

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
)

**RESPONSE TO NOTICE OF MOTION OF LIBERTY MUTUAL INSURANCE
COMPANY FOR RELIEF FROM STAY UNDER SECTION 362 OF THE
BANKRUPTCY CODE TO CANCEL BONDS**

On April 16, 2009, Liberty Mutual Insurance Company (Liberty) filed a Notice of Motion of Liberty Mutual Insurance Company for Relief From Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds. Liberty is the surety on bond number 674012345 for VeraSun Hankinson, LLC, a North Dakota licensed public warehouse. The bond is required under North Dakota Century Code § 60-02-09 and runs to the State of North Dakota for the benefit of all persons storing or selling grain in such warehouse. The statute provides that the bond “be conditioned (1) for the faithful performance of the licensee’s duties as a public warehouseman, (2) for compliance with

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).

the provisions of law and rules of the commission relating to the storage and purchase of grain by such warehouseman, and (3) be for the specific purpose of protecting the holders of outstanding receipts.” The statute further provides that the bond shall “be continuous, unless the corporate surety by certified mail notifies the licensee and the commission that the surety bond will be canceled ninety days after receipt of the notice of cancellation.” In compliance with the law, bond number 674012345 includes terms requiring ninety (90) days written notice to the commission before cancellation.

The North Dakota Public Service Commission has no objection to granting Liberty’s request for relief from stay for the purpose of cancelling bond number 674012345 for the VeraSun Hankinson, LLC, so long as Liberty complies with the bond cancellation requirements of North Dakota law and their bond.

Dated this 15th day of May, 2009.



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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)	
)	SS
BURLEIGH COUNTY)	

Shelly A. Bauske deposes and says that:

she is over the age of 18 years and not a party to this action and on the **15th day of May, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes with first class postage full prepaid, securely sealed and containing a photocopy of:

1. Response to Notice of Motion of Liberty Mutual Insurance Company for Relief From Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds.
2. Affidavit of Service.

The envelopes were addressed as follows:

Davis L. Wright, Esq. Mark S. Chehi, Esq. Megan E. Cleghorn, Esq. Skadden Arps Slate Meagher & Flom, LLP One Rodney Square PO Box 636 Wilmington, DE 19899-0636	Dennis A. Meloro, Esq. Donald J. Detweiler, Esq. Sandra G.M. Selzer, Esq. Greenberg Traurig, LLP The Nemours Building 1007 North Orange Street, Suite 1200 Wilmington, DE 19801
United States Trustee 844 King Street, Room 2207 Lockbox #35 Wilmington, DE 19899-0035	All Parties Requesting Notice Pursuant to Bankruptcy Rule 2002 (Attached)

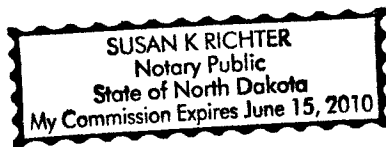
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable mailing address.

Shelly A Bauda

Subscribed and sworn to before me
this 15th day of May, 2009.

Susan K Richter
Notary Public

SEAL



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