

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CAVALIER

NORTHEAST JUDICIAL DISTRICT

Public Service Commission, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 Organic Grain and Milling, Inc., )  
 )  
 Respondent )  
 \_\_\_\_\_ )  
 )  
 PSC Case No. GE-10-327 )  
 \_\_\_\_\_ )

**AFFIDAVIT OF SERVICE  
BY REGULAR MAIL**

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

STATE OF NORTH DAKOTA )  
 )ss  
 COUNTY OF BURLEIGH )

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **17<sup>th</sup> day of September, 2010**, she deposited in the United States Mail, Bismarck, North Dakota, **nine envelopes** with regular postage, fully prepaid, securely sealed and each containing a photocopy of:

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

The envelopes were addressed as follows:

Britt Eustis  
 Organic Grain and Milling, Inc.  
 PO Box 16550  
 St. Paul, MN 55166

Thomas Stadler, Registered Agent for  
 Organic Grain and Milling, Inc.  
 976 16th Street East  
 Langdon, ND 58249-3000

Brian R. Sawyer  
 Bond Claim Director  
 Great American Insurance Company  
 PO Box 2119  
 Cincinnati, OH 45201

Jacob C. Hendricks  
 Felhaber, Larson, Fenlon & Vogt  
 Attorney for Kodiak Farms, Ltd.  
 220 South 6th Street  
 Minneapolis, MN 55402-4504

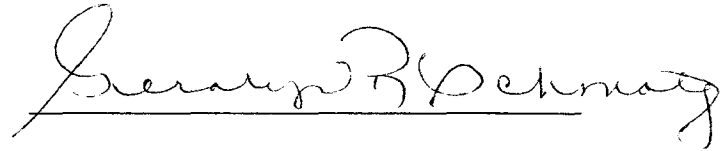
Jon C. Hapka  
23907 330<sup>th</sup> Avenue NW  
Warren, MN 56762

Jim Malard  
Malard Elevator Construction, Inc.  
PO Box 437  
Hazelton, ND 589544

Daelyn Dirksen  
405 156<sup>th</sup> Street  
Conde, SD 57434

Jon Wold  
105 Andrew Street North  
Labolt, SD 57246

Richard Gross  
3321 58<sup>th</sup> Street SE  
Napoleon, ND 58561

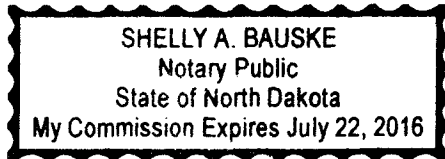


Subscribed and sworn to before me  
this 17<sup>th</sup> day of September 2010.



Notary Public

SEAL



STATE OF NORTH DAKOTA  
COUNTY OF CAVALIER

IN DISTRICT COURT  
NORTHEAST JUDICIAL DISTRICT

Public Service Commission, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 Organic Grain and Milling, Inc., )  
 )  
 Respondent )  
 \_\_\_\_\_ )  
 PSC Case No. GE-10-327 )  
 )

**NOTICE OF ENTRY  
OF ORDER**

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

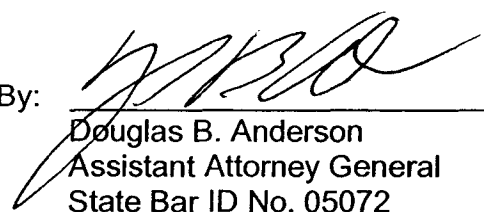
**PLEASE TAKE NOTICE** that an Order Appointing Trustee was executed on August 31, 2010 and was duly filed in the above proceeding on August 31, 2010, ordering that the Public Service Commission is appointed trustee of the trust fund for the purpose of marshalling all trust assets of the insolvent Organic Grain and Milling, Inc. in the manner provided by law.

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

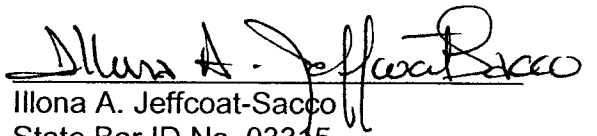
Bismarck, North Dakota, this 16<sup>th</sup> day of September 2010.

State of North Dakota  
Wayne Stenehjem  
Attorney General

By: \_\_\_\_\_



Douglas B. Anderson  
Assistant Attorney General  
State Bar ID No. 05072  
Office of Attorney General  
500 North 9<sup>th</sup> Street  
Bismarck, ND 58501-4509  
Telephone (701) 328-3640  
Facsimile (701) 328-4300

By:   
Illona A. Jeffcoat-Sacco  
State Bar ID No. 03315  
Special Assistant Attorney General  
Public Service Commission  
600 East Boulevard Ave – Dept 408  
Bismarck, ND 58505-0480  
Telephone (701) 328-2400  
Facsimile (701) 328-2410

Attorneys for the Public Service  
Commission

STATE OF NORTH DAKOTA

COUNTY OF CAVALIER

Public Service Commission,

Petitioner,

vs.

Organic Grain and Milling, Inc.,

Respondent

PSC Case No. GE-10-327

AUG 31 2010  
(M)

NORTHEAST JUDICIAL DISTRICT  
NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

RECEIVED  
SEP 2 2010  
N DISTRICT COURT

ORDER GRANTING  
- APPLICATION FOR  
APPOINTMENT AS TRUSTEE

Civil No. 10-10-C-68

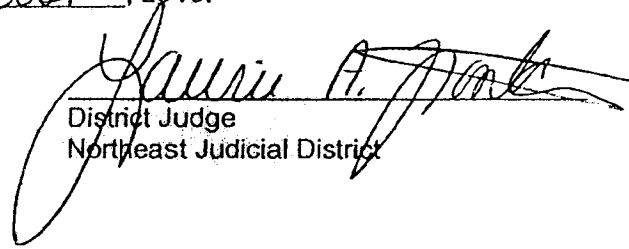
The Public Service Commission (Commission) has moved the Court for appointment as trustee of Organic Grain and Milling, Inc., under North Dakota Century Code Chapter 60-04. Organic Grain and Milling, Inc. operates as a public warehouseman in the State of North Dakota.

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 31 day of August, 2010.

  
District Judge  
Northeast Judicial District

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CAVALIER

NORTHEAST JUDICIAL DISTRICT

Public Service Commission, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 Organic Grain and Milling, Inc., )  
 )  
 Respondent )  
 \_\_\_\_\_ )  
 )  
 PSC Case No. GE-10-327 )  
 )

**NOTICE OF APPOINTMENT  
AS TRUSTEE AND  
NOTICE TO FILE CLAIMS**

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

**PLEASE TAKE NOTICE** that on August 31, 2010, the NORTHEAST JUDICIAL DISTRICT Court appointed the Public Service Commission (Commission) Trustee of Organic Grain and Milling, Inc. under North Dakota Century Code Chapter 60-04 for the benefit of outstanding receipt holders of Organic Grain and Milling, Inc. and ordered that accounts receivable available for grain sold prior to the filing of the claim be included as an asset of the trust fund. The Order was filed August 31, 2010.

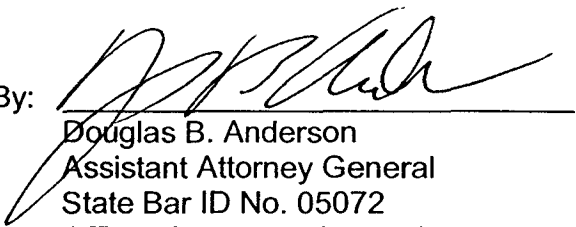
**FURTHER, PLEASE TAKE NOTICE THAT:**

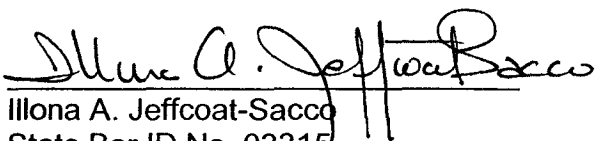
1. Any person having a claim against Organic Grain and Milling, Inc. for the non-payment of grain purchased or stored by Organic Grain and Milling, Inc. at its warehouse facility in Clyde, North Dakota, shall file the claim with the Public Service Commission, 600 East Boulevard Avenue, Department 408, 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 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 Commission within the time specified, the claimant may be barred from participation in the trust fund.

Bismarck, North Dakota, this 16<sup>th</sup> day of September 2010.

State of North Dakota  
Wayne Stenehjem  
Attorney General

By:   
Douglas B. Anderson  
Assistant Attorney General  
State Bar ID No. 05072  
Office of Attorney General  
500 North 9<sup>th</sup> Street  
Bismarck, ND 58501-4509  
Telephone (701) 328-3640  
Facsimile (701) 328-4300

By:   
Ilona A. Jeffcoat-Sacco  
State Bar ID No. 03315  
Special Assistant Attorney General  
Public Service Commission  
600 East Boulevard Ave – Dept 408  
Bismarck, ND 58505-0480  
Telephone (701) 328-2400  
Facsimile (701) 328-2410

Attorneys for the Public Service  
Commission