



Public Service Commission

State of North Dakota

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March 2, 2012

Ms. Kathy Ouren
Clerk of the District Court
Cass County Courthouse
PO Box 2806
Fargo, ND 58108-2806

RE: Public Service Commission vs. Anderson Seed Co., Inc.
CIVIL NO. _____
PSC Case No. GE-12-78

Dear Ms. Ouren:

Enclosed for filing in the above proceeding please find the originals of:

1. Corrected Proposed Ex Parte Order to Preserve Trust Assets.
2. Affidavit of Service by Certified and Regular Mail.

The Proposed Ex Parte Order to Preserve Trust Assets mailed to Court on February 29, 2012, contained an erroneous PSC case number. We are submitting a Corrected Proposed Ex Parte Order to Preserve Trust Assets with the correct PSC case number.

I apologize for any inconvenience this may have caused. If you have any questions, please do not hesitate to contact us. Thank you for your assistance in this matter.

Sincerely,

Illona A. Jeffcoat-Sacco (ID#03315)
Special Assistant Attorney General

Enclosure

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission)	CIVIL NO. _____
)	
Petitioner,)	
)	
vs.)	
)	
Anderson Seed Co., Inc.)	EX PARTE ORDER
)	TO PRESERVE TRUST
Respondent.)	ASSETS
)	
)	
PSC Case No. GE-12-78)	
)	
)	

The Public Service Commission (Commission) has petitioned the Court for appointment as trustee of Anderson Seed Co., Inc. under North Dakota Century Code Chapter 60-04 and for Ex Parte Order to Preserve Trust Assets. Anderson Seed Co., Inc., P.O. Box 201, Mentor, MN 56736-0201, operates as a grain warehouseman in the State of North Dakota.

It appears from the record that Anderson Seed Co., Inc., is insolvent under North Dakota Century Code Chapter 60-04, and that it is in the best interest of the claimants and the parties to this proceeding that an ex parte order be issued by this Court to preserve and protect the potential assets of the trust fund until the court issues its order granting or denying the application.

North Dakota Century Code §60-04-03.1 provides that the trust fund must consist of the following:

1. Nonwarehouse receipt grain of the insolvent licensee held in storage or the proceeds obtained from the conversion of such grain.

2. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee must be remitted to the commission and included in the trust fund.
3. The proceeds of insurance policies on destroyed grain.
4. The claims for relief, and proceeds therefrom, for damages upon bond given by the licensee to ensure faithful performance of the duties of a licensee.
5. The claim for relief, and proceeds therefrom, for the conversion of any grain stored in the warehouse.
6. Unencumbered accounts receivable for grain sold prior to the filing of the claim that precipitated an insolvency.
7. Unencumbered equity in grain hedging accounts.
8. Unencumbered grain product assets.

ORDER

THEREFORE, the Court orders that Anderson Seed Co., Inc. is prohibited from selling, transferring, removing, or otherwise compromising potential assets of the trust fund as provided in North Dakota Century Code Chapter 60-04, until the court issues its order granting or denying the application for appointment of the Public Service Commission as Trustee of the trust fund in this proceeding.

_____, North Dakota, this ____ day of _____, 2012.

BY THE COURT

Honorable
Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

_____)
Public Service Commission)
))
Petitioner,)
))
vs.)
))
Anderson Seed Co., Inc.)
))
Respondent.)
_____)
PSC Case No. GE-12-78)
_____)

CIVIL NO. _____

**AFFIDAVIT OF SERVICE
BY CERTIFIED AND
REGULAR MAIL**

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **2nd day of March, 2012**, she deposited in the United States Mail, Bismarck, North Dakota, **3** envelopes with certified postage, return receipt requested, securely sealed and containing a photocopy of:

1. Corrected Proposed Ex Parte Order to Preserve Trust Assets
2. Affidavit of Service by Certified Mail (3/1/2012)
3. Affidavit of Service by Certified and Regular Mail

The envelopes were addressed as follows:

Gary Leistico
Attorney at Law
1015 West St. Germain Street
US Bank Plaza Suite 300
St. Cloud, MN 56302
Cert. No. 70092820 0002 9237 5374

Ronald Anderson
Route 1 Box 297
Mentor, MN 56736
Cert. No. 7009 2820 0002 9237 5381

Chuck Gimbel, Registered Agent for
Anderson Seed Co., Inc.
Hwy 12 N PO Box 201
Mentor, MN 55636-0201
Cert. No. 7009 2820 0002 9237 5398

Geralyn R. Schmaltz further deposes and says that on the 2nd day of March, 2012, she deposited in the United States Mail, Bismarck, North Dakota, 22 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

Dan Pfeile
418 Avenue E E
Napoleon, ND 58561

Auto-Owners Insurance Company
Attn: Andrew Blackburn
Surety Bond Underwriting Department
PO Box 30660
Lansing, MI 48909

David Hill
2690 84th St. NE
Willow City, ND 58384

Trevor Kohler
2415b 23rd Avenue NW
Benedict, ND 58716

Derrick Enos
151 Valley Road
Baker, MT 59313

Robert Weigel
2651 66th St. SE
Kintyre, ND 58549

David Wanner
6975 38th Street
Hebron, ND 58638

Robert Appelt
3130 26th Ave. NE
Martin, ND 58758

Randy Appelt
3134 26th Ave. NE
Martin, ND 58758

Craig Peerboom dba Peerboom Farms
480 16th Ave. SE
Goodrich, ND 58444

Dan Braaten
5650 160 Ave. SE
Kindred, ND 58051

Chadwick Rauser for Rauser Family, Inc.
1521 14th St. NE
Goodrich, ND 58444

Chadwick Rauser
1461 14th St. NE
Denhoff, ND 58430

Chad Brusseau
10790 39th St. SW
Dickinson, ND 58601

DRO, Inc.
Dirk O'Connor
746 Pine Creek Rd.
Plevna, MT 59344

Tim Hase
1931 28th Street NE
Martin, ND 58758

Travis Iglehart
1451 57th Ave. NW
Garrison, ND 58540

Michael Schmitcke
For Wayne, Michael, & Kelly Schmitcke
235 64th Street SE
Hazelton, ND 58544-9338

Glen and Lisa Gerving
Box 607
Glen Ullin, ND 58631

Doll & Puzdernik Partnership
Douglas D. Doll
3901 Faye Ave. N
Mandan, ND 58554

Tri Steel Manufacturing Co.
3001 North Washington Street
PO Box 14716
Grand Forks, ND 58208-4716

Michael Richter
1261 18th Avenue NE
Goodrich, ND 58444

The addresses shown are each addressee's last reasonably ascertainable post office addresses.

Subscribed and sworn to before me
this 2nd day of March, 2012.





Notary Public

SEAL

