

UNITED STATE BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH DAKOTA

RECEIVED
OCT 05 2011
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

In re:)
)
)

Case No. 11-40680
Chapter 11

SCOTT OLSON DIGGING, INC.,)
TAX ID/EIN: 46-0429319)

NOTICE OF MOTION TO DISMISS
AND FOR ALTERNATIVE RELIEF

Debtor.)
)
)

American Bank & Trust has filed papers asking the Court to grant its motion to dismiss and for alternative relief from the automatic stay or for adequate protection. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before October 28, 2011, a signed and dated typewritten response explaining your position. The response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at www.sdb.uscourts.gov. If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 400 South Phillips Avenue, Room 104, Sioux Falls, South Dakota 57104. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it by the deadline stated above.

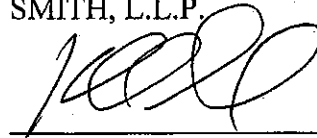
If you or your attorney files a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in Rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 357-2400.

A hearing on the motion to dismiss and for alternative relief from the automatic stay may be set by separate order if an objection or other response is filed by the deadline. If no one files

and serves a response on or before the deadline, the Court may enter an order granting the relief requested without a hearing.

Dated at Sioux Falls, South Dakota, this 4th day of October, 2011.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.



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