



Public Service Commission  
State of North Dakota

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COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
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TDD 800-366-6888 or 711

May 23, 2011

Ms. Debra Simenson  
Clerk of the District Court  
Burleigh County Courthouse  
PO Box 1055  
Bismarck, ND 58102-1055

**RE: Public Service Commission vs. Mitchell Feeds, Inc.  
CIVIL NO. 08-2011-CV-00917**

**PSC Case No. GE-11-51**

Dear Ms. Simenson:

Enclosed for filing in the above proceeding please find the original Affidavit of Service by Regular Mail with attachments. This mailing is a supplement to the original Notice of Entry of Order with attached executed Order, Notice of Appointment as Trustee and Notice to File Claims, and Affidavit of Service by Regular Mail that were forwarded to you on May 20, 2011.

If you have any questions, please do not hesitate to contact us. Thank you for your assistance in this matter.

Sincerely,

Mark Gruman (ID No. 06019)  
Special Assistant Attorney General

Enclosures

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.

**AFFIDAVIT OF SERVICE BY  
REGULAR MAIL**

**Civil No. 08-2011-CV-00917**

\_\_\_\_\_  
PSC Case No. GE-11-51

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

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)ss  
)

**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 7<sup>th</sup> St. SW  
Halliday, ND 58636

**Ron Pelton**  
140<sup>th</sup> 92<sup>nd</sup> Ave NW  
Halliday, ND 58636

**Rodney Rusch**  
3105 44<sup>th</sup> Ave  
New Salem, ND 58563

**James Routledge**  
603 Bavarrria Dr.  
Minot, ND 58703

**Mike Schollmeyer**  
549 101<sup>st</sup> Ave SW  
Dunn Center, ND 58626

**Paul Trout**  
10285 Hwy. 28  
Sherwood, ND 58782

**Wurgler Farms**  
1600 Parkside Dr.  
Minot, ND 58701

**Saveikoul Farms**  
8221 30<sup>th</sup> Ave. NW  
Lansford, ND 58750

**Shane Sickler**  
2410 98<sup>th</sup> Ave. SW  
Gladstone, ND 58630

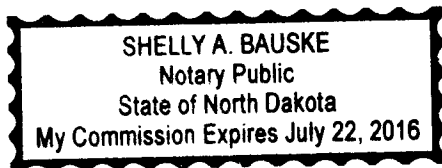
**James Wallace**  
315 Tuhor Dr.  
Killdeer, ND 58640

**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




*[Handwritten Signature]*  
\_\_\_\_\_

*Shelly A Bauske*  
\_\_\_\_\_  
Notary Public



Bismarck, North Dakota, this 20<sup>th</sup> day of May 2011.

By: 

Ilona A. Jeffcoat-Sacco (ID No. 03315)

Mark Gruman (ID No. 06019)

Special Assistant Attorneys General

State Capitol – 12<sup>th</sup> Floor

600 East Boulevard Ave – Dept 408

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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

RECEIVED & FILED

MAY 10 2011

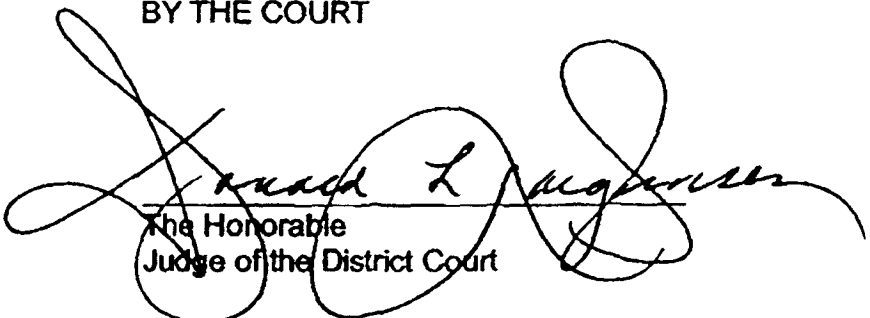
Clerk of Ct. Burleigh Co.

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 10<sup>th</sup> 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

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Respondents.

\_\_\_\_\_  
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.

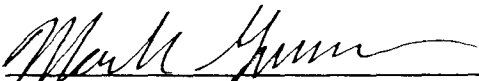
**FURTHER, PLEASE TAKE NOTICE THAT:**

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 **20<sup>th</sup> day of May, 2011.**

By:   
Ilona A. Jeffcoat-Sacco (ID No. 03315)  
Mark Gruman (ID No. 06019)  
Special Assistant Attorneys General  
State Capitol – 12<sup>th</sup> Floor  
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Attorneys for the Public Service Commission