



Public Service Commission
State of North Dakota

COMMISSIONERS

Tony Clark
Brian P. Kalk
Kevin Cramer

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March 28, 2012

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

Attention: Ms. Linda Brooks

**RE: Public Service Commission vs. Anderson Seed Co., Inc.
CIVIL NO. 09-2012-CV-00693**

PSC Case No. GE-12-78


Dear Ms. Ouren:

Enclosed for filing in the above proceeding please find the originals 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

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 BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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

**NOTICE OF ENTRY
OF EX PARTE ORDER**

Civil No. 09-2012-CV-00693

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 **28th** day of **March 2012**.

By: 

Ilona 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

Attorney for the Public Service Commission



STATE OF NORTH DAKOTA

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Anderson Seed Co., Inc.

Respondent.

09-2012-CU-00693

CIVIL NO. _____

**EX PARTE ORDER
TO PRESERVE TRUST
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.

FILED - CLERK OF DISTRICT COURT

MAR 20 2012

CASS COUNTY, ND

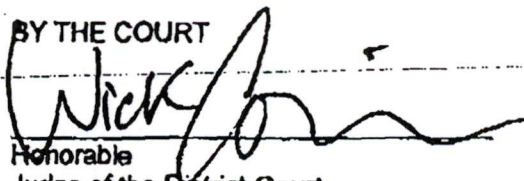
2. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee must be remitted to the commission and included in the trust fund.
3. The proceeds of insurance policies on destroyed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

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 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, Michale, & 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 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 18th Avenue NE
Goodrich, ND 58444

Steichen Farms
320 22nd Avenue NE
Goodrich, ND 58444

Durnell Klain
1364 20th St. NW
Ruso, ND 58778

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

Jeff Schneider
5932 25th Ave. SE
Kintyre, ND 58549

Josh, Brent, & Julie Basaraba
37600 12th Street NE
Wilton, ND 58579

Jeff Brown
9008 133rd Avenue SW
Scranton, ND 58653

Duane Dyk
972 92nd St. SE
Strasburg, ND 58573

Dick Hauser
3280 23rd Avenue NE
Martin, ND 58758

Dale Hauser
3239 23rd Avenue NE
Martin, ND 58758

Greg Sletto
502 Dakota Street
Willow City, ND 58384

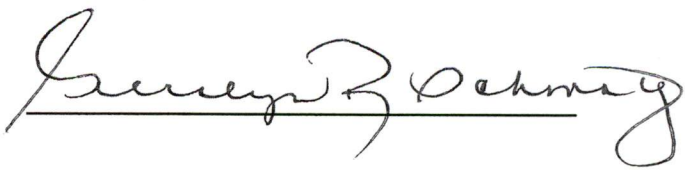
Chase Dewitz
2961 37th Avenue SE
Steele, ND 58482

Jay Lutes
14006 97th St. SW
Bowman, ND 58623

Jeff Lutes
PO Box 244
Bowman, ND 58623

Kevin Kessel
2131 132nd 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.**

Shelly A Bauske
Notary Public

SEAL

