

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

_____)
 Public Service Commission)
)
 Petitioner,)
)
 vs.)
)
 Grabanski Grain LLC)
)
 and)
)
 Platte River Insurance Company)
)
 Respondents.)
)
 _____)
 PSC Case No. GE-10-498)
)
 _____)

CIVIL NO. 50-2011-CV-00029

AMENDED
ORDER APPOINTING
TRUSTEE AND JOINING
SURETY AS PARTY AND FOR
DEPOSIT OF BOND
PROCEEDS

The Public Service Commission (Commission) has moved the Court for appointment as trustee of Grabanski Grain LLC, under North Dakota Century Code Chapter 60-04, and to join Platte River Insurance Company as a party to the action and for deposit of the bond proceeds. Grabanski Grain LLC operates as a public warehouseman in the State of North Dakota.

It appears from the record that Grabanski Grain LLC is insolvent under North Dakota Century Code Chapter 60-04 as of July 23, 2010, that it is in the best interest that a trustee be appointed, and that the surety Platte River Insurance Company be joined as a party to this proceeding and ordered to deposit the penal sum of the bond in the amount of \$340,000 in the trustee's trust account.

ORDER

THEREFORE on the 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 Grabanski Grain LLC in the manner provided by law and that the date of insolvency be established as July 23, 2010.

IT IS FURTHER ORDERED that surety, Platte River Insurance Company, 1600 Aspen Commons, Middleton, Wisconsin 56562, is joined as a respondent in this action and ordered to deposit the penal sum of the bond with the Commission, as trustee.

_____, North Dakota this _____ day of
March, 2011.

BY THE COURT

Honorable M. Richard Geiger
Judge of the District Court