



Public Service Commission
State of North Dakota

COMMISSIONERS

Tony Clark
Brian P. Kalk
Kevin Cramer

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

April 12, 2012

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. 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 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

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,

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 (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

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

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

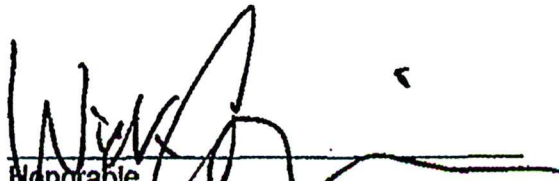
Cass County, ND

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,

)

Civil No. 09-2012-CV-00693

vs.

)

NOTICE OF APPOINTMENT AS
TRUSTEE AND NOTICE TO
FILE CLAIMS

Anderson Seed Co., Inc.

)

)

Respondent.

)

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PSC Case No. GE-12-78

)

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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 – 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

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. 09-2012-CV-00693

**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 **12th 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
Hazelton, ND 58544-0265
Cert. Mail No. 7011 2000 0002 0363 2816

Geralyn R. Schmaltz further deposes and says that on the **12th 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 84th St. NE
Willow City, ND 58384

Derrick Enos
151 Valley Road
Baker, MT 59313

David Wanner
6975 38th Street
Hebron, ND 58638

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

Dan Braaten
5650 160 Ave. SE
Kindred, ND 58051

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

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

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

Glen and Lisa Gerving
Box 607
Glen Ullin, ND 58631

Steichen Farms
320 22nd 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 23rd Avenue NW
Benedict, ND 58716

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

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

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

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

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

Tim Hase
1931 28th Street NE
Martin, ND 58758

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

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

Michael Richter
1261 18th 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 12th Street NE
Wilton, ND 58579

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

Dale Hauser
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Martin, ND 58758

Chase Dewitz
2961 37th Avenue SE
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Jeff Lutes
PO Box 244
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Michael Faul
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Todd Rodenburg
9530 9th Ave. S.E.
Hague, ND 58542

Kim Raugust
1350 19th Ave. NE
Goodrich, ND 58444

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

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

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

Jeff Brown
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Jay Lutes
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Bowman, ND 58623

Kevin Kessel
2131 132nd Avenue SW
Belfield, ND 58622

Ronald Pelton
140 92nd Ave. NW
Halliday, ND 58636

John Dulatski
3890 132nd 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.

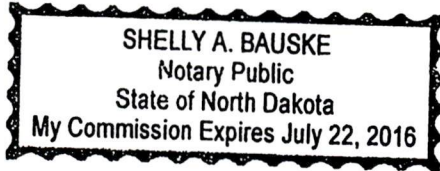
[Handwritten signature]

Subscribed and sworn to before me
this 12th day of April, 2012.

Shelly A Bauske

Notary Public

SEAL



STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission,

)

Civil No. 09-2012-CV-00693

Petitioner,

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vs.

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NOTICE OF ENTRY
OF ORDER APPOINTING
TRUSTEE

Anderson Seed Co., Inc.

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Respondent.

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PSC Case No. GE-12-78

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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 (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

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IN DISTRICT COURT

COUNTY OF CASS

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Public Service Commission

Petitioner,

vs.

Anderson Seed Co., Inc.

Respondent.

PSC Case No. GE-12-78

09 - 2012 - CU - 00698

CIVIL NO. _____

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Filed - Clerk of District Court

APR 10 2012


Cass County, ND

66 GE-12-78 Filed: 4/11/2012 Pages: 2
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Judge of the District Court

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COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission,

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Civil No. 09-2012-CV-00693

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TRUSTEE AND NOTICE TO
FILE CLAIMS

Anderson Seed Co., Inc.

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Civil No. 09-2012-CV-00693

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BY CERTIFIED AND
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313 N P Avenue
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Fargo, ND 58107-2105

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

[Handwritten Signature]

Subscribed and sworn to before me
this 12th day of April, 2012.

Shelly A Bauske
Notary Public

SEAL

