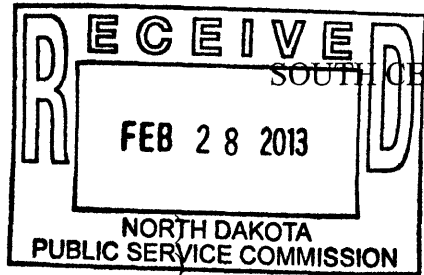


STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT



CIVIL NO. 08-2011-CV-01887

Smith Contracting Inc.,

Plaintiff,

vs.

North Dakota Public Service Commission
Abandoned Mine Lands Division,

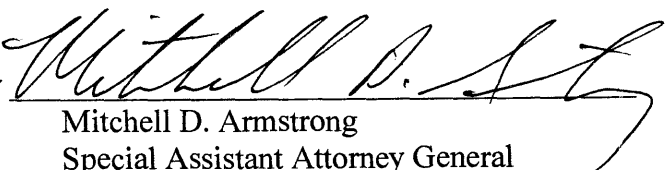
Defendant.

NOTICE OF ENTRY OF JUDGMENT

TO: PLAINTIFF AND ITS ATTORNEY

PLEASE TAKE NOTICE that on the 26th day of February, 2013, judgment was entered by Clerk of the Burleigh County District Court, dismissing this case with prejudice and without costs or disbursements to any party. A copy of said Order for Judgment and Judgment are attached.

Dated this 27th day of February, 2013.

By 

Mitchell D. Armstrong
Special Assistant Attorney General
122 East Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
(701) 258-0630
ND State Bar ID No. 05892

Attorneys for Defendant, North Dakota
Public Service Commission Abandoned Mine
Lands Division

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT
CIVIL NO. 08-2011-CV-01887

Smith Contracting Inc.,
Plaintiff,
vs.
North Dakota Public Service Commission
Abandoned Mine Lands Division,
Defendant.

ORDER FOR JUDGMENT

IT IS HEREBY ORDERED that all claims by and between Plaintiff Smith Contracting, Inc., and Defendant North Dakota Public Service Commission Abandoned Mine Lands Division are hereby dismissed with prejudice and without costs or disbursements to any party. Judgment shall be entered accordingly.

Dated this 26th day of Feb, 2013.

BY THE COURT:


Judge of the District Court

RECEIVED & FILED

FEB 26 2013

Clerk of Court, Burleigh Co.

Filed - Clerk of District Court
2/26/2013 10:48:04 AM
Burleigh County, ND

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

CIVIL NO. 08-2011-CV-01887

Smith Contracting Inc.,)

Plaintiff,)

vs.)

North Dakota Public Service Commission)

Abandoned Mine Lands Division,)

Defendant.)

JUDGMENT

Pursuant to the Order for Judgment, the above-captioned case is hereby dismissed with prejudice and without costs or disbursements to any party.

Dated this 26th day of February, 2013.

Debra Simonson
Clerk of Court

By: Sherry Mills, deputy

RECEIVED & FILED

FEB 26 2013

Clk. of Crt. Burleigh Co.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT
CIVIL NO. 08-2011-CV-01887

Smith Contracting Inc.,)
)
Plaintiff,)
)
vs.)
)
North Dakota Public Service Commission)
Abandoned Mine Lands Division,)
)
Defendants.)

AFFIDAVIT OF SERVICE

***) ***) ***

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

Kellye Trzruc, being first duly sworn, deposes and states that she is over the age of eighteen years and not a party to the above-entitled matter. That on February 27, 2013, she filed the following document:

1. Notice of Entry of Judgment

electronically with the Clerk of Court through the Odyssey File and Serve system and served as follows:

Ronald G. Schmidt
Attorney at Law
P.O. Box 860
Rapid City, SD 57709-0860

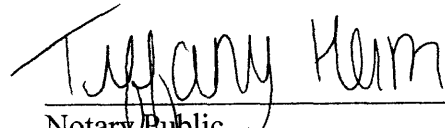
VIA U.S. MAIL



Kellye Trzruc

Subscribed and sworn to before me this 27th day of February, 2013.

TIFFANY HEIM
Notary Public
State of North Dakota
My Commission Expires June 29, 2018



Notary Public
Burleigh County, North Dakota