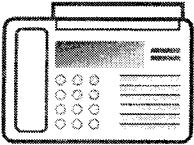


F A X

North Dakota Public Service Commission

600 E Boulevard Ave - Dept 408
Bismarck, ND 58505-0480
www.psc.nd.gov



To: Melissa Morden

Fax number: 701-265-4514

Fax number: 701-256-3468

From: Sue Richter

A handwritten signature in cursive script that reads "Sue Richter".

Fax number: 701-328-2410

Date: 5/16/2011

RE: Civil Case No. 10-10-C-00068

Public Service Commission vs.

Organic Grain & Milling, Inc.

Report & Recommendation of Trustee

Phone number for follow-up:

701-348-4097

Comments:

Attached is a proposed order for tomorrow's hearing in the referenced matter. If after the hearing, the Judge finds the Order Approving Trustee's Report, Approving Payment, and Discharging Trustee satisfactory, please have the Judge sign it and return a copy of the signed Order to use and we will provide Notice of Entry of Order and serve the parties of record.

Thank you and please call if you have any questions.

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)

CIVIL NO. 10-10-C-68
 ORDER APPROVING
 TRUSTEE'S REPORT,
 APPROVING PAYMENT,
 AND DISCHARGING TRUSTEE

This matter came before the Court on the motion of the Public Service Commission (Commission) seeking approval of its Report as Trustee of Organic Grain and Milling, Inc. This report was scheduled for hearing before this Court on **May 17th, 2011, at 11:30 a.m. CDST** at the Cavalier County Courthouse in Langdon, North Dakota, with proper notice having been given to the claimants as evidenced by the affidavit of mailing on file. The Commission appeared via telephone 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 April 8, 2011, which recommends distribution of the trust fund proceeds, credit-sale contract indemnity fund payments to valid claimants, reimbursement of expenses to the Commission, and return of the remaining balance in the trust fund to Organic Grain and Milling, Inc., is approved.
2. That the Commission, as Trustee, is authorized to make payment plus interest from the date of insolvency at the weighted average prime rate charged by the Bank of North Dakota from the trust fund to the claimant with a valid cash claim for grain purchased for cash by Organic Grain and Milling, Inc.
3. That the Commission, as trustee, is authorized to make payment from the credit-sale contract indemnity fund to each holder of valid credit-sale contracts for grain sold to Organic Grain and Milling, Inc. not to exceed the lesser of eighty percent of the amount owed to each claimant or two hundred eighty thousand dollars as provided under North Dakota Century Code § 60-10-06 as specified in the Report and Recommendation of Trustee.
4. That the Commission, as Trustee, is authorized to make payment to the Commission for reimbursement of expenses under North Dakota Century Code § 60-04-10 in the amount of \$1,026.53 for postage, publication, and legal expenses incurred to date plus additional expenses to be incurred.
5. That the Commission, as trustee, is authorized to return the remaining balance in the trust fund to Organic Grain and Milling, Inc.

6. That upon distribution of the trust fund proceeds to the cash claimant, payment from the credit-sale contract indemnity fund to each holder of valid credit-sale contracts, reimbursement to the Commission for its expenses incurred in the administration of the proceeding, and return of the remaining balance in the trust fund to Organic Grain and Milling, Inc. as provided for in the Trustee's report, the Trustee is discharged.

Bismarck, North Dakota, this **17th day of May, 2011.**

BY THE COURT

Honorable Judge Laurie A. Fontaine
Judge of the District Court