



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

29 September 2009

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

Ms. Debra Simenson
Clerk of the District Court
Burleigh County Courthouse
PO Box 1055
Bismarck, ND 58501

RE: CIVIL NO. 08-09-C-01034
Sustainable Systems, LLC dba Montola
Grain Warehouse
Insolvency
PSC Case No. GE-09-112

Dear Ms. Simenson:

Enclosed for filing in the above proceeding please find the originals of:

1. Notice of Motion and Notice of Hearing;
2. Motion for Approval and Adoption of Report and Recommendation of Trustee;
3. Brief in Support of Motion for Approval and Adoption of Report and Recommendation of Trustee;
4. Report and Recommendation of Trustee with Exhibit A
5. Proposed Order Approving Trustee's Report, Approving Payment, and Discharging Trustee; and
6. Affidavit of Service by Certified Mail and Regular Mail.

After the hearing, if the Judge finds the Order Approving Trustee's Report and Recommendation and Discharging Trustee satisfactory, please have him sign it and return a copy of the signed Order to us and we will provide Notice of Entry of Order and serve the parties of record.


If you have any questions, please do not hesitate to contact us. Thank you for your assistance in this matter.

Sincerely,

53 **GE-09-112** Filed: 9/29/2009 Pages: 19
Rpt & Recommendation & Motion, Notice, Brief,
Prop. Order, and Affidavit of Serv.

Public Service Commission

Enclosures



Illona A. Jeffcoat-Sacco (ID#03315)
Special Assistant Attorney General

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission	)	CIVIL NO. 09-C-1034
)	
Petitioner,)	
)	
vs.)	
	)	NOTICE OF MOTION AND
Sustainable Systems, LLC	)	NOTICE OF HEARING
dba Montola)	
)	
Respondent.)	
_____)	
)	
PSC Case No. GE-09-112)	
)	
_____)	

PLEASE TAKE NOTICE that the Public Service Commission (Commission) as Trustee of the trust created by the insolvency of Sustainable Systems, LLC dba Montola, respectfully moves the Court for an order approving the Report and Recommendation of Trustee. The Motion for Approval and Adoption of Report and Recommendation of Trustee is being mailed to the Court contemporaneously on September 29, 2009.

FURTHER PLEASE TAKE NOTICE that a copy of the Motion for Approval and Adoption of Report and Recommendation of Trustee and a copy of the Report and Recommendation of Trustee are herewith served upon you.

FURTHER PLEASE TAKE NOTICE that the Court has scheduled a hearing on this matter for **October 29, 2009, at 11:30 a.m. CDT** at the Burleigh County Courthouse in Bismarck, North Dakota.

FURTHER PLEASE TAKE NOTICE that any aggrieved person having an objection to the Commission's Report and Recommendation as Trustee shall file the objection with the Court and serve copies on the Commission, the warehouseman, and the surety at least ten (10) days before the hearing. Failure to file and serve objections in the time set is a waiver of the objection.

Bismarck, North Dakota, this **29th day of September, 2009.**



Illona A Jeffcoat-Sacco (ID#03315)
Annette Bendish (ID#05790)
Special Assistant Attorneys General
Public Service Commission
State Capitol – 12th 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 BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission	)	CIVIL NO. 09-C-1034
)	
Petitioner,)	
)	
vs.)	
	)	MOTION FOR APPROVAL AND
Sustainable Systems, LLC	)	ADOPTION OF REPORT AND
dba Montola	)	RECOMMENDATION OF
	)	TRUSTEE
Respondent.)	
_____)	
PSC Case No. GE-09-112)	
)	
_____)	

The undersigned respectfully moves the Court for an Order Approving Trustee's Report, Approving Payment, and Discharging Trustee in the above matter.

Bismarck, North Dakota, this 29th day of September, 2009.

Ilona A Jeffcoat-Sacco (ID#08315)
 Annette Bendish (ID#05790)
 Special Assistant Attorneys General
 Public Service Commission
 State Capitol – 12th 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 BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission	)	CIVIL NO. 09-C-1034
)	
Petitioner,)	
)	
vs.)	
)	
Sustainable Systems, LLC	)	BRIEF IN SUPPORT OF
dba Montola	)	MOTION FOR APPROVAL AND
	)	ADOPTION OF REPORT AND
Respondent.	)	RECOMMENDATION OF
_____	)	TRUSTEE
)	
PSC Case No. GE-09-112)	
_____)	

The Public Service Commission (Commission), as trustee of the trust fund provided by N.D.C.C. § 60-02.1-29 for the purpose of marshalling all trust assets of Sustainable Systems, LLC dba Montola (Sustainable Systems), an insolvent roving grain buyer, seeks an Order Approving Trustee's Report, Approving Payment, and Discharging Trustee. The Commission has the authority to bring this motion and the Court has the power to grant the relief requested under N.D.C.C. §§ 60-02.1-29 and 60-02.1-35.

A roving grain buyer's bond must be filed with the Commission before any license can be issued to any roving grain buyer in North Dakota. N.D.C.C. § 60-02.1-08. The bond is for the specific purpose of protecting the sellers of grain. N.D.C.C.

§ 60-02.1-08(6)(a). The insolvent roving grain buyer had such a bond issued by Travelers Casualty and Surety Company of America, One Tower Square, Hartford, Connecticut 06183, as surety. On June 5, 2009, a check in the amount of \$130,000 was received from Travelers Casualty and Surety Company of America. The check was deposited into an interest bearing trust account with the Bank of North Dakota.

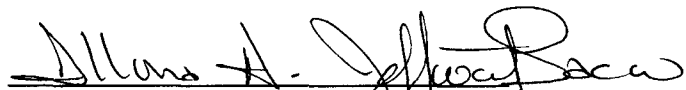
The Commission has reviewed claims filed against the roving grain buyer and detailed its determination regarding valid claims in the Report and Recommendation of Trustee. The proceeds from the bond will be needed to redeem outstanding receipts issued by Sustainable Systems.

N.D.C.C. § 60-02.1-37(5) provides:

Following the hearing, the court shall approve or modify the report and issue an order directing payment of the necessary bond proceeds, distribution of the trust fund, and discharge of the commission from its trust.

The Commission respectfully requests the Court approve the Report and Recommendation of Trustee and authorize payment of valid claims as recommended in the report.

Bismarck, North Dakota, this 29th day of September, 2009.



Illona A Jeffcoat-Sacco (ID#03315)

Annette Bendish (ID#05790)

Special Assistant Attorneys General

Public Service Commission

State Capitol – 12th 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 BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission	)	CIVIL NO. 09-C-1034
)	
Petitioner,)	
)	
vs.)	
	)	REPORT AND
Sustainable Systems, LLC	)	RECOMMENDATION
dba Montola	)	OF TRUSTEE
Respondent.)	
_____)	
PSC Case No. GE-09-112)	
_____)	

The Public Service Commission (Commission) as Trustee, makes the following Report and Recommendation to the Court:

1. Sustainable Systems, LLC, doing business as Montola, a Limited Liability Company (Sustainable Systems), authorized to do business in North Dakota, operated as a roving grain buyer in North Dakota and was licensed under N.D.C.C. Chapter 60-02.1 under license number 3151.
2. As part of the licensing process, Sustainable Systems filed a surety bond with the Commission as required by N.D.C.C. § 60-02.1-08 in the amount of \$130,000 and identified as number 105142048 with Travelers Casualty & Surety Company of America, One Tower Square – 3 SHS, Hartford, Connecticut 06183, as surety.

3. Sustainable Systems operated a crushing facility in Culbertson, Montana that was licensed by the Montana Department of Agriculture and had been receiving safflower from North Dakota producers for crushing into oil.
4. On May 5, 2009, after receiving written claims against Sustainable Systems for collection of outstanding funds owed, the Commission applied to the District Court for an order finding Sustainable Systems insolvent and appointing the Commission trustee of the trust fund provided by N.D.C.C. § 60-02.1-29 for the purpose of marshalling all trust assets of Sustainable Systems.
5. On the date the Commission applied to the District Court for an order finding Sustainable Systems insolvent and appointing the Commission trustee, a surety bond was on file with the Commission as required by N.D.C.C. § 60-02.1-08. The surety bond was for \$130,000 and identified as number 105142048 issued by Travelers Casualty and Surety Company of America, One Tower Square – 3 SHS, Hartford, Connecticut 06183, as surety.
6. On May 22, 2009, the District Court, finding Sustainable Systems, LLC doing business as Montola insolvent, appointed the Commission trustee of the trust fund provided by N.D.C.C. § 60-02.1-29 for the purpose of marshalling all trust assets of Sustainable Systems. The Order was filed with the Clerk of the District Court on May 22, 2009.
7. A copy of the Notice of Entry of Order with attached copy of the signed Order Appointing Trustee and a copy of the Notice of Appointment as Trustee and Notice to File Claims was sent by regular mail to twenty-two persons the Commission

identified as potential claimants in the insolvency proceeding from records of Sustainable Systems and other sources. Copies were also sent by certified mail, return receipt requested, to Kevin Kreisler, Chairman, GreenShift Corporation/Sustainable Systems, LLC; Paul Miller, Sustainable Systems, LLC doing business as Montola; National Registered Agents, Inc., Registered Agent for Sustainable Systems, LLC; and Sherri Cooper, Senior Claim Representative, Travelers Casualty & Surety Co. of America. The notice required the filing of claims with the Commission within 45 days of the second publication of the notice.

8. On June 5, 2009, a check in the amount of \$130,000 was received from Travelers Casualty and Surety Company of America. The check was deposited into an interest bearing trust account with the Bank of North Dakota.
9. The Notice of Appointment as Trustee and Notice to File Claims was published as a legal publication in the daily newspapers of The Bismarck Tribune, The Devils Lake Daily Journal, The Dickinson Press, The Jamestown Sun, The Minot Daily News, The Valley City Times-Record, The Daily News-Wahpeton, and The Williston Daily Herald on June 5 and 12, 2009. It was also published in The Fargo Forum on June 8 and 15, 2009 and in The Grand Forks Herald on June 4 and 11, 2009. On July 7, 2009, the Commission released Travelers Casualty and Surety Company of America from liability under Bond No. 105142048.
10. On July 7, 2009, the Commission released Travelers Casualty and Surety Company of America from liability under Bond No. 105142048.

11. After publication additional claims were received. A total of 19 claims were filed with the Commission in the total amount of \$617,663.45 as shown below, and with detail on Exhibit A to this report.

<u>Claimant Name</u>	<u>Claim Filed</u>
a. Gene Johnson	\$ 80,352.44
b. Myron Lee	\$ 13,359.91
c. Harvey Lee	\$ 13,359.91
d. Obert Lee	\$ 7,507.83
e. Dustin Johnsrud	\$ 25,206.60
f. Dennis Johnsrud	\$ 72,309.55
g. Ernest Schober	\$ 33,690.78
h. Arlyn Ledahl	\$ 69,099.19
i. Douglas & Sandra Iverson	\$ 39,854.29
j. Selle Farms, Inc.	\$ 28,949.64
k. Alan Solberg	\$ 52,384.26
l. Eugene Gunderson	\$ 5,908.71
m. John Fisher	\$ 46,607.84
n. John Rolfsrud	\$ 11,112.56
o. Joe Michels	\$ 54,095.83
p. Hovde Ranch	\$ 21,437.96
q. Brian Ledahl	\$ 3,074.88
r. Shirley Ledahl	\$ 1,537.44
s. Brian Fischer	\$ 37,813.83
Total	\$ 617,663.45

12. The Montana Department of Agriculture liquidated the grain related assets on hand at Sustainable System, LLC's grain warehouse in Culbertson, Montana and distributed the proceeds to all claimants with valid claims. Each valid North Dakota claimant received 77% of his or her valid claim from the Montana liquidation proceeds. In addition, claimant Joe Michels received 100% of his claim from the Montana insolvency proceeds. Although Mr. Michels resides in North Dakota, his

grain was grown and sold in Montana. Therefore, the Montana Department of Agriculture determined that Mr. Michels' claim was a valid Montana claim.

13. The \$130,000 North Dakota bond proceeds are the only assets available in the North Dakota trust fund and are needed to pay North Dakota claimants the remainder of their outstanding valid claims. There are sufficient funds available to pay each claimant the remaining 23%.

14. Under N.D.C.C. § 60-02.1-37(1)(d) interest may be paid to claimants at the weighted average prime rate charged by the Bank of North Dakota from the date of default. Because the bond proceeds are in an interest bearing account in the Bank of North Dakota, there will be funds available after payment of the 23% remainder to pay claimants a small portion of the accrued interest on their valid claims. The date of each default cannot be determined with certainty and there is insufficient interest to pay anything close to the actual accrued interest on each claim. Therefore, we propose to pay each claimant a proportionate share of the total interest available at the time claims are paid, based on each claimant's proportionate share of total claims.

15. The Commission recommends that each claimant be paid the remaining 23% of each respective valid claim plus each respective valid claim's proportionate share of interest, as funds permit. The final amounts to be paid will be determined once Court approval is received and interest on the bonded proceeds is calculated and added to the \$130,000.

16. The net valid claim amounts recommended for payment by the Commission total \$130,000.01. They are identified below and are detailed in Exhibit A:

<u>Claimant Name</u>	<u>Valid Claim</u>	<u>MT Dept of Ag Payment</u>	<u>Balance Due</u>
a. Gene Johnson	\$ 78,414.22	\$ 60,263.73	\$ 18,150.49
b. Myron Lee	\$ 13,359.91	\$ 10,267.50	\$ 3,092.41
c. Harvey Lee	\$ 13,359.91	\$ 10,267.50	\$ 3,092.41
d. Obert Lee	\$ 7,507.83	\$ 5,770.00	\$ 1,737.83
e. Dustin Johnsrud	\$ 25,206.60	\$ 19,372.04	\$ 5,834.56
f. Dennis Johnsrud	\$ 72,309.55	\$ 55,572.11	\$ 16,737.44
g. Ernest Schober	\$ 33,690.78	\$ 25,892.40	\$ 7,798.38
h. Arlyn Ledahl	\$ 69,099.19	\$ 53,104.85	\$ 15,994.34
i. D & S. Iverson	\$ 39,854.29	\$ 30,629.24	\$ 9,225.05
j. Selle Farms, Inc.	\$ 28,949.64	\$ 22,248.69	\$ 6,700.95
k. Alan Solberg	\$ 52,384.26	\$ 40,258.90	\$ 12,125.36
l. Eugene Gunderson	\$ 5,908.71	\$ 4,541.02	\$ 1,367.69
m. John Fisher	\$ 46,607.84	\$ 35,819.55	\$ 10,788.29
n. John Rolfsrud	\$ 11,112.56	\$ 8,540.34	\$ 2,572.22
o. Hovde Ranch	\$ 21,437.96	\$ 16,475.73	\$ 4,962.23
p. Brian Ledahl	\$ 3,074.88	\$ 2,363.14	\$ 711.74
q. Shirley Ledahl	\$ 1,537.44	\$ 1,181.57	\$ 355.87
r. Brian Fischer	\$ 37,813.83	\$ 29,061.08	\$ 8,752.75
Totals	\$561,629.40	\$431,629.39	\$130,000.01


17. The Commission has been reimbursed by the Montana Department of Agriculture for expenses in this proceeding.

Wherefore the Commission respectfully asks the Court to:

1. Set a time and place for hearing with the appropriate notice for interested parties to show cause why the Report and Recommendation of Trustee should not be approved.
2. Approve the Report and Recommendation of Trustee.

3. Authorize the Commission to make payments of bond proceeds consistent with this Report and Recommendation to persons with valid claims for grain purchased for cash by Sustainable Systems, LLC doing business as Montola.

Respectfully submitted at Bismarck, North Dakota, this **29th day September,**
2009.



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

Attorneys for the Public Service Commission

Sustainable Systems, LLC dba Montola
 Roving Grain Buyer
 CIVIL NO. 09-C-1034
 Insolvency - GE-09-112

Exhibit A

ND PAYEE	ADDRESS	CITY	STATE	ZIP	Grower Claim	MT Dept of Ag Payment	Invalid Claim	BALANCE DUE
Arlyn Ledahl	8780 CR 7	Zahl	ND	58856	\$69,099.19	\$53,104.85		\$15,994.34
Eugene Gunderson	3951 HWY 1806 W	Watford City	ND	58854	\$5,908.71	\$4,541.02		\$1,367.69
John Fisher	PO Box 194	Golva	ND	58632	\$46,607.84	\$35,819.55		\$10,788.29
Hovde Ranch LLP	13651 30th ST NW	Alexander	ND	58831	\$21,437.96	\$16,475.73		\$4,962.23
Myron Lee	15051 58th ST NW	Williston	ND	58801	\$13,359.91	\$10,267.50		\$3,092.41
Harvey Lee	15077 58th ST NW	Williston	ND	58801	\$13,359.91	\$10,267.50		\$3,092.41
Obert Lee	314 18th ST N #307	Williston	ND	58801	\$7,507.83	\$5,770.00		\$1,737.83
Selle Farms Inc	9875 137th Ave NW	Fortuna	ND	58844	\$25,810.93	\$19,836.49		\$5,974.44
Clara Selle	804 1st ST SW B7	Crosby	ND	58730	\$3,138.71	\$2,412.20		\$726.51
Alan Solberg	14838 57th ST NW	Williston	ND	58801	\$52,384.26	\$40,258.90		\$12,125.36
Brian Fisher	PO Box 133	Golva	ND	58632	\$37,813.83	\$29,061.08		\$8,752.75
Brian Ledahl (2/3)	9005 137th Ave NW	Zahl	ND	58856	\$3,074.88	\$2,363.14		\$711.74
Shirley Ledahl (1/3)	304 9th Ave West	Williston	ND	58801	\$1,537.44	\$1,181.57		\$355.87
Dennis Johnsrud	6121 125th Ave NW	Epping	ND	58843	\$72,309.55	\$55,572.11		\$16,737.44
Douglas & Sandra Iverson	4624 154th Ave NW	Williston	ND	58801	\$39,854.29	\$30,629.24		\$9,225.05
Dustin Johnsrud	6122 125th Ave NW	Epping	ND	58843	\$25,206.60	\$19,372.04		\$5,834.56
Gene Johnson*	6488 HWY 40	Tioga	ND	58852	\$80,352.44	\$60,263.73	\$1,938.22	\$18,150.49
Ernest Schober	14403 80th ST SW	Bowman	ND	58623	\$33,690.78	\$25,892.40		\$7,798.38
John Rolfsrud	Box 55	Keene	ND	58847	\$11,112.56	\$8,540.34		\$2,572.22
Joe Michels**	672 Black Diamond Rd	Beach	ND	58621	\$54,095.83		\$54,095.83	
TOTALS					\$617,663.45	\$431,629.39		\$130,000.01

* Gene Johnson's filed a claim for \$80,352.44. He did not take deductions totaling \$1,938.22. The \$1,938.22 deduction included an oil discount of \$1,813.13, lab charge of \$39.00, and check off fee of \$86.09.

** Joe Michels' grain was grown in Montana and sold in Montana; the Montana Department of Agriculture determined that this claim was a valid Montana claim and Mr. Michels received 100% payment of his claim from the Montana insolvency proceeds.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission	)	CIVIL NO. 09-C-1034
)	
Petitioner,)	
	)	ORDER APPROVING
vs.	)	TRUSTEE'S REPORT,
	)	APPROVING PAYMENT,
Sustainable Systems, LLC	)	AND DISCHARGING TRUSTEE
dba Montola)	
Respondent.)	
_____)	
PSC Case No. GE-09-112)	
_____)	

This matter came before the Court on the motion of the Public Service Commission (Commission) seeking approval of its Report as Trustee of Sustainable Systems, LLC dba Montola. This report was scheduled for hearing before this Court on **October 29, 2009, at 11:30 a.m. CDT** at the Burleigh County Courthouse in Bismarck, North Dakota, with proper notice having been given to the claimants as evidenced by the affidavit of mailing on file. The Commission appeared through Illona A Jeffcoat-Sacco, Special Assistant Attorney General; no other parties or claimants appeared.

The Court reviewed the report and other documents of record and finds grounds for approving the report. There were no objections to the report or the Trustee's recommendation.

ORDER

IT IS THEREFORE ORDERED:

1. That the Report and Recommendation of Trustee, dated September 29th, 2009, which recommends distribution of the bond and interest proceeds to valid claimants is approved.
2. The Commission, as Trustee, is authorized to make payments to persons with valid claims for grain purchased for cash by Sustainable Systems, LLC dba Montola in North Dakota as specified in the Report and Recommendation of Trustee.
3. That upon distribution of the bond and interest proceeds to the claimants as provided for in the Trustee's report, the Trustee is discharged.

Bismarck, North Dakota, this _____ day of October, 2009.

BY THE COURT

Honorable Bruce A. Romanick
Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission	)	CIVIL NO. 09-C-1034
)	
Petitioner,)	
)	
vs.)	
	)	AFFIDAVIT OF SERVICE
Sustainable Systems, LLC	)	BY CERTIFIED MAIL
dba Montola	)	AND REGULAR MAIL
Respondent.)	
_____)	
PSC Case No. GE-09-112)	
)	

STATE OF NORTH DAKOTA)
	)ss
COUNTY OF BURLEIGH)

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 **29th day of September, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **four envelopes** with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

1. Notice of Motion and Notice of Hearing;
2. Motion for Approval and Adoption of Report and Recommendation of Trustee;
3. Brief in Support of Motion for Approval and Adoption of Report and Recommendation of Trustee;
4. Report and Recommendation of Trustee with Exhibit A
5. (Proposed) Order Approving Trustee's Report, Approving Payment, and Discharging Trustee
6. Affidavit of Service by Certified Mail and Regular Mail

The envelopes were addressed as follows:

Kevin Kreisler, Chairman
GreenShift Corp/Sustainable Systems,
LLC
One Penn Plaza, Suite 1612
New York, NY 10119
**Certified Mail No. 7008 2810 0000 4606
7306**

National Registered Agents, Inc.
Registered Agent for Sustainable Systems
LLC
PO Box 1776
Bismarck, ND 58502
**Certified Mail No. 7008 2810 0000 4606
7290**

Paul Miller
Sustainable Systems, LLC dba Montola
Hwy 2 East
Culbertson, MT 59218
**Certified Mail No. 7008 2810 0000 4606
7283**

Sherri Cooper, Senior Claim Representative
Travelers Casualty & Surety Co. of America
33650 6th Avenue S, Suite 200
Federal Way, WA 98003
**Certified Mail No. 7008 2810 0000 4606
7276.**

Shelly A. Bauske further deposes and says that on the **29th day of September, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **22** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

Dustin Johnsrud
Box 68
Epping, ND 58843

Dennis Johnsrud
6121 125th Avenue NW
Epping, ND 58843

Ernest Schober
14403 80th Street SW
Bowman, ND 58623

Myron Lee
15051 58th Street Northwest
Williston, ND 58801

Harvey Lee
15077 58th Street Northwest
Williston, ND 58801

Obert Lee
314 18th Street North #307
Williston, ND 58801

Gene Johnson
6488 Highway 40
Tioga, ND 58852-9266

Arlyn Ledahl
8780 CR 7
Zahl, ND 58856

John Rolfsrud
Box 55
Keene, ND 58847

Brian Fisher
PO Box 133
Golva, ND 58632

Hovde Ranch LLP
13651 30th Street NW
Alexander, ND 58831

Douglas & Sandra Iverson
4624 154th Avenue NW
Williston, ND 58801

Brian Ledahl
9005 137th Avenue NW
Zahl, ND 58856

Selle Farms, Inc.
9875 137th Avenue NW
Fortuna, ND 58844

Keith Farstveit
PO Box 212
Beach, ND 58621

Alan Solberg
14838 57th Street NW
Williston, ND 58801

Syvert Mahlen
5353 153rd Avenue NW
Williston, ND 58801

John Fisher
PO Box 194
Golva, ND 58632

Joe & Clara Michels
672 Black Diamond Road East
Beach, ND 58621

Eugene Gunderson
3951 Highway 1806 W
Watford City, ND 58854

Clara Selle
804 1st Street SW B7
Crosby, ND 58730

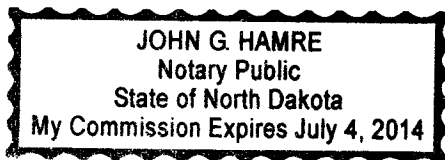
Shirley Ledahl
304 9th Avenue West
Williston, ND 58801

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

Subscribed and sworn to before me
this 29th day of September, 2009.

Shelly A Bauska

SEAL



John G. Hamre

Notary Public