



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

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14 June 2011

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 executed Order Approving Trustee's Report, Approving Payment, and Discharging Trustee and
2. Affidavit of Service by Regular Mail.

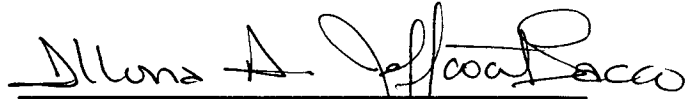
If you have any questions, please do not hesitate to contact us. Thank you for your assistance in this matter.

Sincerely,

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

Enclosures

Bismarck, North Dakota, this 14th day of June, 2011.

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

Ilona A. Jeffcoat-Sacco (ID#03315)
Special Assistant Attorney General
Public Service Commission
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Bismarck, ND 58505-0480
Telephone (701) 328-2400
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Attorney for the Public Service
Commission

MAY 17 2011

STATE OF NORTH DAKOTA

CLERK

IN DISTRICT COURT

COUNTY OF CAVALIER

NORTHEAST JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Organic Grain and Milling, Inc.

Respondent.

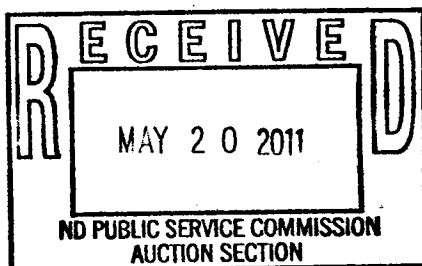
CIVIL NO. 10-10-C-68

ORDER APPROVING
TRUSTEE'S REPORT,
APPROVING PAYMENT,
AND DISCHARGING TRUSTEE

PSC Case No. GE-10-327

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 Ilona 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.



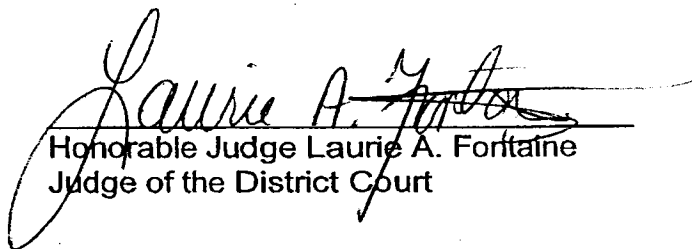
ORDER**IT IS THEREFORE ORDERED:**

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. Fortaine
Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CAVALIER

NORTHEAST JUDICIAL DISTRICT

Public Service Commission,)
)
 Petitioner,)
)
 vs.)
)
 Organic Grain and Milling, Inc.,)
)
 Respondent)

Civil No. 10-10-C-68

AFFIDAVIT OF SERVICE
BY REGULAR MAIL

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

STATE OF NORTH DAKOTA)
) ss.
 COUNTY OF BURLEIGH)

John G. Hamre deposes and says that:

he is over the age of 18 years and not a party to this action and, on the 14th day of June 2011, he deposited in the United States Mail, Bismarck, North Dakota, 11 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of:

1. Notice of Entry of Order with Executed Order;
2. 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

Brittin Eustis, Organic Grain and Milling, Inc.
 C/O Capsalus Corp.
 PO Box 19409
 Minneapolis, MN 55419

Brittin Eustis
 Organic Grain and Millings, Inc.
 8316 54th Avenue South
 Seattle, WA 98118

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 Wold
105 Andrew Street North
Labolt, SD 57246

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

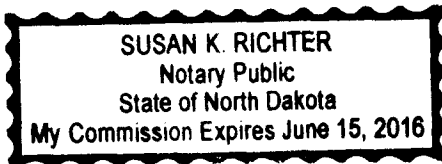
Jon C. Hapka
23907 330th Avenue NW
Warren, MN 56762

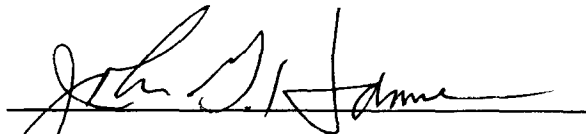
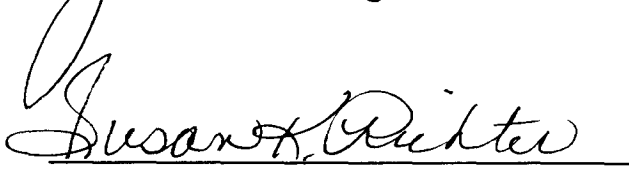
Richard Gross
3321 58th Street SE
Napoleon, ND 58561

Daelyn Dirksen
405 156th Street
Conde, SD 57434

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 14th day of June, 2011.





Notary Public