

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

ORDER APPROVING  
TRUSTEE'S REPORT,  
REQUIRING DEPOSIT  
OF BOND PROCEEDS,  
APPROVING PAYMENT AND  
DISCHARGING TRUSTEE

This matter came before the Court on the motion of the North Dakota Public Service Commission (Commission) seeking approval of its Report and Recommendation as Trustee of Grabanski Grain, LLC and deposit of bond proceeds. This matter was scheduled for hearing before this Court on **June 20, 2012 at 9:00 a.m. CDST** at the Walsh County Courthouse in Grafton, North Dakota, with proper notice having been given as evidenced by the affidavit of mailing on file. The Commission appeared through Illona A. Jeffcoat-Sacco, Special Assistant Attorney General and Platte River Insurance Company appeared through Gordon W. Myerchin. No other parties or claimants appeared.

The Court reviewed the report and other documents of record and finds grounds for approving the report and requiring deposit of bond proceeds. There were no objections to the report, the Trustee's recommendation, or the request for deposit of bond proceeds.

## ORDER

### IT IS THEREFORE ORDERED:

1. That the Report and Recommendation of Trustee, dated May 18, 2012, which recommends deposit of bond proceeds, distribution of bond proceeds to valid cash claimants, credit-sale contract indemnity fund payments to valid credit-sale claimants, reimbursement of expenses to the Commission, and return of the remaining balance in the trust fund to Platte River Insurance Company, is approved.
2. That the surety, Platte River Insurance Company, PO Box 5900, Madison, Wisconsin 53709-0900 deposit, within ten (10) days of the date of this order, \$230,000 of the bond proceeds with the Trustee sufficient to pay all valid cash claims.
3. The Commission, as Trustee, is authorized to make payments 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 claimants with valid cash claims for grain purchased for cash by Grabanski Grain, LLC, at its Grafton, North Dakota facility as specified in the Report and Recommendation of Trustee. The payments for each cash claim will be made jointly payable to the claimant and relevant valid lien holders at the time checks are issued.
4. 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 Grabanski Grain, LLC, not to exceed the lesser of eighty percent of the amount owed to each claimant or two hundred eighty thousand dollars as specified in the Report and Recommendation of Trustee. The payments for each credit-sale contract claim will be made jointly payable to the claimant and relevant valid lien holders at the time checks are issued.
5. That the Commission, as Trustee, is authorized to make payment to the Commission for reimbursement of expenses under North Dakota Century Code § 60-04-09 in the amount of \$5,898.60 for postage, publication, travel, legal, and

miscellaneous expenses incurred to date plus additional expenses that are incurred after the date of filing and serving the Report and Recommendation.

6. That the Commission, as Trustee, is authorized to return the remaining balance in the trust fund to the surety, Platte River Insurance Company.
7. That upon distribution of the trust fund proceeds to the cash claimants, payment from the credit-sale contract indemnity to each holder of valid credit-sale contracts, reimbursement to the Commission for its expenses incurred in the administration of the proceeds, and return of the remaining balance in the trust fund to Platte River Insurance Company, as provided for in the Trustee's report, the Trustee is discharged.

Grafton, North Dakota, this \_\_\_\_\_ day of June, 2012.

BY THE COURT

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Honorable M. Richard Geiger  
Judge of the District Court