

**Richter, Susan K.**

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**From:** Richter, Susan K.  
**Sent:** Monday, August 30, 2010 5:21 PM  
**To:** 'aschwartz@ndcourts.gov'  
**Cc:** Bauske, Shelly A.  
**Subject:** Civil No. 10-10-C-68, Revised Order  
**Attachments:** Letter to District Court.pdf

Anita,

As we discussed on the phone today, I'm forwarding a revised Proposed Order Granting Application for Appointment as Trustee in Civil No. 10-10-C-68, Public Service Commission vs. Organic Grain and Milling, Inc. along with a letter of explanation. If the Judge in this case has questions, or wants this matter handled differently, please call Shelly Bauske at 701-328-4070. I apologize for any inconvenience regarding our inadvertent error.

I will be out of the office for the remainder of the week, so please contact Shelly if you need the attached original letter mailed to you or if you have any questions.

Thank you.

*Sue Richter, Licensing Division Director  
ND Public Service Commission  
600 East Boulevard Ave - Dept 408  
Bismarck, ND 58505-0480  
701-328-4097-Phone, 701-328-2410-Fax  
[srichter@nd.gov](mailto:srichter@nd.gov)*

11 GE-10-327 Filed: 8/30/2010 Pages: 5  
Email to Court - Letter forwarding revised proposed  
Order & proposed Order



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

August 30, 2010

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Sent via E-Mail to: [aschwartz@ndcourts.gov](mailto:aschwartz@ndcourts.gov)

Ms. Anita Schwartz  
Clerk of the District Court  
Cavalier County Courthouse  
901 3<sup>rd</sup> Street  
Langdon, ND 58249

**RE: Public Service Commission vs. Organic Grain and Milling, Inc.  
CIVIL NO. 10-10-C-68**

**PSC Case No. GE-10-327**

Dear Ms. Schwartz:

On August 12, 2010, the Commission forwarded for filing in the above proceeding the original documents asking for and supporting our Application for Appointment as Trustee. Included in that mailing was a Proposed Order.

In the Application for Appointment as Trustee, the Commission asked that the Court order the warehouse to turn over any accounts receivable available for grain sold prior to the filing of the claim that precipitated the insolvency. However, the Proposed Order Granting Application for Appointment as Trustee did not include language regarding turning over accounts receivable. This was an inadvertent error on our part and we apologize for any inconvenience.

We are forwarding a revised Proposed Order Granting Application for Appointment as Trustee for signature. The Proposed Order now includes language ordering that Organic Grain and Milling, Inc. turn over any accounts receivable to the Commission to be included as an asset of the trust fund. By copy of this letter with attachments, we are informing the warehouse and others of this request.

Ms. Anita Schwartz  
August 30, 2010  
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Thank you for your assistance in this matter and we again apologize for any inconvenience. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Illona A. Jeffcoat-Sacco". The signature is written in a cursive style with a horizontal line underlining the first name.

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

Enclosure

cc: Britt Eustis  
Thomas Stadler  
Great American Insurance Company  
Jacob C. Hendricks

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CAVALIER

NORTHEAST JUDICIAL DISTRICT

Public Service Commission,

Petitioner,

vs.

Organic Grain and Milling, Inc.,

Respondent

**ORDER GRANTING  
APPLICATION FOR  
APPOINTMENT AS TRUSTEE**

**Civil No. 10-10-C-68**

\_\_\_\_\_  
PSC Case No. GE-10-327

The Public Service Commission (Commission) has moved the Court for appointment as trustee of Organic Grain and Milling, Inc., under North Dakota Century Code Chapter 60-04. Organic Grain and Milling, Inc. operates as a public warehouseman in the State of North Dakota.

It appears from the record that Organic Grain and Milling, Inc. is insolvent under North Dakota Century Code Chapter 60-04, that it is in the best interest that a trustee be appointed, and that there may be accounts receivable available for grain sold prior to the filing of the claim that precipitated the insolvency.

**ORDERED THEREFORE** on the Application and 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 purpose of marshalling all trust assets of the insolvent Organic Grain and Milling, Inc., in the manner provided by law.

**ORDERED FURTHER** that any accounts receivable available for grain sold prior to the filing of the claim shall be forwarded to the Commission to be included as an asset of the trust fund as provided in North Dakota Century Code § 60-04-03.1.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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District Judge  
Northeast Judicial District