

**Public Service Commission**

608 East Boulevard Avenue Dept. 408

Bismarck, ND 58505-0480

701-328-4097 -- phone

701-328-2410 - fax

# Memo

To: Yvonne, ND Insurance Department

From: Sue Richter, Director, Licensing Division

Date: 11/3/2009

Re: VeraSun Hankinson, LLC  
Grain Warehouse  
Insolvency  
GE-09-104



Enclosed for service on the surety are duplicate photocopies of:

1. Notice of Entry of Order with attached copy of Order Appointing Trustee
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail & by Inside Mail

Please serve Liberty Mutual Insurance Company and provide us with an admission of service. Enclosed is a check to cover the \$10.00 fee for service of process.

Thank you and if you have any questions, please call me at 8-4097.

Enclosure (2 sets)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF RICHLAND

SOUTHEAST JUDICIAL DISTRICT

\_\_\_\_\_ )  
**Public Service Commission** )  
) )  
**Petitioner,** )  
) )  
**vs.** )  
) )  
**VeraSun Hankinson, LLC** )  
) )  
**Respondent.** )  
\_\_\_\_\_ )  
**PSC Case No. GE-09-104** )  
\_\_\_\_\_ )

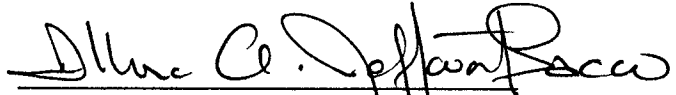
CIVIL NO. 39-9-C-462-1

**NOTICE OF ENTRY OF ORDER  
APPOINTING TRUSTEE**

**PLEASE TAKE NOTICE** that an Order Appointing Trustee was executed by the Court on October 26, 2009 and duly entered in the above proceeding on October 26, 2009, ordering the Commission be appointed trustee of the trust fund provided by North Dakota Century Code § 60-04-03 for the limited purpose of allowing the Commission to take such action as may be required to secure its appointment as trustee under Chapter 60-04 of the North Dakota Century Code, issue and publish a notice of appointment and notice to file claims with the Commission, enable the Commission to evaluate claims presented to it as prescribed by applicable North Dakota law, and prepare a draft Report and Recommendation of Trustee of the insolvent VeraSun Hankinson, LLC in the manner provided by law.

A copy of the Order is attached hereto and by reference made a part hereof.

Bismarck, North Dakota, this 3<sup>rd</sup> day of November, 2009.

A handwritten signature in black ink, appearing to read "Ilona A. Jeffcoat-Sacco". The signature is written in a cursive style with a horizontal line underneath.

Ilona A Jeffcoat-Sacco (ID#03315)

Annette Bendish (ID#05790)

Special Assistant Attorneys General

Public Service Commission

State Capitol – 12<sup>th</sup> Floor

600 E Boulevard Ave – Dept 408

Bismarck, North Dakota 58505-0480

701-328-2400

Attorneys for the Public Service Commission

STATE OF NORTH DAKOTA  
COUNTY OF RICHLAND

IN DISTRICT COURT  
SOUTHEAST JUDICIAL DISTRICT

Public Service Commission  
Petitioner,  
vs.  
VeraSun Hankinson, LLC  
Respondent.

CIVIL NO. 09C462

ORDER APPOINTING  
TRUSTEE

RECEIVED

OCT 26 2009

PUBLIC SERVICE COMMISSION

CASE NO. 10-26-09  
FILED  
CLERK OF DISTRICT COURT  
RICHLAND COUNTY ND  
BY bk  
DEPUTY

The Public Service Commission (Commission) has moved the Court for appointment as trustee of VeraSun Hankinson, LLC under North Dakota Century Code Chapter 60-04. VeraSun Hankinson, LLC operated as a public warehouseman in the State of North Dakota.

It appears from the record that VeraSun Hankinson, LLC is insolvent under North Dakota Century Code Chapter 60-04 and that it is in the best interest that a trustee be appointed.

ORDER

THEREFORE, on the Motion of the Commission by and through its attorney, the Commission is appointed trustee of the trust fund provided by North Dakota Century Code § 60-04-03 for the limited purpose of allowing the Commission to take such action as may be required to secure its appointment as trustee under Chapter 60-04 of the

North Dakota Century Code, issue and publish a notice of appointment and notice to file claims with the Commission, enable the Commission to evaluate claims presented to it as prescribed by applicable North Dakota law, and prepare a draft Report and Recommendation of Trustee of the insolvent VeraSun Hankinson, LLC in the manner provided by law.

Walperton, North Dakota, this 26<sup>th</sup> day of October, 2009.

BY THE COURT



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Judge of the District Court

*Michael W. Grodz*

STATE OF NORTH DAKOTA  
COUNTY OF RICHLAND

IN DISTRICT COURT  
SOUTHEAST JUDICIAL DISTRICT

_____	)	
Public Service Commission	)	CIVIL NO. 39-9-C-462-1
	)	
Petitioner,	)	
	)	
vs.	)	NOTICE OF APPOINTMENT AS
	)	TRUSTEE AND NOTICE
VeraSun Hankinson, LLC	)	TO FILE CLAIMS
	)	
Respondent.	)	
_____	)	
PSC Case No. GE-09-104	)	
_____	)	

**PLEASE TAKE NOTICE** that on October 26, 2009, the SOUTHEAST JUDICIAL DISTRICT COURT appointed the Public Service Commission Trustee of VeraSun Hankinson, LLC under North Dakota Century Code Chapter 60-04 for the benefit of outstanding receipt holders of VeraSun Hankinson, LLC. The Order was filed October 26, 2009.

**FURTHER, PLEASE TAKE NOTICE THAT:**

1. Any person having a claim against VeraSun Hankinson, LLC for the non-payment of grain purchased or stored by VeraSun Hankinson, LLC at its warehouse facility in Hankinson, North Dakota, shall file the claim with the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.

2. Claims must be filed within forty-five (45) days after the last publication of this notice.
3. Persons filing claims with the Public Service Commission shall include receipts or sufficient documentation to enable the Commission to determine the validity of the claims. This could include unsatisfied scale tickets, warehouse receipts, dishonored checks, and any related contracts.
4. Unless a claim is filed with the Public Service Commission within the time specified, the claimant may be barred from participation in the trust fund.

Bismarck, North Dakota, this 3rd day of November, 2009.



Illona A Jeffcoat-Sacco (ID#03315)  
Annette Bendish (ID#05790)  
Special Assistant Attorneys General  
Public Service Commission  
State Capitol – 12<sup>th</sup> Floor  
600 E Boulevard Ave – Dept 408  
Bismarck, North Dakota 58505-0480  
701-328-2400

Attorneys for the Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF RICHLAND

SOUTHEAST JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

VeraSun Hankinson, LLC

Respondent.

CIVIL NO. 39-9-C-462-1

AFFIDAVIT OF SERVICE BY  
REGULAR MAIL & BY  
INSIDE MAIL

PSC Case No. GE-09-104

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)  
)ss  
)

John Hamre deposes and says that:

he is over the age of 18 years and not a party to this action and, on the **3rd day of November, 2009**, he deposited in the United States Mail, Bismarck, North Dakota, **eleven envelopes** with regular postage, fully prepaid, securely sealed and each containing a photocopy of:

1. Notice of Entry of Order, Appointing Trustee with attached copy of Order
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail & by Inside Mail

The envelopes were addressed as follows:

Joel West  
VeraSun Hankinson, LLC  
110 North Minnesota Avenue Suite 300  
Sioux Falls, SD 57104-6440

C T Corporation System  
P.O. Box 400  
Bismarck, ND 58502

Ian Connor Bifferato  
Kevin G. Collins  
Bifferato, LLC  
800 N. King St., First Floor  
Wilmington, DE 19801

Mark S. Chehi, Esquire  
Davis L. Wright, Esquire  
Megan E. Cleghorn, Esquire  
Jason M. Liberi, Esquire  
Skadden, Arps, Slate, Meagher & Flom  
One Rodney Square  
P.O. Box 636  
Wilmington, DE 19899

Michael E. Collins  
Scott C. Williams  
Manier & Herod  
150 4<sup>th</sup> Ave. North, Suite 2200  
Nashville, TN 37219

Timothy R. Pohl, Esquire  
Felicia Gerber Perlman, Esquire  
John K. Lyons, Esquire  
Skadden, Arps, Slate, Meagher & Flom  
333 West Wacker Drive  
Chicago, IL 60606

Frankie E. Cooley  
Liberty Mutual Insurance Company  
6800 College Boulevard, Suite 701  
Overland Park, KS 66211

John Bullis  
Attorney for Keith Saunders  
P.O. Box 275  
Wahpeton, ND 58074-0275

James Wirtz  
17275 95 R St SE  
Fairmount, ND 58030

Office of the US Trustee  
Attn: Mary Kenney  
844 King Street, Suite 2207  
Lockbox 35  
Wilmington, DE 19801

Dennis A. Meloro, Esquire  
Donald J. Detweiler, Esquire  
Monica Loftin Townsend, Esquire  
Sandra G.M. Selzer, Esquire  
Greenberg Traurig  
1007 North Orange Street, Suite 1200  
Wilmington, DE 19801

Each address shown is the respective addressee's last reasonably ascertainable post office address.

**John Hamre** further deposes and says that he deposited by inside mail, with the Central Mailing Bureau in the Capitol Building, Bismarck, North Dakota, **one envelope**, securely sealed and containing an Original Cover Memo Requesting Service on Liberty Mutual Insurance Company, a \$10.00 personal check, and two photocopies of:

1. Notice of Entry of Order, Appointing Trustee with attached copy of Order
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail & by Inside Mail

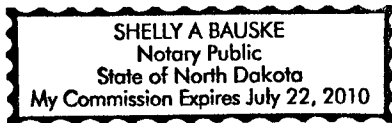
The envelope was addressed as follows:

**INSIDE MAIL**

Adam W. Hamm  
ND Insurance Commissioner  
State Capitol – 5<sup>th</sup> Floor  
600 East Boulevard Avenue  
Bismarck, ND 58505-0320

Subscribed and sworn to before me  
this 3rd day of November, 2009.

SEAL



A handwritten signature in cursive script, appearing to read "Adam W. Hamm", written over a solid horizontal line.

A handwritten signature in cursive script, appearing to read "Shelly A. Bauske", written over a solid horizontal line. Below the line, the words "Notary Public" are printed in a standard font.