

IN THE COURT OF COMMON PLEAS OF FULTON COUNTY, OHIO

The Farmers & Merchants State Bank, ) Case No.: 11CV000128  
Plaintiff, ) Judge James E. Barber  
v. ) **DEFENDANT FENSTERMAKER**  
Archbold Elevator Inc., et al., ) **FARMS, INC.’S ANSWER TO CROSS-**  
Defendants. ) **CLAIM OF DEFENDANT D & D**  
 ) **INGREDIENT DISTRIBUTORS, INC.**  
 ) Michael S. Messenger (0016815)  
 ) Mark A. Ozimek (0077978)  
 ) Robison, Curphey & O’Connell  
 ) Ninth Floor, Four SeaGate  
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 ) Attorneys for Defendant  
 ) Fenstermaker Farms, Inc.

Defendant Fenstermaker Farms, Inc. (“**Fenstermaker**”), for its Answer to the Cross-Claim of Defendant D & D Ingredient Distributors, Inc., states as follows:

**ANSWER**

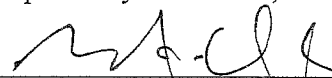
1. Fenstermaker admits the allegations in Paragraph 9 of the Cross-Claim that it has an interest in certain assets that are the subject of this action, pursuant to two (2) March 9, 2009 Security Agreements in which Defendant Archbold Elevator, Inc. (“**Archbold Elevator**”) granted security interests to Fenstermaker in all of the following: (1) all breeding

sow stock located at Fenstermaker Farms, Inc. in the farrowing barn on Road H, Leipsic, Ohio; (2) all un-weaned pigs located at Fenstermaker Farms, Inc. in the farrowing barn on Road H, Leipsic, Ohio; (3) all drug inventory and supplies located at Fenstermaker Farms, Inc. in the farrowing barn on Road H, Leipsic, Ohio; (4) any and all gilts located at Fenstermaker Farms, Inc. in farrowing barn and on 1799 Road H, Leipsic, Ohio; and (5) a certain 1999 GMC Bulk Feed Truck; all as more fully set forth in the Security Agreements, true and accurate copies of which are attached as Exhibit A to Fenstermaker's Answer, Cross-Claim and Counterclaim filed on May 12, 2011.

2. Fenstermaker denies all remaining allegations of the Cross-Claim for lack of knowledge and information sufficient to form a belief.

WHEREFORE, Fenstermaker prays that if this Court grants Plaintiff's request to sell all or any part of Archbold Elevator's assets described in the Verified Complaint, that all such assets be marshaled, that Plaintiff be required to exhaust its liens in accordance with such marshaling, that Fenstermaker be found to have a valid lien on its collateral as described in its Cross-claim, that the collateral be sold and from the proceeds thereof Fenstermaker be paid in order of priority and that Fenstermaker be awarded a judgment for any deficiency balance remaining.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

Toledo, OH  
May 23, 2011

This is to certify that the following was sent this day by regular U.S. mail to:

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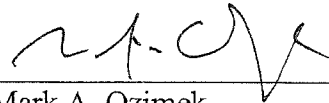
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