

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Case No. 08-12606 (BLS)
)
VERASUN ENERGY CORPORATION, et al.,) Chapter 11
)
Debtors.¹) Jointly Administered
)

ORDER GRANTING MOTION FOR RELIEF FROM STAY

This matter comes before the Court upon the North Dakota Public Service Commission's Motion for Relief from the Automatic Stay. The Court has been advised and being otherwise fully informed in the premises does hereby find as follows:

1. On March 12, 2009, the North Dakota Public Service Commission received a claim against VeraSun Hankinson, LLC's (the Debtors) \$380,000 grain elevator warehouse bond for failing to pay the producer in full for the grain that was purchased by the Debtors.
2. Cause exists under 11 U.S.C. § 362(d) to lift the automatic stay and permit the North Dakota Public Service Commission to commence an action in state District Court, Southeast Judicial District against the Debtors to secure the North Dakota Public

¹ The Debtors consist of: VeraSun Energy Corporation (EIN: 20-3430241); ASA Albion, LLC (EIN: 55-0907221); ASA Bloomingburg, LLC (EIN: 55-0907224); ASA Linden, LLC (EIN: 55-0907228); ASA OpCo Holdings, LLC (EIN: 68-0609122); US Bio Marion, LLC (EIN: 20-34377343); US BioEnergy Corporation (EIN: 20-1811472); VeraSun Albert City, LLC (EIN: 20-2264707); VeraSun Aurora Corporation (EIN: 40-0462174); VeraSun BioDiesel, LLC (EIN: 20-3790860); VeraSun Central City, LLC (EIN: 55-0816855); VeraSun Charles City, LLC (EIN: 20-3735184); VeraSun Dyersville, LLC (20-5765890); VeraSun Fort Dodge, LLC (EIN: 42-1630527); VeraSun Granite City, LLC (EIN: 20-5909621); VeraSun Hankinson, LLC (90-0287129); VeraSun Hartley, LLC (EIN: 20-5381200); VeraSun Janesville, LLC (EIN: 20-4420290); VeraSun Litchfield, LLC (EIN: 20-8621370); VeraSun Marketing, LLC (EIN: 20-3693800); VeraSun Ord, LLC (75-3204878); VeraSun Reynolds, LLC (EIN: 20-5914827); VeraSun Tilton, LLC (EIN: 26-1539139); VeraSun Welcome, LLC (EIN: 20-4115888); VeraSun Woodbury, LLC (20-0647425).

Service Commission's appointment as trustee against the surety on the public grain warehouseman's bond furnished by VeraSun Hankinson, LLC.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the North Dakota Public Service Commission shall be granted relief from the automatic stay to allow it to commence an action in state District Court, Southeast Judicial District to secure the appointment as trustee, on the condition that recovery against the Debtors be limited to any public grain warehouseman's bond proceeds covering such claims.

Dated this _____ day of _____, 2009.

BY THE COURT:

Honorable Brendan L. Shannon
United States Bankruptcy Court Judge