

**Richter, Susan K.**

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**Sent:** Friday, January 31, 2014 8:34 AM  
**To:** Richter, Susan K.  
**Subject:** Courtesy Notification of filing for Case No. 08-2011-CV-00917 ( Public Service Commission vs. Mitchell Feeds, Inc., et al. ).

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Date Submitted: 1/30/2014 4:58:10 PM  
Filed By: [sbauske@nd.gov](mailto:sbauske@nd.gov)  
Filing Type: EFileAndServe  
Filing Code: Proposed Order  
Filing Description: Proposed Order Approving Trustee's Report, Requiring Deposit of Bond Proceeds, Approving Payment, and Discharging Trustee

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission	)	CIVIL NO. 08-2011-CV-917
	)	
Plaintiff,	)	
vs.	)	
	)	
Mitchell Feeds, Inc. and Western Surety Company,	)	
	)	
Respondents.	)	ORDER APPROVING
	)	TRUSTEE'S REPORT,
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,	)	REQUIRING DEPOSIT
	)	OF BOND PROCEEDS,
	)	APPROVING PAYMENT, AND
	)	DISCHARGING TRUSTEE
and	)	
	)	
American Federal Bank	)	
	)	
Intervenors.	)	
	)	
PSC Case No. GE-11-051	)	

1. This matter came before the Court on the motion of the North Dakota Public Service Commission (Commission) seeking approval of its Report and Recommendation as Trustee of Mitchell Feeds, Inc., deposit of bond proceeds, approval of payment and discharge as Trustee. This motion was scheduled for hearing before this Court on **March 17, 2014 at 9:00 a.m. CST** at the Morton County Courthouse in Mandan, North Dakota, with proper notice having been given the claimants, as evidenced by the affidavit of service on file. The

Commission appeared through Illona A. Jeffcoat-Sacco, Special Assistant Attorney General. No other parties or claimants appeared.

2. The Court reviewed the Report and Recommendation, and other documents of record, and finds grounds for approving the Report and Recommendation, requiring deposit of bond proceeds, approving payment and discharging Trustee. There were no objections to the report, the Trustee's recommendation, the request for deposit of bond proceeds, or the Trustees requests for approval of payment and discharge.

### **ORDER**

3. **IT IS THEREFORE ORDERED:**
4. The Report and Recommendation of Trustee, dated January 28, 2014, which recommends deposit of bond proceeds and distribution of bond proceeds to valid cash claimants, is approved.
5. The surety, Western Surety Company, 101 South Phillips Avenue, P.O. Box 5077, Sioux Falls, South Dakota 58104-6703, within ten (10) days of the date of this Order, shall deposit \$70,000, the total amount of the bond proceeds, with the Trustee for payment of valid cash claims.
6. The Commission, as Trustee, is authorized to make payments from the trust fund to claimants with valid cash claims for grain purchased for cash by Mitchell Feeds, Inc., in North Dakota, as specified in the Report and Recommendation of Trustee. The payments for each cash claim shall be made jointly payable to the claimant and relevant valid lien holders at the time checks are issued.
7. Upon distribution of the trust fund proceeds to the cash claimants, as provided for in the Trustee's report, the Trustee is discharged.
8. Bismarck, North Dakota, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

BY THE COURT

\_\_\_\_\_  
Honorable Judge Donald L. Jorgensen  
Judge of the District Court