be assumed?

Lessor's name:

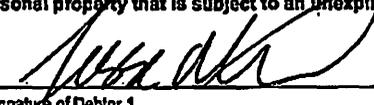
No

Description of leased property:

Yes

Part 3: Sign Below

Under penalty of perjury, I declare that I have indicated my intention about any property of my estate that secures a debt and any personal property that is subject to an unexpired lease.

* 
Signature of Debtor 1

* 
Signature of Debtor 2

Date 10/13/2016
MM/DD/YYYY

Date 10/13/2016
MM/DD/YYYY

APPENDIX A-4

So Ordered.

Dated: February 16th, 2017



Frank L. Kurtz
Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

JESSE JAY MCCA W and KATE
GARLAND WAETJE, aka KATE MCCA W
dba BEEHIVE CUT AND COLOR BAR,

Debtors.

Case No. 16-02892-FLK7

**AGREED ORDER REGARDING
BANNER BANK'S MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY AND ABANDONMENT AS TO
PROPERTY OF THE ESTATE**

THIS MATTER came before the Court on the Motion for Relief from Stay and Abandonment as to Property of the Estate [ECF Dkt. No. 22] by Banner Bank ("Banner Bank"), a secured creditor of Jesse Jay McCaw and Kate Garland Waetje, aka Kate McCaw (the "Debtors"). In its motion, Banner Bank sought relief from the automatic stay and abandonment of the Debtors' interest in certain payment proceeds (the "Proceeds") itemized below, totaling \$74,625.00 received by the Debtors from the U.S. Treasury and made payable to Running MC Ranch. The Proceeds represent Farm Services Agency crop insurance/relief payments relating to the 2015 crops grown by the Debtors on the Debtors' ranch known as Running MC Ranch, which crops

**AGREED ORDER REGARDING MOTION FOR RELIEF
FROM STAY - 1**

HACKER & WILLIG, INC., P.S.
ATTORNEYS AT LAW
520 Pike Street, Suite 2500
Seattle, Washington 98101-3225
Telephone (206) 340-1935

1 and proceeds are encumbered by Banner Bank's perfected Security Agreement.

2 The Proceeds are represented by the following checks:

<u>Check Number</u>	<u>Check Date</u>	<u>Check Amount</u>
63051426	10/12/16	\$38,127.00
64766300	11/25/16	\$24,443.00
65175597	12/06/16	<u>\$12,055.00</u>
Total Proceeds		\$74,625.00

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7 The Court, having considered the records and files herein, including Banner Bank's motion
8 for relief from the automatic stay, and the partial opposition thereto filed by the Debtors, and
9 having been advised that Banner Bank and the Debtors have agreed to the terms of this Order.

10 IT IS THEREFORE ORDERED that pursuant to 11 U.S.C. §§ 362(a) and 362(d), the
11 automatic stay is terminated as to Banner Bank under the following conditions:
12

13 1) Banner Bank may enforce its security interest in the Proceeds and collect the Proceeds in
14 the amount of \$74,625.00.

15 2) The Debtors shall, within ten (10) days of entry of this order, endorse to Banner Bank
16 and deliver to Banner Bank the identified checks, or, if already deposited, turn over to Banner
17 Bank the proceeds of such checks, to be applied to the outstanding secured debt.

18 3) The Debtors have provided Banner Bank with their explanation of the Insurance
19 Proceeds in the amount of \$1,590.00 received from Great American Insurance Company, which
20 check was payable to the Debtors and Baker Boyer Bank and have agreed to endorse the \$1,590.00
21 check to Baker Boyer and turn the check over to the Chapter 7 Trustee until a determination may
22 be made between the secured creditors as to lien priority to the funds.

23 It is further

24 ORDERED that this Order shall be effective immediately notwithstanding the provisions
25 of F.R.B.P. 4001(a)(3) and that this Order shall be effective as to any chapter under which the
26

**AGREED ORDER REGARDING MOTION FOR RELIEF
FROM STAY - 2**

HACKER & WILLIG, INC., P.S.
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1 present case may be converted absent further order of this Court. It is further

2 ORDERED that the Proceeds are hereby abandoned from this bankruptcy estate pursuant
3 to 11 U.S.C. § 554(b).

4
5 /// END OF ORDER ///

6 Presented by:

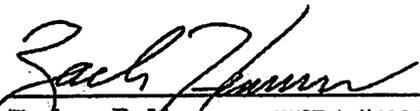
7 HACKER & WILLIG, INC., P.S.

8
9 

10 Elizabeth H. Shea, WSBA #27189
11 Arnold M. Willig, WSBA #20104
12 Attorneys for Banner Bank

13
14 Approved as to form and for entry:

15 CARLSON BOYD PLLC

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17 

18 Zachary P. Hummer, WSBA #43249
19 Attorneys for Debtors
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**AGREED ORDER REGARDING MOTION FOR RELIEF
FROM STAY - 3**

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