

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 **23 day of May, 2011**, she deposited in the United States Mail, Bismarck, North Dakota, **14 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:

Mike Assen
4465 Co. Rd 2
Sherwood, ND 58782

Matt Graber
P. O. Box 282
Rolette, ND 58366

Howard Farms
9479 Main Street
Dunn Center, ND 58626

Jeff Kling
9440 7th St. SW
Halliday, ND 58636

Ron Pelton
140th 92nd Ave NW
Halliday, ND 58636

Rodney Rusch
3105 44th Ave
New Salem, ND 58563

James Routledge
603 Bavaria Dr.
Minot, ND 58703

Mike Schollmeyer
549 101st Ave SW
Dunn Center, ND 58626

Paul Trout
10285 Hwy. 28
Sherwood, ND 58782

Wurgler Farms
1600 Parkside Dr.
Minot, ND 58701

Savelkoul Farms
8221 30th Ave. NW
Lansford, ND 58750

Shane Sickler
2410 98th Ave. SW
Gladstone, ND 58630

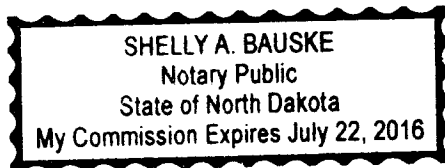
James Wallace
315 Tuhor Dr.
Killdeer, ND 58640

Kelly Wurgler
1600 Parkside Dr.
Minot, ND 58701

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

Subscribed and sworn to before me
this **23 day of May 2011**.


SEAL



Shelly A Bauske

Notary Public

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

By: 
Iliona 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
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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

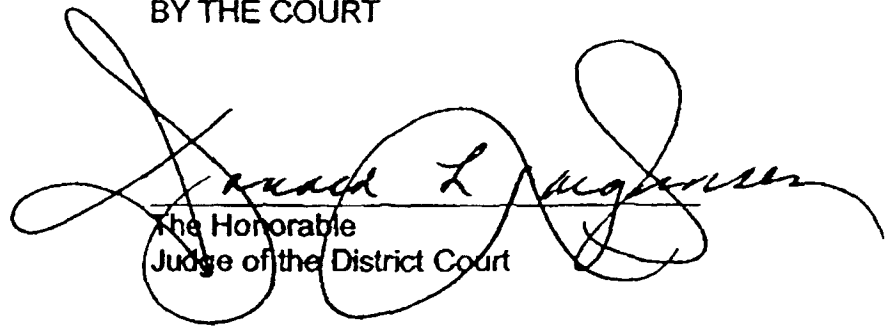
THEREFORE, on the Motion of the Commission by and through its attorney, the Commission is appointed trustee of the trust fund provided by North Dakota Century

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,)
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 _____)
)
 PSC Case No. GE-11-51)
)

NOTICE OF APPOINTMENT AS TRUSTEE AND NOTICE TO FILE CLAIMS

Civil No. 08-2011-CV-00917

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.

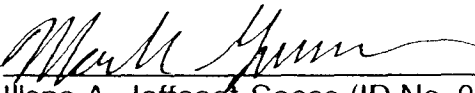
FURTHER, PLEASE TAKE NOTICE THAT:

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: 
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