

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

_____	)	Civil No. 09-2012-CV-00693
<b>Public Service Commission</b>	)	
<b>Petitioner,</b>	)	
<b>vs.</b>	)	<b>AFFIDAVIT OF SERVICE</b>
<b>Anderson Seed Co., Inc.</b>	)	<b>BY CERTIFIED AND</b>
<b>Respondent.</b>	)	<b>REGULAR MAIL</b>
_____	)	
<b>PSC Case No. GE-12-78</b>	)	
_____	)	

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 **12<sup>th</sup> day of April, 2012**, she deposited in the United States Mail, Bismarck, North Dakota, 2 envelopes with certified postage, return receipt requested, securely sealed and each containing a photocopy of:

1. Notice of Entry of Order Appointing Trustee with attached copy of executed Order Appointing Trustee.
2. Notice of Appointment as Trustee and Notice to File Claims.
3. Affidavit of Service by Certified and Regular Mail.

The envelopes were addressed as follows:

**Gary Leistico**  
 Attorney for Anderson Seed Co., Inc.  
 Suite 300 US Bank Plaza  
 1015 West St. Germain Street  
 St. Cloud, MN 56302  
 Cert. Mail No. 7011 2000 0002 0363 2793

**Chuck Gimbel**  
 Registered Agent for Anderson Seed Co., Inc.  
 147 Main Street  
 PO Box 265  
 Hazleton, ND 58544-0265  
 Cert. Mail No. 7011 2000 0002 0363 2816

**Geralyn R. Schmaltz** further deposes and says that on the **12<sup>th</sup> day of April, 2012**, she deposited in the United States Mail, Bismarck, North Dakota, 43 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

David Hill  
2690 84<sup>th</sup> St. NE  
Willow City, ND 58384

Derrick Enos  
151 Valley Road  
Baker, MT 59313

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

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

Dan Braaten  
5650 160 Ave. SE  
Kindred, ND 58051

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

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

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

Glen and Lisa Gerving  
Box 607  
Glen Ullin, ND 58631

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Jeff Lutes  
PO Box 244  
Bowman, ND 58623

Michael Faul  
1580 9<sup>th</sup> Ave. NE  
McClusky, ND 58463

Todd Rodenburg  
9530 9<sup>th</sup> Ave. S.E.  
Hague, ND 58542

Kim Raugust  
1350 19<sup>th</sup> Ave. NE  
Goodrich, ND 58444

Michael Gust  
Attorney for Claimants  
Anderson, Bottrell, Sanden & Thompson  
4132 30<sup>th</sup> Avenue South Suite 100  
PO Box 10247  
Fargo, ND 58106-0247

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

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

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

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

Greg Sletto  
502 Dakota Street  
Willow City, ND 58384

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

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

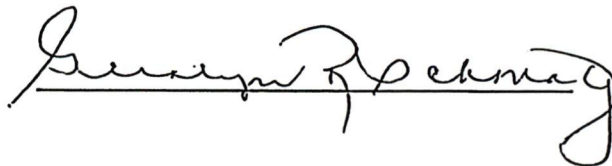
Ronald Pelton  
140 92<sup>nd</sup> Ave. NW  
Halliday, ND 58636

John Dulatski  
3890 132<sup>nd</sup> Ave. SW  
Belfield, ND 58622

Sean T. Foss  
Attorney for Tim Hase  
Kennelly & O'Keefe, LTD  
313 N P Avenue  
PO Box 2105  
Fargo, ND 58107-2105

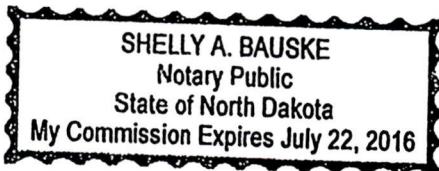
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this 12<sup>th</sup> day of April, 2012.



Handwritten signature of Benjamin R. Schwegel, written over a horizontal line.

SEAL



Handwritten signature of Shelly A. Bauske, written over a horizontal line.

Notary Public

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission,

Petitioner,

vs.

Anderson Seed Co., Inc.

Respondent.

Civil No. 09-2012-CV-00693

NOTICE OF ENTRY  
OF ORDER APPOINTING  
TRUSTEE

PSC Case No. GE-12-78

PLEASE TAKE NOTICE that an Order Appointing Trustee was executed by the Court on April 9, 2012, and was duly filed in the above proceeding on April 10, 2012, ordering that the Public Service Commission is appointed trustee of the trust fund provided by North Dakota Century Code Chapter 60-04 for the purpose of marshaling all trust assets in this proceeding and further ordering that the date of insolvency be established as February 15, 2012.

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

Bismarck, North Dakota, this 12th day of April 2012.

By: Illona A. Jeffcoat-Sacco  
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

STATE OF NORTH DAKOTA  
COUNTY OF CASS

IN DISTRICT COURT  
EAST CENTRAL JUDICIAL DISTRICT

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

09 - 2012 - CU - 00693

CIVIL NO. \_\_\_\_\_

ORDER APPOINTING  
TRUSTEE

The Public Service Commission (Commission) has moved the Court for appointment as trustee of Anderson Seed Co., Inc. under North Dakota Century Code Chapter 60-04. Anderson Seed Co., Inc. operates as a public 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 potential claimants that a trustee be appointed.

ORDERED THEREFORE, on the Application and Motion of the Commission by and through its attorney, the Commission is appointed trustee of the trust fund provided by North Dakota Century Code Chapter 60-04 for the purpose of marshalling all trust assets of the insolvent Anderson Seed Co., Inc. in the manner provided by law.



Filed - Clerk of District Court

APR 10 2012

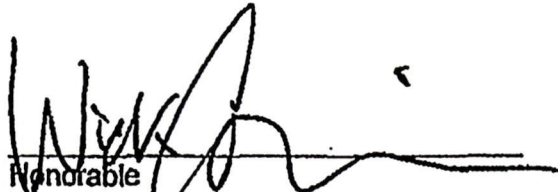
Cass County, ND

66 GE-12-78 Filed: 4/11/2012 Pages: 2  
Executed Order Appointing Trustee

ORDERED FURTHER that the date of insolvency be established as February 15,  
2012.

Fargo, North Dakota, this 9 day of April, 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.

Civil No. 09-2012-CV-00693

NOTICE OF APPOINTMENT AS  
TRUSTEE AND NOTICE TO  
FILE CLAIMS

PSC Case No. GE-12-78

PLEASE TAKE NOTICE that on April 9, 2012, the EAST CENTRAL JUDICIAL DISTRICT executed an Order that was duly filed in the above proceeding on April 10, 2012, appointing the Public Service Commission to act as trustee of a trust fund to be established and administered in accordance with North Dakota Century Code Chapter 60-04 and establishing the date of insolvency as February 15, 2012.

**FURTHER, PLEASE TAKE NOTICE THAT:**

1. Any person having a claim against Anderson Seed Co., Inc. for the non-payment of grain purchased or marketed by Anderson Seed Co., Inc. in North Dakota, shall file the claim with the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.
2. Claims must be filed within forty-five (45) days after the last publication of this notice.
3. Any person filing a claim with the Public Service Commission shall include receipts or other sufficient documentation to enable the Commission to determine

the validity of the claim. This could include unsatisfied grain warehouse receipts, scale tickets, checks, or other memoranda given by the public warehouseman for, or evidence of, the receipt, storage, or sale of grain, or any related contracts.

4. Unless a claim is filed with the Public Service Commission within the time specified, the claimant may be barred from participation in the trust fund.

Bismarck, North Dakota, this **12th day of April 2012**.

By:   
Illona A. Jeffcoat-Sacco (ID No. 03315)  
Special Assistant Attorneys 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

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

_____	)	Civil No. 09-2012-CV-00693
Public Service Commission	)	
Petitioner,	)	
	)	
vs.	)	AFFIDAVIT OF SERVICE
	)	BY CERTIFIED AND
Anderson Seed Co., Inc.	)	REGULAR MAIL
	)	
Respondent.	)	
_____	)	
PSC Case No. GE-12-78	)	
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STATE OF NORTH DAKOTA	)
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COUNTY OF BURLEIGH	)

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Grand Forks, ND 58208-4716

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Powers Lake, ND 58773

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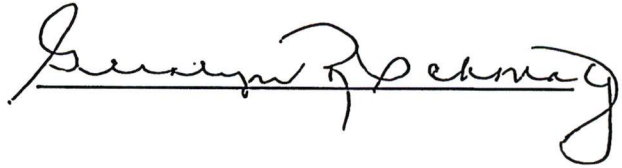
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Fargo, ND 58107-2105

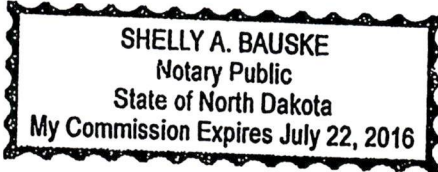
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this 12<sup>th</sup> day of April, 2012.



A handwritten signature in cursive script, appearing to read "Gerrit R. ...", written over a horizontal line.

SEAL



A handwritten signature in cursive script, reading "Shelly A. Bauske", written over a horizontal line. Below the line, the words "Notary Public" are printed.