

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: EXPRESS GRAIN TERMINALS, LLC

CHAPTER 11

BANKRUPTCY CASE NO: 21-11832-SDM

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FARM GROUP I'S OBJECTIONS TO EXPRESS GRAIN TERMINALS, LLC'S  
AMENDED OFFICIAL FORM FOR ASSERTION OF INTEREST  
IN GRAIN (DKT. #1873)

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Farm Group I<sup>1</sup> files this Objections to Express Grain Terminals, LLC's ("EGT's") Amended Official Form for Assertion of Interest in Grain (Dkt. #1873), and in support states the following:

1. Farm Group I objects to the Assertion of Interest filed by EGT (Dkt. #1873) and specifically objects to any assertion that the soybeans, corn, soybean meal, soybean oil, and/or proceeds from the sale of any of these products belong to anyone other than the farmers who delivered the grain. The grain at issue never belonged to EGT. A constructive trust arose as a matter of law in favor of the producers/farmers based on the fraud of EGT in soliciting producers/farmers to sell grain to it in 2021 and fraud committed by EGT in obtaining its licenses to operate a grain warehouse in 2021, which licenses were revoked and held to be void *ab initio* by the Mississippi Department of Agriculture and Commerce by order dated February 10, 2022.

2. Moreover, the farmers have reclamation claims pursuant to 11 U.S.C §546(d)

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<sup>1</sup> Farm Group I consists of the following: Adron Farms, Ashton Planting Company, BC Farms, Black Dog Farms, Buck Harris Planting Company, Champion Farms, D.W. Clark, Jr., Tonia T. Clardy, Corley Moses Farms, DLH Farms, David Bratton Farms, Davis and Davis Farms, DeLoach Farms, Dodson Planting Company, Fulgham Farms, Tyler Gilliland, Highlandale Planting Company, Howard Farms, Idlewood Plantation, Jennings Planting Company, KMC Farms, Jacob Lindsey, Lake Lindsey, Little Bee Lake Farms, LLC, Jim Locke, MBM Farms, Inc., O'Neal Planting Company, Poe Planting Company, Fred J. Poindexter, Porter Farms, Prestidge Farms II, Ridgecrest Farms, Scott Farms, Mary Annette Morgan Smith, Tackett Planting Company II, Taylor Farms, Kelsie Fennell Tribble, VK Farms, W B Farms, W.M. Jennings & Son, Westwood Farms, Lawyer Wheeler and Wolf Run Farms.

which states as follows:

In the case of a seller who is the producer of grain sold to a grain storage facility, owned or operated by the debtor, in the ordinary course of such seller's business (as such terms are defined in section 557 of this title) or in the case of a United States fisherman who has caught fish sold to a fish processing facility owned or operated by the debtor in the ordinary course of such fisherman's business, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 of this title are subject to any statutory or common law right of such producer or fisherman to reclaim such grain or fish if the debtor has received such grain or fish while insolvent but –

- (1) such producer or fisherman may not reclaim any grain or fish unless such producer or fisherman demands, in writing, reclamation of such grain or fish before ten days after receipt thereof by the debtor; and
- (2) the court may deny reclamation to such a producer or fisherman with a right of reclamation that has made such a demand only if the court secures such claim by a lien.

Pursuant to this provision, title to the grain never passed to EGT and the farmers are entitled to the proceeds generated by EGT through the use of the farmers' grain.

This 14th day of March, 2022.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I, Jim F. Spencer, Jr., do hereby certify that I have caused to be served the above and for going pleading on all parties requesting notice by using the ECF filing system of the court and on the following by service upon the attorney of record or by U.S. Mail postage pre-paid as indicated:

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