

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Mitchell Feeds, Inc.

and

Western Surety Company

Respondents.

PSC Case No. GE-11-51

CIVIL NO. _____

NOTICE OF APPLICATION
FOR APPOINTMENT AS
TRUSTEE AND NOTICE OF
MOTION TO JOIN SURETY
AS PARTY UNDER RULE 3.2

TO: **Robert Mitchell, President, Mitchell Feeds, Inc.,** PO Box 9112, Fargo, ND 58106

Jackie Mitchell, Registered Agent for Mitchell Feeds, Inc., 4905 County Highway 81 South, Horace, ND 58047

Sharon Sergeant, Claims Manager, Senior Claims Counsel, Claim Department, Western Surety Company, 101 South Phillips Avenue, Sioux Falls, SD 57104-6703

Adam W. Hamm, Insurance Commissioner, State Capitol – 5th Floor, 600 East Boulevard Avenue, Bismarck, ND 58505-0320

Steven Neameyer, 4921 85th Street, Mylo, ND 58353

Paul A. Rohde, PO Box 251, Halliday, ND 58636

David R. Steeves, 4690 County Road 2, Sherwood, ND 58782

James and Cynthia Burckhard, 5520 18th Avenue NE, Towner, ND 58788

Don Ackerson, 10435 54th Avenue NW, Sherwood, ND 58782

Gene W. Allen, Attorney for David Deslauriers, PO Box 998, Minot, ND 58702-0998

Lana Anderson/Northland Farms, 10845 53rd Avenue NW, Sherwood, ND 58782

Greg Busch/Busch Farms, Inc., PO Box 584, Crosby, ND 58730

Mitch Preskey, 2485 Glenburn Road, Glenburn, ND 58740

PLEASE TAKE NOTICE that the Public Service Commission, Movant in this proceeding, respectfully moves the Court for an order declaring Mitchell Feeds, Inc. insolvent and establishing the date of insolvency as February 1, 2011, the date the first claim for collection of outstanding funds owed for grain sold was filed, and appointing the Public Service Commission Trustee for Mitchell Feeds, Inc., and joining the surety as a party to the action. The application and motion, affidavit and brief in support of the application and motion are attached to this notice and by reference made a part hereof.

YOU ARE HEREWITH NOTIFIED that the Application for Appointment as Trustee and Motion to Join Surety as party has been submitted to the Court pursuant to Rule 3.2 of the North Dakota Rules of Court. The motion will be decided on briefs unless oral argument is timely requested. You have fourteen (14) days after the service of the Notice to file your response and other supporting papers.

Bismarck, North Dakota, this 14th day of April, 2011.



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