

FILED
FULTON COUNTY
COMMON PLEAS COURT

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PAUL E. MACDONALD
CLERK

IN THE COURT OF COMMON PLEAS
FULTON COUNTY, OHIO

THE FARMERS & MERCHANTS
STATE BANK,

Plaintiff,

-vs-

ARCHBOLD ELEVATOR, INC., et al.,

Defendants.

) Case No. 11CV000128

) Judge Barber

) **ORDER**

)

)

This matter came on for consideration of the Receiver's Fifth Motion to Approve Partial Sale of assets of the Archbold Entities. Specifically, the Receiver seeks approval to sell the assets at the O-Mi-O, Henry Pig, and Kainos nursery facilities as contained in Exhibits A, B and C attached to his motion. The Court has reviewed the Receiver's Status Reports, the pending Motion and the bids for these assets. The Court notes that all parties consent to this motion. The Court further notes that a formal consent with reservations has been given by William and Lynnette Fricke (Exhibit D, attached to the motion). The Court believes that the sale of these assets is in the best interest of the Receivership and finds this Motion well-taken and is hereby granted.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that the Receiver's Fifth Motion to Approve the sale of the assets at O-Mi-O to MMDS Investments, LLC, the sale of the assets at Henry Pig to Flatrock Pork, LLC, and the Kainos nursery to Kalmbach Feeds as stated in the bids attached to its Motion (Exhibits A, B and C) is found well-taken and is hereby granted. The Receiver is hereby ordered to take all necessary steps to complete the sale of these assets.

IT IS SO ORDERED.



Honorable James E. Barber