

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____	)	
Public Service Commission	)	CIVIL NO. _____
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
Mitchell Feeds, Inc.	)	EX PARTE ORDER
	)	TO PRESERVE TRUST
and	)	ASSETS
	)	
Western Surety Company	)	
	)	
Respondents.	)	
_____	)	
PSC Case No. GE-11-51	)	
_____	)	

The Public Service Commission (Commission) has petitioned the Court for appointment as trustee of Mitchell Feeds, Inc. under North Dakota Century Code Chapter 60-02.1. Mitchell Feeds, Inc., PO Box 9122, Fargo, North Dakota 58106, 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, and that it is in the best interest of the claimants and the parties to this proceeding that an ex parte order be issued by this Court to preserve and protect the potential assets of the trust fund until the court issues its order granting or denying the application. North Dakota Century Code § 60-02.1-30 provides that the trust fund must consist of the following:

1. Nonwarehouse receipt grain of the insolvent licensee held in storage or the proceeds obtained from the conversion of such grain.

2. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee must be remitted to the commission and included in the trust fund.
3. The proceeds of insurance policies on destroyed grain.
4. The claims for relief, and proceeds therefrom, for damages upon bond given by the licensee to ensure faithful performance of the duties of a licensee.
5. The claim for relief, and proceeds therefrom, for the conversion of any grain stored in the warehouse.
6. Unencumbered accounts receivable for grain sold prior to the filing of the claim that precipitated an insolvency.
7. Unencumbered equity in grain hedging accounts.
8. Unencumbered grain product assets.

### **ORDER**

**THEREFORE**, the Court orders that Mitchell Feeds, Inc. is prohibited from selling, transferring or removing potential assets of the trust fund as provided in North Dakota Century Code § 60-02.1-30, until the court issues its order granting or denying the application for appointment of the Public Service Commission as Trustee of the trust fund in this proceeding.

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

BY THE COURT

\_\_\_\_\_  
Honorable  
Judge of the District Court