

CNA SURETY

101 South Reid Street, Suite 300, Sioux Falls, SD 57103-7046

Sharon A. Sergeant

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VIA OVERNIGHT DELIVERY

July 28, 2014

Ms. Ilona A. Jeffcoat-Sacco
Ms. Susan K. Richter
North Dakota Public Service Commission
600 East Boulevard
Dept 408
Bismarck, ND 58505



Principal: Mitchell Feeds, Inc.
Surety: Western Surety Company
Obligee: State of North Dakota
Bond No.: 15352088
Claim No.: 9A-331660

Dear Ms. Jeffcoat-Sacco and Ms. Richter:

Enclosed please find Western Surety Company's draft in the amount of \$70,000.00 made payable to the State of North Dakota, Public Service Commission. This payment is made in full and final satisfaction of your claim against the above referenced bond.

Also enclosed is an Assignment and Release form for execution by an authorized representative of the State of North Dakota. This check is given to you in trust with the understanding that you will not negotiate this instrument until you have executed and returned the enclosed Assignment and Release to my attention. Please call me if you have any modifications that you wish to make to this document. Otherwise, kindly forward the properly executed release to me at your earliest convenience.

Please call me if you have any questions or concerns.

Sincerely,

Sharon A. Sergeant

Sharon A. Sergeant
Authorized Representative of
Western Surety Company

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Letter enclosing \$70,000 check and proposed release

CNA Surety

Sharon Sergeant

RELEASE AND ASSIGNMENT

WHEREAS, Western Surety Company issued a Roving Grain Buyer's Bond, Number 15352088, effective October 7, 2009, (hereinafter referred to as the "Bond"), on behalf of Mitchell Feeds, Inc. and in favor of the State of North Dakota, which was in full force and effect at all times mentioned herein; and

WHEREAS, the amount of the Bond is \$70,000.00; and

WHEREAS, the North Dakota Public Service Commission has filed a claim with Western Surety Company alleging that Mitchell Feeds, Inc. has failed to pay to the North Dakota Public Service Commission an amount in excess of \$70,000.00, as more fully shown by correspondence submitted since the initial claim filing on April 15, 2011, ("the Claim"); and

WHEREAS, Western Surety Company has agreed to pay and the North Dakota Public Service Commission has agreed to accept the sum of \$70,000.00 in full and final settlement of any and all rights which the North Dakota Public Service Commission ever had, now has, or can, shall, or may have against the Bond arising out of the Claim, it is therefore agreed as follows:

NOW THEREFORE, in consideration of the sum of **\$70,000.00**, receipt of which is hereby acknowledged, the North Dakota Public Service Commission does hereby release and discharge Western Surety Company, as Surety, from any and all liability on its described Bond arising and growing out of the Claim.

IN FURTHER CONSIDERATION of the aforesaid payment, and only to the extent of such payment, the North Dakota Public Service Commission hereby assigns, transfers, and sets over to said Western Surety Company its rights, claims, actions, or causes of action which it now has or may have against any person, firm, or corporation arising or in any way growing out of the aforesaid Claim.

IN WITNESS WHEREOF, the North Dakota Public Service Commission, through its duly authorized officer, has executed this Release and Assignment this ____ day of _____, 20__.

Dated : _____

North Dakota Public Service Commission

By: _____

Printed Name: _____

Title: _____

STATE OF _____)
COUNTY OF _____) ss

Before me this date personally appeared _____, known to me to be the person and agent subscribing hereinabove on behalf of the North Dakota Public Service Commission, who upon oath acknowledged to me that (s)he is duly authorized to execute the above and foregoing Release And Assignment on behalf of the North Dakota Public Service Commission, that (s)he has read the foregoing Release and Assignment, and that (s)he has executed the same on behalf of the North Dakota Public Service Commission for the purposes and consideration therein expressed.

Date: _____

My Commission Expires: _____

Notary Public in and for said County and State