

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. \_\_\_\_\_

ORDER APPOINTING  
TRUSTEE AND  
JOINING SURETY AS  
PARTY

The Public Service Commission (Commission) has moved the Court for appointment as trustee of Mitchell Feeds, Inc. under North Dakota Century Code Chapter 60-02.1 and to join Western Surety Company as a party to the action. Mitchell Feeds, Inc. operates as a roving grain buyer in the State of North Dakota.

It appears from the record that Mitchell Feeds, Inc. is insolvent under North Dakota Century Code Chapter 60-02.1 as of February 1, 2011, that it is in the best interest that a trustee be appointed and that the surety, Western Surety Company, be joined as a party to this proceeding.

**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 § 60-02.1-29 for the purpose of marshalling all trust assets of the insolvent Mitchell Feeds, Inc. in the manner provided by law and that the date of insolvency be established as February 1, 2011.

**IT IS FURTHER ORDERED** that surety, Western Surety Company, 101 South Phillips Avenue, Sioux Falls, South Dakota 5704-6703, is joined as a respondent in this action.

Bismarck, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 2011.

BY THE COURT

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The Honorable  
Judge of the District Court