

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission  
Petitioner,

vs.

Anderson Seed Co., Inc.  
Respondent.

AFFIDAVIT OF SERVICE  
BY CERTIFIED AND  
REGULAR MAIL

Civil No. 09-2012-CV-00693

PSC Case No. GE-12-78

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 **28th day of March, 2012**, she deposited in the United States Mail, Bismarck, North Dakota, 1 envelope with certified postage, return receipt requested, securely sealed and containing a photocopy of:

1. Notice of Entry of Ex Parte Order with attached copy of executed Ex Parte Order to Preserve Trust Assets.
2. Affidavit of Service by Certified and Regular Mail.

The envelope was addressed as follows:

Gary Leistico  
Attorney for Anderson Seed Co., Inc.  
1015 West St. Germain Street  
US Bank Plaza Suite 300  
St. Cloud, MN 56302  
Cert. No. 7011 2000 0002 0363 2779

Geralyn R. Schmaltz further deposes and says that on the **28th day of March, 2012**, she deposited in the United States Mail, Bismarck, North Dakota, 36 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 84<sup>th</sup> St. NE  
Willow City, ND 58384

Trevor Kohler  
2415b 23<sup>rd</sup> Avenue NW  
Benedict, ND 58716

Derrick Enos  
151 Valley Road  
Baker, MT 59313

Robert Weigel  
2651 66<sup>th</sup> St. SE  
Kintyre, ND 58549

David Wanner  
6975 38<sup>th</sup> Street  
Hebron, ND 58638

Robert Appelt  
3130 26<sup>th</sup> Ave. NE  
Martin, ND 58758

Randy Appelt  
3134 26<sup>th</sup> Ave. NE  
Martin, ND 58758

Craig Peerboom dba Peerboom Farms  
480 16<sup>th</sup> Ave. SE  
Goodrich, ND 58444

Dan Braaten  
5650 160 Ave. SE  
Kindred, ND 58051

Chadwick Rauser for Rauser Family, Inc.  
1521 14<sup>th</sup> St. NE  
Goodrich, ND 58444

Chadwick Rauser  
1461 14<sup>th</sup> St. NE  
Denhoff, ND 58430

Chad Brusseau  
10790 39<sup>th</sup> St. SW  
Dickinson, ND 58601

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

Tim Hase  
1931 28<sup>th</sup> Street NE  
Martin, ND 58758

Travis Iglehart  
1451 57<sup>th</sup> Ave. NW  
Garrison, ND 58540

Michael Schmitcke  
For Wayne, Michale, & Kelly Schmitcke  
235 64<sup>th</sup> Street SE  
Hazelton, ND 58544-9338

Glen and Lisa Gerving  
Box 607  
Glen Ullin, ND 58631

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

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

Michael Richter  
1261 18<sup>th</sup> Avenue NE  
Goodrich, ND 58444

Steichen Farms  
320 22<sup>nd</sup> Avenue NE  
Goodrich, ND 58444

Durnell Klain  
1364 20<sup>th</sup> St. NW  
Ruso, ND 58778

Tyler C. Grubb  
PO Box 313  
Powers Lake, ND 58773

Jeff Schneider  
5932 25<sup>th</sup> Ave. SE  
Kintyre, ND 58549

Josh, Brent, & Julie Basaraba  
37600 12<sup>th</sup> Street NE  
Wilton, ND 58579

Jeff Brown  
9008 133<sup>rd</sup> Avenue SW  
Scranton, ND 58653

Duane Dyk  
972 92<sup>nd</sup> St. SE  
Strasburg, ND 58573

Dick Hauser  
3280 23<sup>rd</sup> Avenue NE  
Martin, ND 58758

Dale Hauser  
3239 23<sup>rd</sup> Avenue NE  
Martin, ND 58758

Greg Sletto  
502 Dakota Street  
Willow City, ND 58384

Chase Dewitz  
2961 37<sup>th</sup> Avenue SE  
Steele, ND 58482

Jay Lutes  
14006 97<sup>th</sup> St. SW  
Bowman, ND 58623

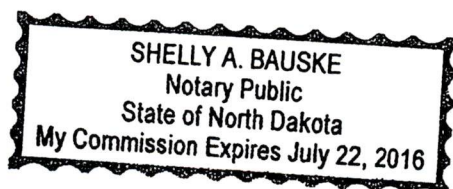
Jeff Lutes  
PO Box 244  
Bowman, ND 58623

Kevin Kessel  
2131 132<sup>nd</sup> Avenue SW  
Belfield, ND 58622

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

Subscribed and sworn to before me  
this 28th day of March, 2012.

SEAL



A handwritten signature in black ink, appearing to read "Jeremy Bohmer", written over a horizontal line.

A handwritten signature in black ink, appearing to read "Shelly A. Bauske", written over a horizontal line.  
Notary Public

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission,

Petitioner,

vs.

Anderson Seed Co., Inc.

Respondent.

**NOTICE OF ENTRY  
OF EX PARTE ORDER**

**Civil No. 09-2012-CV-00693**

\_\_\_\_\_  
PSC Case No. GE-12-78

**PLEASE TAKE NOTICE** that an Ex Parte Order to Preserve Trust Assets was executed by the Court March 20, 2012, and was duly filed in the above proceeding on March 20, 2012, ordering 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.

A copy of this Order is attached hereto and by reference made a part hereof.

Bismarck, North Dakota, this 28<sup>th</sup> day of March 2012.

By: 

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

Attorney for the Public Service Commission



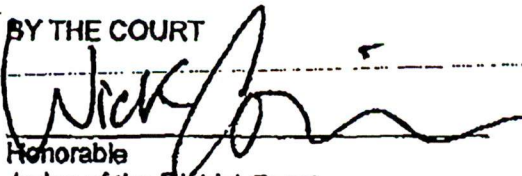
2. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee must be remitted to the commission and included in the trust fund.
3. The proceeds of insurance policies on destroyed 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 20 day of March, 2012.

BY THE COURT

  
 Honorable  
 Judge of the District Court