

IN THE COMMON PLEAS COURT OF FULTON COUNTY, OHIO

The Farmers & Merchants State Bank

)

Case No. 11 CV 000128

Plaintiff,

)

Judge Barber

vs.

)

MOTION TO INTERVENE

Archbold Elevator, Inc., et al.,

)

Defendants.

)

Gregory L. Arnold (Reg. #0019027)

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Daniel C. Arnold (Reg. No. 0081024)

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**LAW OFFICES OF GREGORY L.
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Attorneys for Agricultural Products
Extension, LLC

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Now comes Agricultural Products Extension, LLC, who moves this Court for an Order permitting it to intervene as a party defendant in this action and to assert its Counterclaims and Cross-Claims against the parties herein.

Pursuant to Ohio Rule of Civil Procedure 24(A):

(A) Intervention of Right

Upon timely application anyone shall be permitted to intervene in an action: ... (2) when the applicant claims an interest relating to the property or transaction that is the subject of the action and the applicant is so situated that the disposition of the action

may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

In this case, Apex has supplied and continues to supply product inputs which have enhanced and continue to enhance the value of defendant Archbold Elevator's assets (hogs).

Several parties to this action, including plaintiff, several defendants and Apex, are asserting competing security interests in this collateral.

If this action proceeds without Apex as a party who is claiming an interest in those assets as a competing creditor, then the disposition of the action may as a practical matter impair or impede Apex's ability to protect that interest.

Pursuant to Ohio Rules of Civil Procedure 24(C), Apex has attached hereto its Counterclaims and Cross-Claims for which it seeks to intervene herein.

WHEREFORE, Apex respectfully requests intervention and for an Order which deems its Counterclaim and Cross-Claim as filed as of the date of this Motion and provide for the parties named herein to respond to the Counterclaim and Cross-Claim by a date to be determined by the Court.

Respectfully submitted,



Gregory L. Arnold