



Public Service Commission
State of North Dakota

COMMISSIONERS

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Randy Christmann
Julie Fedorchak

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17 May 2013

Gordon W. Myerchin
Capital Indemnity Corporation
Camrud, Maddock, Olson & Larson, Ltd.
PO Box 5849
Grand Forks, ND 58201

RE: Civil No. 50-2011-CV-29
Grabanski Grain, LLC
Grafton, ND
Insolvency
PSC Case No. GE-10-498

Dear Mr. Myerchin:

Enclosed please find the original executed Release for Capital Indemnity Corporation and Platte River Insurance Company with attached Exhibit A in the referenced case.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Illona A. Jeffcoat-Sacco".

Illona A. Jeffcoat-Sacco
General Counsel


Enclosure
c/w enclosure: DeWayne Johnston, R. Scott Stewart

RELEASE

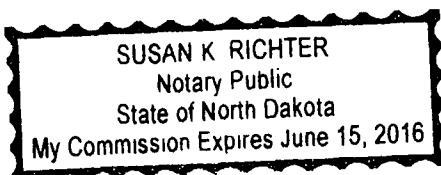
In consideration of payment in the amount of TWO HUNDRED ONE THOUSAND THREE HUNDRED THIRTY-FIVE and 89/100 Dollars (\$201,335.89) by CAPITAL INDEMNITY CORPORATION and one of its entities PLATTE RIVER INSURANCE, the receipt of which is hereby acknowledged, the undersigned, for itself and on behalf of the State of North Dakota, hereby releases and discharges CAPITAL INDEMNITY CORPORATION AND PLATTE RIVER INSURANCE COMPANY, their predecessors, successors, assigns, affiliated corporations, merged successors, co-sureties and reinsurers, and any officers, directors, shareholders, employees, agents and representatives of any of the foregoing, of and from all claims of any kind or character, which the undersigned now has or may have had under or in connection with Bond No. 41134564 (the "Bond") naming GRABANSKI GRAIN, LLC ("Grabanski") as principal, and the State of North Dakota as obligee, relating to or growing out of the matters or claims asserted or which could be asserted in Case No. 50-2011-CV-00029 styled *Public Service Commission v. Grabanski Grain, LLC and Platte River Insurance Company*, which was pending in the District Court, Northeast Judicial District, Walsh County, North Dakota, and in the undersigned's Case No. GE-10-498. As further inducement to Platte River Insurance for making the payment the undersigned hereby acknowledges all legal and statutory obligations under the jurisdiction of the Public Service Commission in reference to the grain licensing or insolvency chapters of the North Dakota Century Code are declared cancelled, null and void. The undersigned has been duly authorized to execute and deliver this Release of Platte River Insurance pursuant to the documents attached hereto as Exhibit A which are made a part hereof.

IN WITNESS WHEREOF, the undersigned has executed this Release on the date and in the capacity as set forth hereinafter.

NORTH DAKOTA PUBLIC SERVICE COMMISSION

By: 
Illona A. Jeffcoat-Sacco
Its: Special Assistant Attorney General

Sworn to and subscribed before me, this 17 day of May, 2013.




NOTARY PUBLIC

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.

CIVIL NO. 50-2011-CV-00029

**NOTICE OF ENTRY
OF ORDER
DISCHARGING TRUSTEE**

PSC Case No. GE-10-498

**TO: DeWayne Johnston, Attorney for Grabanski Grain LLC, Merlyn
& Delores Grabanski, and Louis Slominski, Jr., 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 an Order Discharging Trustee was entered in the above-captioned action on 13th day of February 2013, discharging the Public Service Commission as Trustee of the trust created by the insolvency of Grabanski Grain, LLC. A true and correct copy of the Order is attached to this Notice.

Exhibit A

Dated this 22nd day of February, 2013.

By: 

Illona A. Jeffcoat-Sacco (ID No. 03315)
Special Assistant Attorney General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410

Attorney for the North Dakota Public
Service Commission

STATE OF NORTH DAKOTA
COUNTY OF WALSH

IN DISTRICT COURT
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-GV-00029

ORDER DISCHARGING
TRUSTEE

FILED IN THE OFFICE OF
CLERK OF DISTRICT COURT
WALSH COUNTY, ND ON

FEB 13 2013

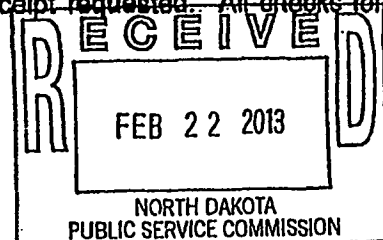
BEV DEMERS, CLERK
BY Tim Deputy

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

146 GE-10-498 Filed: 2/22/2013 Pages: 2
Executed Order Discharging Trustee

Walsh County District Court
M. Richard Geiger, District Court Judge

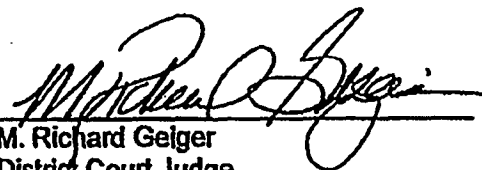


claims, expenses, and return of excess proceeds have been delivered as evidenced by the certified mail return receipts which are on file with the Public Service Commission.

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 13th day of February 2013.

BY THE COURT


M. Richard Geiger
District Court Judge

STATE OF NORTH DAKOTA
COUNTY OF WALSH

IN DISTRICT COURT
NORTHEAST JUDICIAL DISTRICT

Public Service Commission
Petitioner,
vs.
Grabanski Grain LLC
and
Platte River Insurance Company
Respondents.

CIVIL NO. 50-2011-CV-00029

AFFIDAVIT OF SERVICE
BY REGULAR MAIL

PSC Case No. GE-10-498

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 deposes and says that on the 22nd day of February, 2013, he 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 Entry of Order with copy of Order attached
2. 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
12341 77th Street NE
Edinburg, ND 58227

Russell Edgar
15301 100th St. NE
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
32317 440th Street
Fosston, MN 56542

Martinson JV, Mark & Lori
3907 Highway 66
Rolette, ND 58366-9001

DeWayne Johnston
Johnston Law Office
Attorney for Claimant Objectors
Merlyn & Dolores Grabanski
221 South 4th Street
Grand Forks, ND 58201

Theodore Sandberg
Attorney for Field Brothers
Fisher, Olson & Juntunen, Ltd.
315 1st Avenue North
PO Box 5788
Grand Forks, ND 58206-5788

Ginny Spencer
Platte River Insurance Company
PO Box 5900
Madison, WI 53705-0900

Michael Suda
Suda Group, a North Dakota partnership
6609 County Road Eight
Grafton, ND 58237

Paul Sproule Managing Partner
Sproule Farms
PO Box 14867
Grand Forks, ND 58208

Field Brothers
38177 390th St. NW
Stephen, MN 56757

Paul Grzadzielewski
1308 Western Avenue
Manvel, ND 58256

John & Tom Holmes
13266 76th St. NE
Hoople, ND 58243-9466

Wayne Knudson
2077 35th St. NE
Larimore, ND 58251

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3540 35th St. NE
Inkster, ND 58244

Dennis McGeary
30925 Center St. East
Oklee, MN 56742

Cordel Pulkrabek
44437 130th St. SW
East Grand Forks, MN 56721

Dean Lizakowski
15408 60th St. NE
Minto, ND 58261

John Schumacher
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Drayton, ND 58225

Donovan Schuster
15776 66th St. NE
Grafton, ND 58237

Louie Slominski Jr.
PO Box 207
Minto, ND 58261

Lance Lenton
1821 125th Street SE
Minot, ND 58701

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

Mark E. Novak
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Lankin, ND 58250

Russell/Grant Pulkrabek
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Warren, MN 56762

S & G Farms
Louie Slominski
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Minto, ND 58261

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Grafton, ND 58237

Joel Slominski
1965 36th Avenue NE
Ardoch, ND 58261

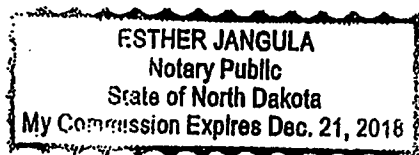
Louie Slominski Sr.
PO Box 177
Minto, ND 58261

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

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

Subscribed and sworn to before me
this 22nd day of February, 2013.

SEAL



John D. Jumper
Esther Jangula
Notary Public