



Public Service Commission
State of North Dakota

COMMISSIONERS

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Randy Christmann
Julie Fedorchak

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23 January 2013

Ms. Beverly Demers
Clerk of the District Court
Walsh County Courthouse
600 Cooper Ave.
Grafton, ND 58237-1542

RE: Public Service Commission vs. Grabanski Grain, LLC
CIVIL NO. 50-2011-CV-00029

PSC Case No. GE-10-498

Dear Ms. Demers:

Enclosed for filing in the above proceeding please find the originals of:

1. Notice of Motion for Discharge as Trustee,
2. Motion for Discharge as Trustee,
3. Brief in Support of Motion for Discharge as Trustee,
4. Proposed Order Discharging Trustee, and
5. Affidavit of Service by Regular Mail.

After the notice period expires, if the Judge finds the Proposed Order Discharging Trustee satisfactory, please have him sign it and return a copy of the signed Order to us and we will provide Notice of Entry of Order and serve the parties of record.

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

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

_____)	
Public Service Commission)	CIVIL NO. 50-2011-CV-00029
)	
Petitioner,)	
)	
vs.)	NOTICE OF MOTION FOR
)	DISCHARGE AS TRUSTEE
Grabanski Grain LLC)	
)	
and)	
)	
Platte River Insurance Company)	
)	
Respondents.)	
_____)	
PSC Case No. GE-10-498)	
_____)	

TO: DeWayne Johnston, Attorney for Grabanski Grain LLC, Johnston Law Office, 221 South 4th Street, Grand Forks, ND 58201

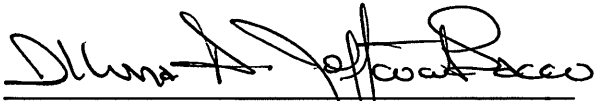
Gordon W. Myerchin, Attorney for Platte River Insurance Company, Camrud, Maddock, Olson & Larson, Ltd., PO Box 5849, Grand Forks, ND 58201

R. Scott Stewart, Attorney for John Schumacher, 306 9th Avenue, PO Box 151, Langdon, ND 58249-0151

PLEASE TAKE NOTICE that the Public Service Commission, as Trustee of the trust created by the insolvency of Grabanski Grain, LLC, respectfully moves the Court for an order discharging the Public Service Commission as Trustee in the captioned matter. The motion and brief in support of the motion are attached to this notice and by reference made a part hereof.

The undersigned respectfully requests that the court decide the matter pursuant to Rule 3.2 of the North Dakota Rules of Court, without a hearing, at the expiration of ten (10) days after the service of the Notice of Motion upon you.

Bismarck, North Dakota, this **23rd day of January, 2013.**

BY: 

Ilona A. Jeffcoat-Sacco
Special Assistant Attorney General
State Bar ID No. 03315
Public Service Commission
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505
(701) 328-2407
(701) 328-2410 fax

Attorney for the Public Service Commission

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

MOTION FOR DISCHARGE
AS TRUSTEE

The Public Service Commission, as Trustee, respectfully moves the Court for an order discharging the Public Service Commission as Trustee of the trust created by the insolvency of Grabanski Grain, LLC, Civil No. 50-2011-CV-00029. The Public Service Commission has paid all claims and expenses, has returned any excess amounts to Platte River Insurance Company, and has fully performed all duties required by law in the administration of the insolvency. The Judgment of the Court entered on September 17, 2012, is final.

Bismarck, North Dakota, this 23rd day of January, 2013.

BY: 

Illona A. Jeffcoat-Sacco
Special Assistant Attorney General
State Bar ID No. 03315
Public Service Commission
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480
(701) 328-2400
(701) 328-2410 fax

Attorney for the Public Service
Commission, Trustee

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

_____)	
Public Service Commission)	CIVIL NO. 50-2011-CV-00029
)	
Petitioner,)	
)	
vs.)	BRIEF IN SUPPORT OF
)	MOTION FOR DISCHARGE
Grabanski Grain LLC)	AS TRUSTEE
)	
and)	
)	
Platte River Insurance Company)	
)	
Respondents.)	
_____)	
PSC Case No. GE-10-498)	
_____)	

The Public Service Commission, as Trustee of the trust fund created under North Dakota Century Code Chapter 60-04 for the purpose of marshaling all of the trust fund assets of the insolvent Grabanski Grain, LLC, and distributing the same in support of the motion for discharge of trustee, states as follows:

The Commission was appointed Trustee on March 16, 2011. Upon the filing of objections, an evidentiary hearing on the matter was held on June 20-21, 2012.

On August 31, 2012 the Court issued its Findings of Fact, Conclusions of Law, and Order wherein the Court directed Platte River Insurance Company to deposit \$230,000 of its bond proceeds with the Trustee and authorized the Trustee to make payment of the approved noncredit-sale contract claims totaling \$184,964.03, together with interest of 3.25 percent from the date of insolvency, to make payment to the Public

Service Commission as reimbursement for the expenses incurred in the administration related to this proceeding, to make payments from the Indemnity Fund to the valid credit-sale claimants representing 80% of their valid credit-sale claims, and upon disbursement of the bond proceeds, to return any excess amounts to Platte River Insurance Company.

Judgment was entered on September 17, 2012. Notice of Entry of Judgment was made on September 21, 2012.

The Trustee has paid all valid claims and expenses, has returned excess amounts to Platte River Insurance Company, and has fully performed all duties required by law. All checks for claims, expenses, and return of excess proceeds have been delivered as evidenced by the certified mail return receipts which are on file with the Public Service Commission. The Trustee respectfully requests that it be discharged from its Trust as provided for under North Dakota Century Code § 60-04-09.

Bismarck, North Dakota, this **23rd day of January, 2013.**

Respectfully submitted,



Ilona A. Jeffcoat-Sacco
Special Assistant Attorney General
State Bar ID No. 03315
Public Service Commission
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480
(701) 328-2407
(701) 328-2410 fax

Attorney for the Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

Public Service Commission)	CIVIL NO. 50-2011-CV-00029
Petitioner,)	
vs.)	
Grabanski Grain LLC)	
and)	
Platte River Insurance Company)	
Respondents.)	
PSC Case No. GE-10-498)	
)	
)	

ORDER DISCHARGING TRUSTEE

This matter came on before the court pursuant to Rule 3.2 of the North Dakota Rules of Court, on the Motion of the Public Service Commission as Trustee (Trustee).

The Trustee moved the court for an order discharging it as Trustee of the trust created by the insolvency of Grabanski Grain, LLC, in the captioned matter. The Trustee has paid all claims and expenses and has returned any excess amounts to Platte River Insurance Company. Cashiers' checks were issued to cash claimants, Platte River Insurance Company, and the Commission from the trust fund and the trust fund has been closed. Checks were issued by the State from the indemnity fund to credit-sale contract claimants. Checks to all claimants and Platte River Insurance Company were mailed via certified mail with return receipt requested. All checks for

claims, expenses, and return of excess proceeds have been delivered as evidenced by the certified mail return receipts which are on file with the Public Service Commission.

IT IS THEREFORE ORDERED that the Public Service Commission is **DISCHARGED** as Trustee of the trust created by the insolvency of Grabanski Grain, LLC.

Grafton, North Dakota, this _____ day of _____ 2013.

BY THE COURT

M. Richard Geiger
District Court Judge

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WALSH

NORTHEAST JUDICIAL DISTRICT

Public Service Commission)

CIVIL NO. 50-2011-CV-00029

Petitioner,)

vs.)

Grabanski Grain LLC)

AFFIDAVIT OF SERVICE
BY REGULAR MAIL

and)

Platte River Insurance Company)

Respondents.)

PSC Case No. GE-10-498)

STATE OF NORTH DAKOTA)

)ss

COUNTY OF BURLEIGH)

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and deposes and says that on the **23rd day of January, 2013**, she deposited in the United States Mail, Bismarck, North Dakota, 37 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of:

1. Notice of Motion for Discharge as Trustee,
2. Motion for Discharge as Trustee,
3. Brief in Support of Motion for Discharge as Trustee,
4. Proposed Order Discharging Trustee, and
5. Affidavit of Service by Regular Mail.

The envelopes were addressed as follows:

Thomas M. Grabanski
PO Box 621
Blossom, TX 75416

Mari K. Grabanski
PO Box 621
Blossom, TX 75416

DeWayne Johnston
Johnston Law Office
Attorney for Grabanski Grain LLC
221 South 4th Street
Grand Forks ND 58201

DeWayne Johnston
Johnston Law Office
Attorney for Claimant Objector
Louis Slominski, Jr.
221 South 4th Street
Grand Forks, ND 58201

Gordon W. Myerchin, Attorney for
Platte River Insurance Company
Camrud, Maddock, Olson & Larson, Ltd.
PO Box 5849
Grand Forks, ND 58201

Andy Anderson, Manager
Bond Claims Department
Platte River Insurance Company
1600 Aspen Commons
Middleton, WI 53562

Eldon Troftgruben
Troftgruben Farm
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Russell Edgar
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Bathgate, ND 58216

Merlyn & Dolores Grabanski
15759 65th St. NE
Grafton, ND 58237

Dave Hankey
13828 69th St. NE
Park River, ND 58270

Dan Wilde
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Fosston, MN 56542

Martinson JV, Mark & Lori
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Rolette, ND 58366-9001

DeWayne Johnston
Johnston Law Office
Attorney for Claimant Objectors
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Grand Forks, ND 58201

Theodore Sandberg
Attorney for Field Brothers
Fisher, Olson & Juntunen, Ltd.
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PO Box 5788
Grand Forks, ND 58206-5788

Ginny Spencer
Platte River Insurance Company
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Madison, WI 53705-0900

Michael Suda
Suda Group, a North Dakota partnership
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Grafton, ND 58237

Paul Sproule Managing Partner
Sproule Farms
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Grand Forks, ND 58208

Field Brothers
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Stephen, MN 56757

Paul Grzadzielewski
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Manvel, ND 58256

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Hoople, ND 58243-9466

Wayne Knudson
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Larimore, ND 58251

Richard & Diane McDonald
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Inkster, ND 58244

Dennis McGeary
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Oklee, MN 56742

Mark E. Novak
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Lankin, ND 58250

Cordel Pulkrabek
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East Grand Forks, MN 56721

Russell/Grant Pulkrabek
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Warren, MN 56762

Dean Lizakowski
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Minto, ND 58261

S & G Farms
Louie Slominski
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Minto, ND 58261

John Schumacher
PO Box 344
Drayton, ND 58225

Donald & Wilene Schuster
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Grafton, ND 58237

Donovan Schuster
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Grafton, ND 58237

Joel Slominski
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Ardoch, ND 58261

Louie Slominski Jr.
PO Box 207
Minto, ND 58261

Louie Slominski Sr.
PO Box 177
Minto, ND 58261

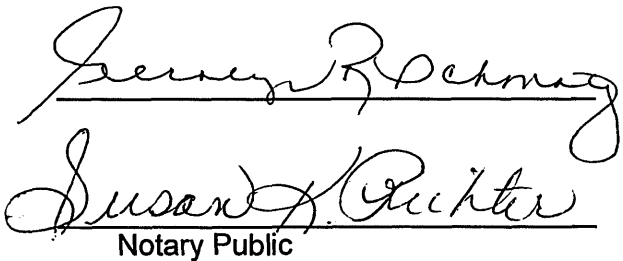
Lance Lenton
1821 125th Street SE
Minot, ND 58701

Donald T. Campbell
Attorney for BP & Sons Grain & Storage Inc.
Leonard, Street and Deinard
150 South Fifth Street Suite 2300
Minneapolis, MN 55402

Ronald J & Maria V Pokrzywinski
6426 157th Avenue NE
Grafton, ND 58237-8831

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

Subscribed and sworn to before me
this 23rd day of January, 2013.


Notary Public

SEAL

