



Public Service Commission

State of North Dakota

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December 3, 2014

Ms. Sharon A. Sergeant
Claim Director
CNA Surety
101 South Reid Street, Suite 300
Sioux Falls, SD 57103-7046

RE: Civil No. 08-2011-CV-917
Mitchell Feeds, Inc.
Insolvency
PSC Case No. GE-11-51

Dear Ms. Sergeant:

Enclosed please find the original executed Release for Western Surety Company and CNA Surety with Attached Exhibit A in the referenced case.

If you have any questions, please let me know.

Sincerely,


Illona A. Jeffcoat-Sacco
General Counsel

Enclosure
c/w enclosure: David J. Johnson

RELEASE

In consideration of payment in the amount of SEVENTY THOUSAND Dollars (\$70,000.00) by WESTERN SURETY COMPANY, the receipt of which is hereby acknowledged, the undersigned, for itself and on behalf of the State of North Dakota, hereby releases and discharges WESTERN SURETY COMPANY, their predecessors, successors, assigns, affiliated corporations, merged successors, co-sureties and reinsurers, and any officers, directors, shareholders, employees, agents and representatives of any of the foregoing, of and from all claims of any kind or character, which the undersigned now has or may have had under or in connection with Bond No. 15352088 (the "Bond") naming MITCHELL FEEDS, INC. ("Mitchell") as principal, and the State of North Dakota as obligee, relating to or growing out of the matters or claims asserted or which could be asserted in Case No. 08-2011-CV-917 styled *Public Service Commission v. Mitchell Feeds, Inc.*, et al. in the District Court, South Central Judicial District, Burleigh County, North Dakota, and in the undersigned's Case No. GE-11-51. As further inducement to Western Surety Company for making the payment the undersigned hereby acknowledges all legal and statutory obligations under the jurisdiction of the Public Service Commission in reference to the grain buying chapter of the North Dakota Century Code are declared cancelled, null and void. The undersigned has been duly authorized to execute and deliver this Release of Western Surety Company pursuant to the documents attached hereto as **Exhibit A** which are made a part hereof.

IN WITNESS WHEREOF, the undersigned has executed this Release on the date and in the capacity as set forth hereinafter.

NORTH DAKOTA PUBLIC SERVICE COMMISSION

By: 

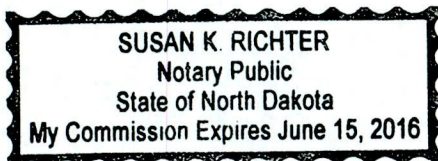
Illona A. Jeffcoat-Sacco

Its: Special Assistant Attorney General

Sworn to and subscribed before me, this 3rd day of December, 2014.



NOTARY PUBLIC



STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
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

JUDGMENT



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.

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APR 08 2014

Clk. of Crt. Burleigh Co.

Filed - Clerk of District Court
4/4/2014 5:01:06 PM

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 Simonsen, 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.

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

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Clk. of Crl. Burleigh Co.

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

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 Trustee's 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