

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**WELLS FARGO FINANCIAL
LEASING, INC.,**

PLAINTIFF

v.

CASE NO. 3:09CV055 BSM

**DIXON FARMS, INC. and
RAY DIXON**

DEFENDANTS

ORDER

On June 9, 2009, plaintiff filed a Motion for Summary Judgment on Liability and Motion for Order of Delivery of Leased Equipment [Doc. No. 10]. Defendants were granted extra time in which to file a response to the motion and the time for filing such response has since expired. Despite the defendants' failure to file a response to the motion, the court has reviewed the facts in a light most favorable to the defendants and finds that Wells Fargo is entitled to summary judgment on liability for its breach of contract claims against both Defendant Dixon Farms, Inc. and Defendant Ray Dixon, as personal guarantor. The amount of damages to be awarded to Wells Fargo as a result of Defendants' breaches shall be determined in a separate proceeding.

Wells Fargo also is entitled to immediate possession of the following personal property in Defendants Dixon Farms, Inc. and/or Ray Dixon's possession: (a) 2004 John Deere Tractor, Serial #RW8120P010417; (b) 2003 John Deere Field Cultivator, Serial #N00980X009689; (c) John Deere GPS & DDP Ditcher; (d) 1992 John Deere Cotton

Stripper S/N 7445X00807; (e) 2001 Model 7410 John Deere Tractor; and (f) 1999 Model 8400 John Deere Tractor S/N RW8400P022267.

THEREFORE, IT IS ORDERED AS FOLLOWS:

1. Wells Fargo is entitled to summary judgment on liability for its breach of contract claim against each Defendant Dixon Farms, Inc. and Ray Dixon.

2. Wells Fargo is entitled to an Order of Delivery entitling Wells Fargo to immediate possession of the following: (a) 2004 John Deere Tractor, Serial #RW8120P010417; (b) 2003 John Deere Field Cultivator, Serial #N00980X009689; (c) John Deere GPS & DDP Ditcher; (d) 1992 John Deere Cotton Stripper S/N 7445X00807; (e) 2001 Model 7410 John Deere Tractor; and (f) 1999 Model 8400 John Deere Tractor S/N RW8400P022267.

3. In the event that Defendants do not deliver the aforementioned personal property to Wells Fargo within seven (7) days, this Order of Delivery shall be served by the Sheriff of Mississippi County, Arkansas, to obtain possession of the personal property and deliver same to Wells Fargo at Defendants expense.

IT IS SO ORDERED this 23rd day of July, 2009.


UNITED STATES DISTRICT JUDGE