

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

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss
)

CIVIL NO. 08-2011-CV-917

AFFIDAVIT OF SERVICE

Jennifer Lein, being duly sworn, deposes and says on the **23rd day of April, 2014** she deposited in the United States Mail, Bismarck, North Dakota, **4 envelopes** with certified postage, fully prepaid, return receipt requested, securely sealed and each containing a photocopy of the following documents:

1. Notice of Entry of Order and Notice of Entry of Judgment with copy of the Executed Order and copy of the Executed Judgment;
2. Affidavit of Electronic Service;
3. Affidavit of Service.

The envelopes were addressed as follows:

Robert Mitchell
Mitchell Feeds, Inc.
PO Box 9112
Fargo, ND 58106
Cert. Mail No. 7013 2630 0001 2317 1580

Vicki Johnson, Registered Agent for
Mitchell Feeds, Inc.
1522 Robertson Ct.
Grand Forks, ND 58201-7304
Cert. Mail No. 7013 2630 0001 2317 1597

Robert Mitchell
Mitchell Feeds, Inc.
4905 County Highway 81 South
Horace, ND 58047
Cert. Mail No. 7013 2630 0001 2317 1603

Sharon Sergeant, Claims Manager
Senior Claims Counsel, Claim Dept.
Western Surety Company
101 South Reid Street Suite 300
Sioux Falls, SD 57103-6703
Cert. Mail No. 7013 2630 0001 2317 1610

Jennifer Lein further deposes and says that on the **23rd day of April, 2014**, she deposited in the United States Mail, Bismarck, North Dakota **32 envelopes** with postage, fully prepaid, securely sealed and each containing a photocopy of the same.

The envelopes were addressed as follows:

James and Cynthia Burckhard
5520 18th Avenue NE
Towner, ND 58788

James A. Lodoen on behalf of
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

Robert Steeves
227 3rd Avenue East
Sherwood, ND 58782

Mitch Preskey
2485 Glenburn Road
Glenburn, ND 58740

Scott Lazorenko
899 Brew Street
Killdeer ND 58640

Greg Busch
Busch Farms, Inc.
10685 101st Ave. NW
Columbus, ND 58730

Lana Anderson
Northland Farms
10845 53rd Avenue NW
Sherwood, ND 58782

James Wallace
315 Tuhor Dr.
Killdeer, ND 58640

Robert Landsverk
Landsverk Dairy Inc.
31812 385th Street SE
Fosston, MN 59542-7475

Mike Assen
4465 Co. Rd 2
Sherwood, ND 58782

Howard Farms
9479 Main Street
Dunn Center, ND 58626

John Mahoney
Mahoney & Mahoney
Attorney for Rodney Rusch
PO Box 355
Center, ND 58530

Rodney Rusch
3105 44th Ave
New Salem, ND 58563

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

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

Don Ackerson
10435 54th Avenue NW
Sherwood, ND 58782

B&D Farms
Brent Keith
3551 County Road 2
Sherwood, ND 58782

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

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

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

James Routledge
3050 76th St. NW
Glenburn, ND 58740

David Deslauriers
4915 Co Rd 2
Sherwood, ND 58782

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

Kelly Wurgler
1600 Parkside Dr.
Minot, ND 58701

Sheldon Ackerson
10435 54th Avenue NW
Sherwood, ND 58782

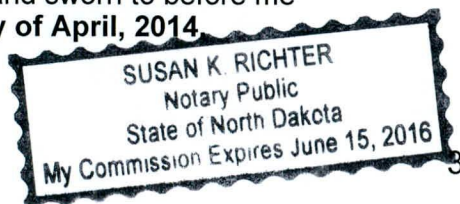
Brent Keith
3551 County Road 2
Sherwood, ND 58782

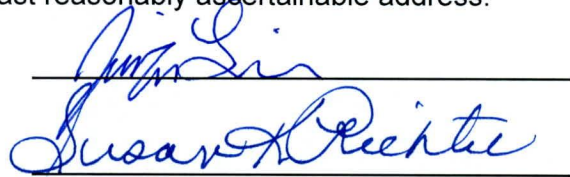
Mana Farms, Inc.
Brent Keith
3551 County Road 2
Sherwood, ND 58782

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

Subscribed and sworn to before me
this **23rd day of April, 2014**

S E A L





Notary Public

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 ENTRY OF
ORDER

and

NOTICE OF ENTRY OF
JUDGMENT

To: Respondent, Mitchell Feeds, Inc., and its Attorney of Record, David L. Johnson, McNair, Larson & Carlson, Ltd., Suite 600, Dakota Center Building, 51 Broadway, PO Box 2189, Fargo, ND 58108;

Respondent Western Surety Company, Sharon Sergeant, Claims Manager, 101 South Reid Street, Suite 300, Sioux Falls, SD 57103-7046;

Intervenor, Raul Rohde, and his Attorney of Record, Michael J. Maus, Maus & Nordsven, PC, 13 1st Avenue West, PO Box 570, Dickinson, ND 58602-0570;

Intervenor, American Federal Bank, and its Attorney of Record, Tracy A. Kennedy, Zimney Foster PC, 3100 S. Columbia Road, Suite 200, PO Box 13417, Grand Forks, ND 58208-3417;

Intervenor, Michael Aasen, 4465 County Road 2, Sherwood, ND 58782;

Intervenor, Donald Ackerson; 10435 54th Avenue NW, Sherwood, ND 58782;

Intervenor, Sheldon Ackerson, 10435 54th Avenue NW, Sherwood, ND 58782;

Intervenor, Lana Anderson d/b/a Northland Farms, 10845 53rd Avenue NW, Sherwood, ND 58782;

Intervenor, B & D Farms, Inc., 3551 County Road 2, Sherwood, ND 58782;

Intervenor, Busch Farms, Inc., 10685 101st Avenue NW, Columbus, ND 58730;

Intervenor, David Deslauriers, 4915 County Road 2, Sherwood, ND 58782;

Intervenor, Scott Lazorenko, 899 Brew Street, Killdeer, ND 58640;

Intervenor, Mana Farms, Inc., 3551 County Road 2, Sherwood, ND 58782;

Intervenor, Steven Neameyer, 4921 85th Street, Mylo, ND 58353;

Intervenor, Mitch Preskey, 2485 Glenburn Road, Glenburn, ND 58740;

Intervenor, James Routledge, 3050 76th Street NW, Glenburn, ND 58740;

Intervenor, Bart Savelkoul d/b/a Savelkoul Farms, 8221 30th Avenue NW, Lansford, ND 58750;

Intervenor, Mike Schollmeyer, 549 101st Avenue SW, Dunn Center, ND 58626;

Intervenor, David Steeves, 4690 County Road 2, Sherwood, ND 58782;

Intervenor, Robert Steeves, 227 3rd Avenue East, Sherwood, ND 58782;

Intervenor, Paul Trout, 10285 Highway 28, Sherwood, ND 58782;

Intervenor, Wurgler Farms, 1600 Parkside Drive, Minot, ND 58701;

Intervenor, Kelly Wurgler, 1600 Parkside Drive, Minot, ND 58701;

1. **PLEASE TAKE NOTICE** that on 17 March 2014 the Court issued its Order Approving Trustee's Report, Requiring Deposit of Bond Proceeds, Approving Payment, and Discharging Trustee, which was duly entered in the captioned proceeding on 17 March 2014, as Document Number 136, approving the Report

and Recommendation of the Trustee, which recommends deposit of bond proceeds and distribution of bond proceeds to valid cash claimants: requiring the surety, Western Surety Company, to deposit the total amount of the bond proceeds with the Trustee for payment of valid cash claims; authorizing the Commission, as Trustee, 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, and, upon the distribution of trust fund proceeds to the cash claimants as provided in the Trustee's report, discharging the Trustee.

2. **FURTHER PLEASE TAKE NOTICE** that a judgment was duly entered in the captioned action on the 8 April 2014, as Document Number 138, in favor of the Petitioner and against Respondents Mitchell Feeds, Inc. and Western Surety Company.
3. A copy of the Order and a copy of the Judgment are included with this Notice, for those served other than via the Odyssey Electronic Service and File System.
4. Dated at Bismarck, North Dakota, this 23rd day of April 2014.


Illona A. Jeffcoat-Sacco (ID No. 03315)
Special Assistant Attorney General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410
ijs@nd.gov

Attorney for the Public Service Commission, as Trustee

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, REQUIRING DEPOSIT OF BOND PROCEEDS, APPROVING PAYMENT, AND DISCHARGING TRUSTEE

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

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

RECEIVED & FILED

MAR 17 2014

143 GE-11-51 Filed: 3/17/2014 Pages: 2 Executed Order

Clk. of Crt. Burleigh Co.

Filed - Clerk of District Court 1/30/2014 4:58:10 PM Burleigh County, ND

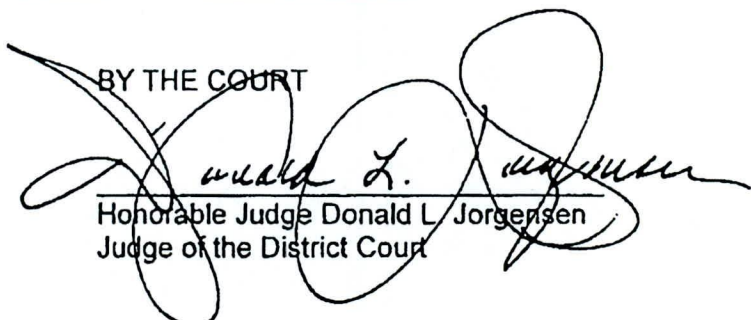
Commission appeared through Ilona A. Jeffcoat-Sacco, Special Assistant Attorney General. No other parties or claimants appeared.

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 14th day of March, 2014.

BY THE COURT


Honorable Judge Donald L. Jorgensen
Judge of the District Court

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.

JUDGMENT

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



1. This action came on for hearing before the Court on March 17, 2014, the Honorable Donald L. Jorgensen presiding, and the Court having ordered:
2. That the Report and Recommendation of the Trustee, which recommends deposit of bond proceeds and distribution of bond proceeds to valid cash claimants, is approved.

RECEIVED & FILED

APR 08 2014

Clk. of Crt. Burleigh Co.

3. That 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 the Order, shall deposit \$70,000, the total amount of the bond proceeds with the Trustee for payment of valid cash claims.
4. That 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. That payments for each cash claim shall be made jointly payable to the claimant and relevant valid lien holders at the time checks are issued.
5. That upon distribution of the trust fund proceeds to the cash claimants, as provided for in the Trustee's report, the Trustee is discharged.

Let Judgment be entered accordingly

Dated at Bismarck, North Dakota, this 8th day of April 2014.

Debra Seimany, Clerk

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.)	
)	CERTIFICATE OF SERVICE
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)	
_____)	

I hereby certify that on 23 April 2014, an electronic copy of the following document:

Notice of Entry of Order and Notice of Entry of Judgment

was submitted for filing and served via the Odyssey Electronic Service and File System using the email addresses provided on the Odyssey Electronic Service and File System, upon the following:

David J. Johnson	navin@cablone.net	and
	david.johnson@mlcfargolaw.com	
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Donna Abrahamson
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Attorney for the Public Service Commission, as Trustee