



Public Service Commission
State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
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E-mail: ndpsc@nd.gov
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September 17, 2010

Ms. Anita Schwartz
Clerk of the District Court
Cavalier County Courthouse
901 3rd 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

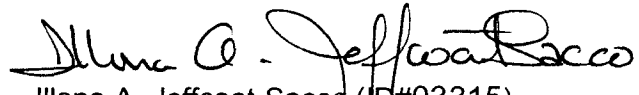
Dear Ms. Schwartz:

Enclosed for filing in the above proceeding please find the originals 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

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

Sincerely,


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

Enclosures

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
IN DISTRICT COURT

ORDER GRANTING
- APPLICATION FOR
APPOINTMENT AS TRUSTEE

Civil No. 10-10-C-68

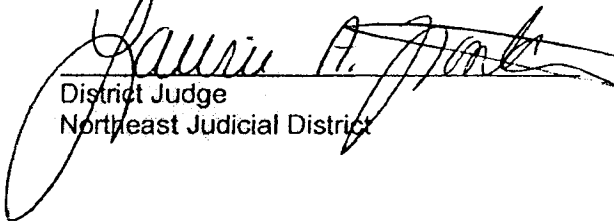
The Public Service Commission (Commission) has moved the Court for appointment as trustee of Organic Grain and Milling, Inc., under North Dakota Century Code Chapter 60-04. Organic Grain and Milling, Inc. operates as a public warehouseman in the State of North Dakota.

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:

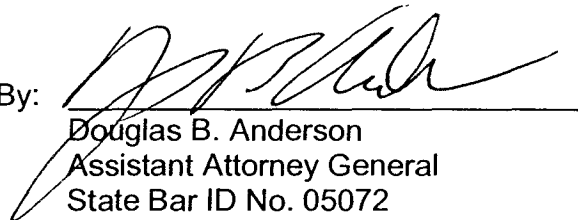
1. Any person having a claim against Organic Grain and Milling, Inc. for the non-payment of grain purchased or stored by Organic Grain and Milling, Inc. at its warehouse facility in Clyde, North Dakota, shall file the claim with the Public Service Commission, 600 East Boulevard Avenue, Department 408,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

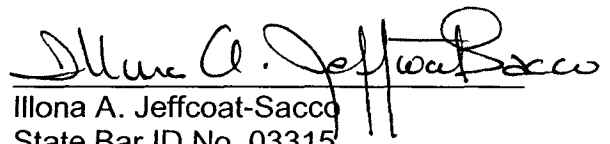
2. Claims must be filed within forty-five (45) days after the last publication of this notice.

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 16th 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 9th 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
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Facsimile (701) 328-2410

Attorneys for the Public Service
Commission

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 **17th 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

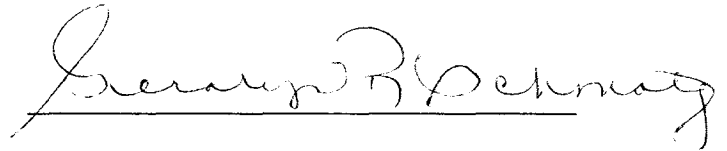
Jon C. Hapka
23907 330th Avenue NW
Warren, MN 56762

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

Daelyn Dirksen
405 156th Street
Conde, SD 57434

Jon Wold
105 Andrew Street North
Labolt, SD 57246

Richard Gross
3321 58th Street SE
Napoleon, ND 58561



Subscribed and sworn to before me
this 17th day of September 2010.



Notary Public

SEAL

