

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Grabanski Grain, LLC  
Grain Warehouse  
Insolvency**

**Case No. GE-10-498**

**CONSENT ORDER FOR LICENSE  
CANCELLATION AND CESSATION OF BUSINESS**

**November 2, 2010**

Grabanski Grain, LLC, consents and agrees as follows:

1. Grabanski Grain, LLC, a North Dakota limited liability company, authorized to do business in North Dakota, operated a grain warehouse at Grafton, North Dakota, and was licensed under North Dakota Century Code Chapters 60-02 and 60-04.
2. Grabanski Grain, LLC, operated its grain warehouse at Grafton, North Dakota, under license number 1191. In mid-August 2010 Grabanski Grain informally agreed that it would not buy any additional grain but was continuing to dry and warehouse 2010 crop.
3. On July 22, 2010, Grabanski Grain, LLC, filed a Chapter 11 Voluntary Petition in the United States Bankruptcy Court for the District of North Dakota (Bankruptcy Court) as Case Number 10-30924.
4. On September 30, 2010, Grabanski Grain, LLC, filed its Debtor's Motion to Sell Property Free and Clear of Liens, Claims and Encumbrances requesting the authority of the Bankruptcy Court to sell land and assets, inclusive of the grain storage warehouse facility, to St. Hilaire Seed Company, Inc. (Case No. 10-30924 - Doc # 93).
5. On October 14, 2010, the Bankruptcy Court entered its Order Authorizing the Sale of Assets Not in the Ordinary Course of Business (Order) authorizing the

sale of the business assets, inclusive of the grain storage warehouse facility, to St. Hilaire Seed Company, Inc. (Case No. 10-30924 - Doc # 107).

6. To facilitate the transfer of rights associated with the sale of assets to St. Hilaire Seed Company, Inc., it is necessary that Grabanski Grain, LLC's, grain warehouse license be cancelled and that Grabanski Grain, LLC, cease doing business at the grain warehouse in Grafton, North Dakota.

7. The Bankruptcy Court's Order provided:

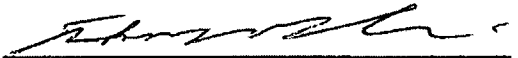
The State of North Dakota Public Service Commission shall have authority to transfer the rights associated with license number 1191 held by the Debtor to the license held by St. Hilaire Seed Company, Inc.

(Case No. 10-30924 - Doc # 107, ¶ 7).

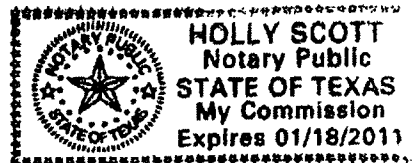
8. The Bankruptcy Court's Order provided the necessary relief to accomplish the prerequisites to the transfer of the assets to St. Hilaire Seed Company, Inc., including that Grabanski Grain, LLC, voluntarily agree to an order cancelling grain warehouse license number 1911 and that Grabanski Grain, LLC, voluntarily agree to cease doing business at the grain warehouse in Grafton, North Dakota.

9. Grabanski Grain, LLC, voluntarily agrees to an order cancelling grain warehouse license number 1911 and Grabanski Grain, LLC, voluntarily agrees to cease doing business at the grain warehouse in Grafton, North Dakota.

Dated this 27<sup>th</sup> day of October, 2010.

By:   
Thomas M. Grabanski, in his official capacity as member of Grabanski Grain, LLC

STATE OF TEXAS  
COUNTY OF Lamar ) ss.



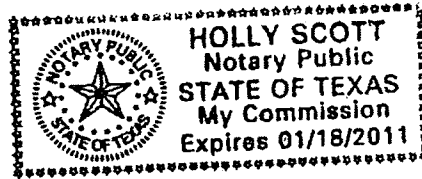
On the 27<sup>th</sup> day of October, 2010, the foregoing instrument was acknowledged before me by Thomas M. Grabanski, in his official capacity as member of Grabanski Grain, LLC.

Holly Scott  
Notary Public

Dated this 27<sup>th</sup> day of October, 2010.

By: Mari K. Grabanski  
Mari K. Grabanski, in her official capacity as member of Grabanski Grain, LLC

STATE OF TEXAS  
COUNTY OF Lamar } ss.



On the 27<sup>th</sup> day of October, 2010, the foregoing instrument was acknowledged before me by Mari K. Grabanski, in her official capacity as member of Grabanski Grain, LLC.

Holly Scott  
Notary Public

Dated this 2<sup>nd</sup> day of November, 2010.

IT IS HEREBY ORDERED:

1. Grabanski Grain, LLC's, grain warehouse license number 1191 is cancelled and.
2. Business at Grafton, North Dakota, is ceased and Grabanski Grain, LLC, shall not conduct any further business under license number 1191.

Tony Clark  
Tony Clark  
Commissioner

Kevin Cramer  
Kevin Cramer  
Chairman

Brian P. Kalk  
Brian P. Kalk  
Commissioner