

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)
Public Service Commission)
))
Plaintiff,)
vs.)
))
Mitchell Feeds, Inc. and Western Surety)
Company,)
))
Respondents.)
))
Michael Aasen, Donald Ackerson, Sheldon)
Ackerson, Lana Anderson d/b/a Northland)
Farms, B & D Farms, Inc., Busch Farms, Inc.,)
David Deslauriers, Scott Lazorenko, Mana)
Farms, Inc., Nathan Neameyer, Steven)
Neameyer, Mitch Preskey, Paul Rohde, James)
Routledge, Bart Savelkoul d/b/a Savelkoul)
Farms, Mike Schollmeyer, David Steeves,)
Robert Steeves, Paul Trout, Wurgler Farms,)
and Kelly Wurgler,)
))
and)
))
American Federal Bank)
))
Intervenors.)
))
_____)
PSC Case No. GE-11-051)
_____)

CIVIL NO. 08-2011-CV-917

NOTICE OF MOTION
AND NOTICE OF HEARING

1. **PLEASE TAKE NOTICE** that the North Dakota Public Service Commission as Trustee of the trust created by the insolvency of Mitchell Feeds, Inc., respectfully moves the court for an order approving the Report and Recommendation of Trustee, requiring deposit of bond proceeds, approving payment, and discharging

Trustee. The motion is being filed with the court contemporaneously with this notice.

2. **FURTHER PLEASE TAKE NOTICE** that a copy of the Motion to Approve Report and Recommendation of Trustee, Require Deposit of Bond Proceeds, Approve Payment and Discharge Trustee, as well as a copy of the Report and Recommendation of Trustee and a Proposed Order are herewith served upon you.
3. **FURTHER PLEASE TAKE NOTICE** that the Court has scheduled a hearing on this matter for March 17, 2014, at 9:00 a.m., CST at the Morton County Courthouse, 210 2nd Avenue Northwest in Mandan, North Dakota.
4. **FURTHER PLEASE TAKE NOTICE** that under North Dakota Century Code section 60-02.1-37, any aggrieved person having an objection to the Report and Recommendation of Trustee shall file the objection with the Court and serve copies on the Commission, the roving grain buyer, and the surety at least ten (10) days before the hearing. Failure to file and serve objections in the time set is a waiver of the objection.
5. Bismarck, North Dakota, this 30th day of January, 2014.



Illona A. Jeffcoat-Sacco
Special Assistant Attorney General
State Bar ID No. 03315
600 East Boulevard Avenue – Dept 408
Bismarck, North Dakota 58505-0480
Telephone 701-328-2400
Facsimile 701-328-2410
Email: ijs@nd.gov

Attorney for the Public Service Commission