

Public Service Commission

608 East Boulevard Avenue Dept. 408

Bismarck, ND 58505-0480

701-328-4097 – phone

701-328-2410 - fax

Memo

To: Yvonne, ND Insurance Department
From: Sue Richter, Director, Licensing Division
Date: 5/20/2011
Re: Mitchell Feeds, Inc.
Roving Grain Buyer
Insolvency
GE-11-51



Enclosed for service on the surety are duplicate photocopies of:

1. Notice of Entry of Order with attached copy of Order Appointing Trustee and Joining Surety as Party
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail

Please serve Western Surety Company and provide us with an admission of service. The \$10.00 fee for service of process will be paid via the Commission's purchasing card.

Thank you and if you have any questions, please call me at 8-4097.

Enclosure (2 sets)

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)

**AFFIDAVIT OF SERVICE BY
REGULAR MAIL**

Civil No. 08-2011-CV-00917

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, on the **20th day of May, 2011**, she deposited in the United States Mail, Bismarck, North Dakota, **eighteen envelopes** by regular mail with postage fully prepaid, securely sealed and each containing a photocopy of:

1. Notice of Entry of Order with attached copy of executed Order Appointing Trustee and Joining Surety as Party
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail

The envelopes were addressed as follows:

Robert Mitchell
 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

Robert Mitchell
 Mitchell Feeds, Inc.
 4905 County Highway 81 South
 Horace, ND 58047

David L. Johnson
 Attorney for Mitchell Feeds, Inc.
 PO Box 2189
 Fargo, ND 58108-2189

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

James A. Lodoen
Attorney for Leonard Lodoen
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274

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, MN 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

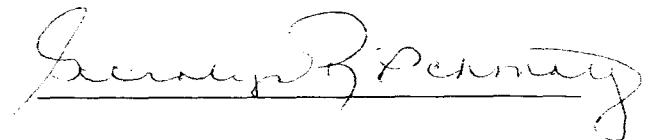
Brent Keith
3551 County Road 2
Sherwood, ND 58782

Robert Steeves
227 3rd Avenue East
Sherwood, ND 58782

Scott Lazorenko
899 Brew Street
Killdeer ND 58640

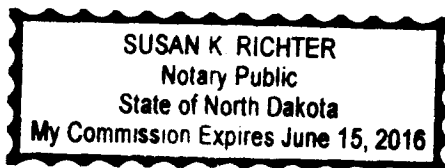
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 20th day of May 2011.



Notary Public

SEAL



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)
)


**NOTICE OF ENTRY
OF ORDER**

Civil No. 08-2011-CV-00917

PLEASE TAKE NOTICE that an Order Appointing Trustee and Joining Surety as Party was executed by the Court on May 10, 2011, and was duly filed in the above proceeding on May 10, 2011, ordering that the Public Service Commission be appointed trustee of the trust fund provided by North Dakota Century Code Chapter 60-02.1 for the purpose of marshalling all trust assets of the insolvent Mitchell Feeds, Inc., and ordering that Western Surety Company be joined as a party.

A copy of this Order is attached hereto and by reference made a part hereof.

Bismarck, North Dakota, this 20th day of May 2011.

By: 
Ilona A. Jeffcoat-Sacco (ID No. 03315)
Mark Gruman (ID No. 06019)
Special Assistant Attorneys General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410

Attorneys for the Public Service Commission

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. 08 2011 CV 917

ORDER APPOINTING
TRUSTEE AND
JOINING SURETY AS
PARTY

RECEIVED

MAY 17 2011

PUBLIC SERVICE COMMISSION

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

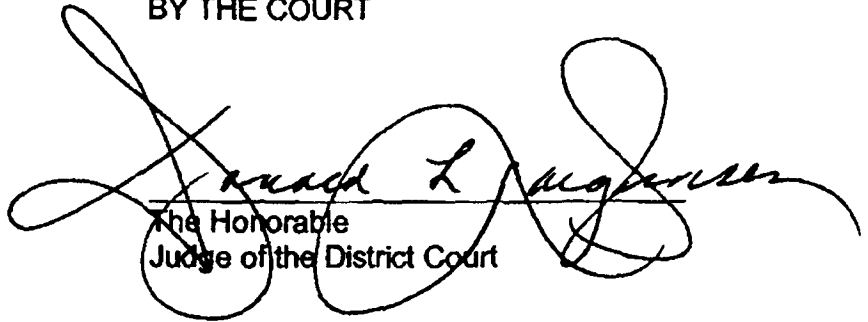
THEREFORE, on the Motion of the Commission by and through its attorney, the Commission is appointed trustee of the trust fund provided by North Dakota Century

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 10th day of May, 2011.

BY THE COURT



The Honorable
Judge of the District Court

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.

**NOTICE OF APPOINTMENT AS
TRUSTEE AND NOTICE TO
FILE CLAIMS**

Civil No. 08-2011-CV-00917

PSC Case No. GE-11-51

PLEASE TAKE NOTICE that on May 10, 2011, the SOUTH CENTRAL JUDICIAL DISTRICT COURT appointed the Public Service Commission Trustee of Mitchell Feeds, Inc. under North Dakota Century Code Chapter 60-02.1 for the benefit of outstanding receipt holders of Mitchell Feeds, Inc. The Order was filed May 10, 2011.


FURTHER, PLEASE TAKE NOTICE THAT:

1. Any person having a claim against Mitchell Feeds, Inc. for the non-payment of grain purchased or marketed by Mitchell Feeds, Inc. in North Dakota, shall file the claim with the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.
2. Claims must be filed within forty-five (45) days after the last publication of this notice.
3. Any person filing a claim with the Public Service Commission shall include receipts or sufficient documentation to enable the Commission to determine the

validity of the claim. This could include unsatisfied scale tickets or other memoranda given by the grain buyer for, or as evidence of, the receipt or sale of grain, dishonored checks, or any related contracts.

4. Unless a claim is filed with the Public Service Commission within the time specified, the claimant may be barred from participation in the trust fund.

Bismarck, North Dakota, this **20th day of May, 2011.**

By: 
Ilona A. Jeffcoat-Sacco (ID No. 03315)
Mark Gruman (ID No. 06019)
Special Assistant Attorneys General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410

Attorneys for the Public Service Commission