



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

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

January 24, 2014

Mr. Justin Wolbaum, VP / Branch Manager
Dakota Community Bank & Trust
26 North Main - PO Box 33
Bowman, ND 58623

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

PSC Case No. GE-12-78

Dear Mr. Wolbaum:

This letter is in response to your letter dated January 2, 2014 regarding the Public Service Commission's efforts in the referenced insolvency and Jeff Brown's 2011 sale of sunflowers to Anderson Seed Co., Inc.

On November 25, 2013, the Commission filed its Report and Recommendation of Trustee and related documents with District Court in the referenced matter. On November 26, 2013, a copy of the Report and related documents were mailed to all claimants and interested parties (enclosed). The Report contains a proposed distribution of trust fund assets to valid cash claimants and a proposed distribution of credit-sale contract indemnity fund assets to all valid credit-sale contract claimants. The Court set a hearing for January 6, 2014 for interested persons to show cause why the Commission's Report should not be approved and distribution of the funds made as proposed. On January 2, 2014, the Commission mailed a letter to you regarding the continuation of the hearing on the Commission's Report and Recommendation until February 24, 2014 at 9:00 a.m. CST at the Cass County Courthouse in Fargo, North Dakota.

In the Commission's Report at paragraph 25, the Commission recommended that seven cash claims be denied with the basis for denial provided in Exhibit D to the Affidavit of Timothy Erdmann, attached to the Report. Mr. Brown is included on Exhibit D (Invalid Cash Claims). Mr. Brown's unpaid grain claim was determined to be invalid because no North Dakota warehouse documents were filed and there was no evidence of North Dakota deliveries.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Susan K. Richer, Director
Licensing Division

Enclosure (6 items)
cc: Jeff Brown (letter only)

207 GE-12-78 Filed: 1/24/2014 Pages: 53
Response letter to Justin Wolbaum Re Jeff Brown claim

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Anderson Seed Co., Inc.

and

Auto-Owners Insurance Company

Respondents.

PSC Case No. GE-12-78

CIVIL NO. 09-2012-CV-00693

NOTICE OF MOTION AND
NOTICE OF HEARING

1. **PLEASE TAKE NOTICE** that the North Dakota Public Service Commission (Commission) as Trustee of the trust created by the insolvency of Anderson Seed Co., Inc. respectfully moves the court for an order approving the Trustee's settlement, approving the Report and Recommendation of Trustee, requiring deposit of bond proceeds, authorizing distribution of bond proceeds to valid cash claimants and credit-sale contract indemnity fund payments to valid credit-sale claimants, and discharging the Public Service Commission as Trustee. The corresponding Motion is being filed with the court contemporaneously with this Notice.
2. **FURTHER PLEASE TAKE NOTICE** that a copy of the Motion to Approve Settlement, Approve Report and Recommendation of Trustee, Require Deposit

of Bond Proceeds, Approve Payments, and Discharge Trustee, as well as a copy of the Report and Recommendation of Trustee and the Proposed Order Approving Trustee's requests are herewith served upon you.

3. **FURTHER PLEASE TAKE NOTICE** that the Court has scheduled a hearing on this matter for **January 6, 2014 at 9:00 a.m., CST**, at the Cass County Courthouse, 211 9th Street South, Fargo, North Dakota 58103.
4. **FURTHER PLEASE TAKE NOTICE** that under North Dakota Century Code section 60-04-09, any aggrieved person having an objection to the Commission's Report and Recommendation of Trustee shall file the objection with the Court and serve copies on the Commission, the warehouseman, and the surety at least ten (10) days before the hearing. Failure to file and serve objections in the time set is a waiver of the objection.
5. Respectfully submitted at Grand Forks, North Dakota, this **25th day of November, 2013**.

/s/ Jon J. Jensen

Jon J. Jensen
Special Assistant Attorney General
ND ID #04783
PO Box 12789
3301 30th Avenue South, Suite 104
Grand Forks, ND 58208-2789
Telephone: (701) 757-2525
Fax: (701) 757-2527
Email: jjensen@jensenbata.com
Attorney for Petitioner

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

| | | |
|-------------------------------|---|----------------------------|
| Public Service Commission |) | CIVIL NO. 09-2012-CV-00693 |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | MOTION TO APPROVE |
| |) | SETTLEMENT, APPROVE REPORT |
| Anderson Seed Co., Inc. |) | AND RECOMMENDATION OF |
| |) | TRUSTEE, REQUIRE |
| and |) | DEPOSIT OF BOND PROCEEDS, |
| |) | APPROVE PAYMENTS, |
| Auto-Owners Insurance Company |) | AND DISCHARGE TRUSTEE |
| |) | |
| Respondents. |) | |
| |) | |
| PSC Case No. GE-12-78 |) | |
| |) | |

1. The undersigned respectfully moves the Court for an Order Approving Trustee's Settlement, Approving Trustee's Report and Recommendation, Requiring Deposit of Bond Proceeds, Approving Payment, and Discharging Trustee in the above matter.
2. Respectfully submitted at Grand Forks, North Dakota this **25th day of November, 2013.**

/s/ Jon J. Jensen
Jon J. Jensen
Special Assistant Attorney General
ND ID #04783
PO Box 12789
3301 30th Avenue South, Suite 104
Grand Forks, ND 58208-2789
Telephone: (701) 757-2525
Fax: (701) 757-2527
Email: jjensen@jensenbata.com
Attorney for Petitioner

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Anderson Seed Co., Inc.

and

Auto-Owners Insurance Company

Respondents.

PSC Case No. GE-12-78

CIVIL NO. 09-2012-CV-00693

BRIEF IN SUPPORT OF
MOTION TO APPROVE
SETTLEMENT, APPROVE REPORT
AND RECOMMENDATION OF
TRUSTEE, REQUIRE DEPOSIT
OF BOND PROCEEDS,
APPROVE PAYMENTS,
AND DISCHARGE TRUSTEE

1. The North Dakota Public Service Commission (Commission), as Trustee of the trust fund provided by North Dakota Century Code section 60-04-03 for the purpose of marshalling all trust assets of Anderson Seed Co., Inc., an insolvent grain warehouse, seeks an order Approving the Settlement, Approving the Report and Recommendation of Trustee, Requiring Deposit of Bond Proceeds, Approving Payment, and Discharging Trustee. The Commission has the authority to bring this Motion and the Court has the power to grant the relief requested under North Dakota Century Code sections 60-04-03 and 60-04-07.
2. North Dakota Century Code section 60-02-09 requires that a bond must be filed with the Commission before any license can be issued to any public

warehouseman in North Dakota. The bond is for the purpose of protecting the holders of outstanding receipts and for covering the costs incurred by the Commission in the administration of the licensee's insolvency. North Dakota Century Code section 60-02-09. The insolvent licensee, Anderson Seed Co., Inc., had such a bond, issued by Auto-Owners Insurance Company, P.O. Box 30660, Lansing, Michigan, 48908-8160, as surety.

3. The Commission has reviewed claims filed against the warehouseman and detailed determination regarding the validity of each claim is attached to and summarized in the Report and Recommendation of Trustee. The proceeds from the bond will be needed to redeem outstanding receipts issued by Anderson Seed Co., Inc., as provided in North Dakota Century Code section 60-04-09. The Court has jurisdiction under North Dakota Century Code section 60-04-03.3 to order the deposit of bond proceeds.
4. The trust fund is made up of proceeds from the sale of grain and bond proceeds. North Dakota Century Code section 60-02-25.1 provides that grain contained in a warehouse is subject to a first priority lien in favor of the outstanding receipt holders. On January 13, 2012, Anderson Seed Co., Inc. entered into a Purchase Order and Security Agreement to sell a significant amount of sunflower seeds. The Commission, acting as Trustee, investigated the possibility of initiating litigation against Anderson Seed Co., Inc., the owners of Anderson Seed Co. and the purchaser. The Commission, after considering the potential claims, potential defenses and evaluating the risks of litigation has agreed to resolve all of the potential claims for a payment of \$685,000. The resolution resolves all potential

claims that may be asserted by the Commission against the parties listed in this paragraph and is not an admission of liability by any of the potential parties. The Commission has included within the settlement agreement a provision that allows the settlement to be set aside if it is determined that there has not been an accurate disclosure of net worth by Anderson Seed Co., Inc. and/or the owners of Anderson Seed Co., Inc.

5. Under North Dakota Century Code section 60-04-03.1 the "trust fund shall be established for the benefit of noncredit-sale receipt holders of the insolvent warehouseman and to pay the costs incurred by the commission in the administration of this chapter. . . ." The credit-sale contract indemnity fund was created for the purpose of providing protection for persons selling grain to a North Dakota licensed warehouse. North Dakota Century Code section 60-10-02. A person is eligible to receive payment from the credit-sale contract indemnity fund if the warehouse licensed under North Dakota law to which the person sold grain becomes insolvent and has not fully compensated the person in accordance with the credit-sale contract. North Dakota Century Code section 60-10-04.
6. Proceeds from the credit-sale contract indemnity fund will be needed to meet the licensee's obligations to holders of credit-sale contracts. North Dakota Century Code section 60-10-05 provides:

Upon the insolvency of a licensed warehouse or grain buyer and a declaration that the public service commission serve as the trustee, the public service commission shall make the proceeds of the credit-sale contract indemnity fund available for use in meeting the licensee's obligations with respect to the reimbursement of any person who sold grain to the licensee under a credit-sale contract and who was not fully compensated in accordance with the contract.

7. Under North Dakota Century Code section 60-10-06, the amount payable to any eligible person from the credit-sale contract indemnity fund may not exceed the lesser of eighty percent of the amount owed to that eligible person under that person's unsatisfied credit-sale contracts or two hundred eighty thousand dollars.
8. North Dakota Century Code section 60-04-09 provides in part:

Following hearing, the court shall approve or modify the report and issue an order directing payment of the necessary bond proceeds, distribution of the trust fund, and discharge of the commission from its trust.
9. We respectfully request that the Court approve the Settlement and the Report and Recommendation of Trustee, require deposit of the bond proceeds, authorize distribution of bond proceeds to valid cash claimants and credit-sale contract indemnity fund payments to valid credit-sale claimants and following payment to claimants, discharge the Commission as Trustee.
10. Respectfully submitted at Grand Forks, North Dakota, this **25th day of November, 2013.**

/s/ Jon J. Jensen
Jon J. Jensen
Special Assistant Attorney General
ND ID #04783
PO Box 12789
3301 30th Avenue South, Suite 104
Grand Forks, ND 58208-2789
Telephone: (701) 757-2525
Fax: (701) 757-2527
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Attorney for Petitioner

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

| | | |
|-------------------------------|---|----------------------------|
| Public Service Commission |) | CIVIL NO. 09-2012-CV-00693 |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | |
| |) | REPORT AND |
| Anderson Seed Co., Inc. |) | RECOMMENDATION |
| |) | OF TRUSTEE |
| and |) | |
| |) | |
| Auto-Owners Insurance Company |) | |
| |) | |
| |) | |
| Respondents. |) | |
| |) | |
| PSC Case No. GE-12-78 |) | |
| |) | |

1. The North Dakota Public Service Commission (Commission) as Trustee, makes the following Report and Recommendation to the Court:
2. Anderson Seed Co., Inc., a Minnesota Corporation, authorized to do business in North Dakota, operated grain warehouses at Durbin and Selz, North Dakota, licensed under North Dakota Century Code Chapters 60-02 and 60-04.
3. Anderson Seed Co., Inc. operated its grain warehouse at Durbin, North Dakota under license number 1132 and its grain warehouse at Selz, North Dakota under license number 1153.
4. As part of the licensing process, Anderson Seed Co., Inc. filed a bond with the Commission as required by North Dakota Century Code section 60-02-09, in the amount of \$280,000 and identified as number 087708 66042403, with Auto-

Owners Insurance Company, P.O. Box 30660, Lansing, Michigan, 48909-8160, as surety.

5. On February 15, 2012, Douglas Doll on behalf of the Doll & Pazdernik Partnership of Mandan, North Dakota filed with the Commission a letter for collection of outstanding funds owed by Anderson Seed Co., Inc. Subsequently, eighteen parties filed letters for collection of outstanding funds owed.
6. On February 16, 2012, Timothy Erdmann, Commission grain warehouse inspector, stopped at the Durbin grain warehouse and confirmed there was minimal grain inventory of unknown quality in the Durbin facility. On February 23, 2012, Mr. Erdmann stopped at the Selz grain warehouse and confirmed there was no grain inventory in the Selz facility. The station manager at Selz told Mr. Erdmann that in January 2012, all grain inventory at Selz was moved to Minnesota.
7. On February 29, 2012, the Commission filed an Application for Appointment as Trustee and for Ex Parte Order in District Court, County of Cass, East Central Judicial District.
8. On March 20, 2012, the District Court ordered that Anderson Seed Co., Inc. is prohibited from selling, transferring, removing, or otherwise compromising potential assets of the trust fund until the court issues its order granting or denying the application for appointment of the Commission as Trustee of the trust fund. On March 28, 2012, a copy of the Notice of Entry of Order with attached copy of the executed Ex Parte Order to Preserve Trust Assets was served on the parties and also sent by regular mail to thirty five persons the

Commission identified from the records of Anderson Seed Co., Inc as potential claimants in the insolvency proceeding.

9. On April 9, 2012, the District Court ordered that the 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 of the insolvent Anderson Seed Co., Inc. and further ordered that the date of insolvency be established as February 15, 2012, the date that the first claim for collection of outstanding funds owed for grain was filed. On April 12, 2012, a copy of the Notice of Entry of Order Appointing Trustee with attached copy of the executed Order Appointing Trustee and a copy of the Notice of Appointment as Trustee and Notice to File Claims was served on the parties by certified mail and also sent by regular mail to the surety and forty-two persons or their attorneys that the Commission identified as potential claimants in the insolvency proceeding. The notice required the filing of claims with the Commission within forth-five days of the second publication of the notice.
10. The Notice of Appointment as Trustee and Notice to File Claims was published as a legal publication in the Pierce County Tribune on April 21, 2012 and April 28, 2012 and in The Fargo Forum on April 23, 2012 and April 30, 2012, as provided in North Dakota Century Code section 60-04-03.3. The Pierce County Tribune is located in Pierce County and is the official county newspaper of the county in which the Selz warehouse is located. The Fargo Forum is located in Cass County and is the official county newspaper of the county in which the Durbin warehouse is located.

11. On August 30, 2012, the Court issued an Order for a Rule 16 Scheduling Conference scheduling the conference for October 23, 2012. The conference was held as scheduled.
12. On October 23, 2012, the Court executed a Rule 16 Order establishing the deadlines in the case.
13. On November 15, 2012 the Court executed an Order for Final Pretrial Conference, scheduling a pretrial conference for June 2, 2013 and Notice of Trial, scheduling a Jury Trial on this matter for July 9, 2013 through July 12, 2013, if necessary, at the Cass County Courthouse in Fargo, North Dakota.
14. On December 13, 2012, the Court executed an Order to Allow Joinder ordering that Auto Owners Insurance Company be joined as a Defendant, pursuant to North Dakota Century Code section 60-04-03.3.
15. Fifty-six claims totaling \$4,107,414.49 were filed with the Commission, as shown below. Additional detail on the claims provided in Exhibits A, B, C, D and E to the Affidavit of Tim Erdmann are attached to this report.

| | Claimant Name | Claim Filed |
|----|------------------------------|--------------------|
| a. | Randy Appelt | \$ 31,914.35 |
| b. | Robert Appelt | \$ 5,256.34 |
| c. | Basaraba Farms LLP | \$ 118,791.31 |
| d. | Dan Braaten | \$ 57,589.39 |
| e. | Jeff Brown | \$ 17,260.52 |
| f. | Chad Brusseau | \$ 24,822.70 |
| g. | Chase Dewitz | \$ 111,807.94 |
| h. | Doll & Pazdernik Partnership | \$ 165,000.00 |
| i. | DRO INC. Dirk O'Connor | \$ 107,136.22 |
| j. | John Duletski | \$ 67,781.47 |
| k. | Duane Dyk | \$ 26,371.15 |
| l. | Derrick Enos | \$ 85,034.26 |
| m. | Jerrold Fix | \$ 5,877.96 |
| n. | Glenn & Lisa Gerving | \$ 189,878.08 |

| | | | |
|------|------------------------------------|----|-------------|
| o. | Douglas Goehring | \$ | 11,000.00 |
| p. | Tyler Grubb | \$ | 48,345.70 |
| q. | Tim Hase | \$ | 46,627.20 |
| r. | Dale Hauser | \$ | 3,786.46 |
| s. | Dick Hauser | \$ | 1,262.04 |
| t. | Loren Henke | \$ | 19,994.73 |
| u. | David Hill | \$ | 16,009.94 |
| v. | Gary Hill | \$ | 16,009.94 |
| w. | Travis Iglehart | \$ | 131,721.93 |
| x. | Durnell Klain | \$ | 37,104.05 |
| y. | Kevin Kessel | \$ | 149,000.00 |
| z. | Trevor Kohler | \$ | 45,358.48 |
| aa. | Jay Lutes | \$ | 34,534.40 |
| bb. | Jeff Lutes | \$ | 99,169.55 |
| cc. | Kristy Lazorenko | \$ | 31,853.24 |
| dd. | Scott Lazorenko | \$ | 31,852.71 |
| ee. | Cordel Meidinger | \$ | 61,984.42 |
| ff. | Peerboom Farms | \$ | 164,787.59 |
| gg. | Ronald Pelton | \$ | 189,620.42 |
| hh. | Dan Pfeifle | \$ | 128,396.45 |
| ii. | Thomas Pfliger | \$ | 8,807.10 |
| jj. | Kim Raugust | \$ | 18,480.56 |
| kk. | Chadwick Rauser | \$ | 61,383.26 |
| ll. | Rauser Family Farm Inc. | \$ | 16,944.39 |
| mm. | Michael Richter | \$ | 42,172.55 |
| nn. | Todd Rodenburg | \$ | 241,591.74 |
| oo. | Kelly Schmitcke | \$ | 35,359.24 |
| pp. | Michael Schmitcke | \$ | 35,359.24 |
| qq. | Wayne Schmitcke | \$ | 70,716.87 |
| rr. | Jeff Schneider | \$ | 67,872.41 |
| ss. | Greg Sletto | \$ | 7,113.77 |
| tt. | Steichen Farms | \$ | 86,763.05 |
| uu. | Tri-Steel Manufacturing Co. | \$ | 24,800.65 |
| vv. | David Wanner | \$ | 83,538.14 |
| ww. | Robert Weigel | \$ | 68,496.45 |
| xx. | Jim Voller | \$ | 42,055.40 |
| yy. | Michael Faul | \$ | 172,878.21* |
| zz. | Edward Coombs | * | |
| aaa. | Jerome & Angus Faul, | * | |
| bbb. | Brian Thomas | * | |
| ccc. | Ronald G. Waltz | * | |
| ddd. | CHS, Inc. dba Midwest Cooperatives | \$ | 740,140.52 |

* Edward Coombs, Jerome & Angus Faul, Brian Thomas, & Ronald G. Waltz were identified as shareholders in the claim filed by Michael Faul

16. Only minimal grain assets existed in the warehouse at Durbin, North Dakota at the time of insolvency. The Commission liquidated the grain assets in the warehouse, with a value of approximately \$2,150, and deposited the proceeds in the trust fund.
17. North Dakota Century Code section 60-02-25.1 provides that grain contained in a warehouse is subject to a first priority lien in favor of the outstanding receiptholders. On January 13, 2012 Anderson Seed Co., Inc. entered into a Purchase Order and Security Agreement to sell a significant amount of sunflower seeds. The Commission, acting as Trustee, investigated the possibility of initiating litigation against Anderson Seed Co., Inc., the owners of Anderson Seed Co. and the purchaser. The Commission, after considering the potential claims, potential defenses and evaluating the risks of litigation has agreed to resolve all of the potential claims for a payment of \$685,000. The resolution resolves all potential claims that may be asserted by the Commission against the parties listed in this paragraph and is not an admission of liability by any of the potential parties. The Commission has included within the settlement agreement a provision that allows the settlement to be set aside if it is determined that there has not been an accurate disclosure of net worth by Anderson Seed Co., Inc. and/or the owners of Anderson Seed Co., Inc.
18. Grain asset proceeds are insufficient to pay valid cash claimants. The \$280,000 bond proceeds are needed to redeem outstanding claims for grain purchased for cash by Anderson Seed Co., Inc. through its Durbin and Selz, North Dakota facilities.

19. When the bond proceeds are paid over to the Commission as Trustee, there will be funds available from the trust fund to pay each valid cash claimant approximately 43% of his valid claim.
20. The Commission recommends that the cash claimants be paid approximately 43% of the claimants' valid cash claims. The Commission recommends that payment for each cash claim be made jointly payable to the claimant and relevant valid lien holders at the time checks are issued. The final amounts to be paid will be determined once Court approval is received.
21. The valid cash claim amounts recommended by the Commission total \$2,233,147.18 as shown below and with additional detail in Exhibit B to the Affidavit of Timothy Erdmann, attached to this report:

| | Claimant Name | Claim Filed | Valid Cash Claim |
|----|------------------------------|--------------------|-------------------------|
| a. | Basaraba Farms LLP | \$ 118,791.31 | \$ 116,754.18 |
| b. | Chad Brusseau | \$ 24,822.70 | \$ 24,486.74 |
| c. | Doll & Pazdernik Partnership | \$ 165,000.00 | \$ 157,572.68 |
| d. | Derrick Enos | \$ 85,034.26 | \$ 84,888.28 |
| e. | Jerrold Fix | \$ 5,877.96 | \$ 5,870.25 |
| f. | Glen & Lisa Gerving | \$ 189,878.08 | \$ 189,658.09 |
| g. | Douglas Goehring | \$ 11,000.00 | \$ 4,851.60 |
| h. | Tim Hase | \$ 46,627.20 | \$ 46,362.52 |
| i. | Loren Henke | \$ 19,994.73 | \$ 19,956.64 |
| j. | David Hill | \$ 16,009.94 | \$ 15,990.33 |
| k. | Gary Hill | \$ 16,009.94 | \$ 15,990.33 |
| l. | Travis Inglehart | \$ 131,721.93 | \$ 128,592.37 |
| m. | Kevin Kessel | \$ 77,215.93 | \$ 74,467.66 |
| n. | Trevor Kohler | \$ 45,358.48 | \$ 45,306.55 |
| o. | Jay Lutes | \$ 34,534.40 | \$ 23,158.56 |
| p. | Jeff Lutes | \$ 99,169.55 | \$ 85,286.05 |
| q. | Kristy Lazorenko | \$ 31,853.24 | \$ 29,425.01 |
| r. | Scott Lazorenko | \$ 31,852.71 | \$ 29,425.01 |
| s. | Cordel Meidinger | \$ 61,984.42 | \$ 41,496.62 |
| t. | Peerboom Farms | \$ 164,787.59 | \$ 164,556.32 |
| u. | Ronald Pelton | \$ 121,870.12 | \$ 137,692.01 |
| v. | Dan Pfeifle | \$ 128,396.45 | \$ 128,027.30 |
| w. | Thomas Pfliger | \$ 8,807.10 | \$ 8,795.74 |

| | | | |
|-----|------------------------------------|---------------|---------------|
| x. | Rauser Family Farm Inc. | \$ 16,944.39 | \$ 16,906.47 |
| y. | Todd Rodenburg | \$ 176,438.69 | \$ 173,545.19 |
| z. | Jeff Schneider | \$ 67,872.41 | \$ 67,789.53 |
| aa. | Greg Sletto | \$ 7,113.77 | \$ 6,354.28 |
| bb. | Steichen Farms | \$ 86,763.05 | \$ 86,536.52 |
| cc. | David Wanner | \$ 44,038.94 | \$ 43,936.73 |
| dd. | Jim Voller | \$ 42,055.40 | \$ 41,522.37 |
| ee. | Michael Faul & shareholders | \$ 172,878.21 | \$ 72,236.28 |
| | Edward Coombs | | \$ 15,101.99 |
| | Jerome & Agnes Faul | | \$ 41,366.25 |
| | Brian Thomas | | \$ 41,366.25 |
| | Ronald G. Waltz | | \$ 2,361.52 |
| ff. | CHS, Inc. dba Midwest Cooperatives | \$ 740,140.52 | \$ 45,512.96 |

22. Proceeds from the credit-sale contract indemnity fund will be needed to meet the insolvent licensee's obligations to holders of credit-sale contracts. Payments will be made to valid credit-sale claimants with the claimants receiving 80% of the claimants' valid claims under North Dakota Century Code section 60-10-06.
23. The Commission recommends that each credit-sale contract claimant be paid 80% of the claimant's valid credit sale claim as provided under North Dakota Century Code section 60-10-06. The Commission recommends that payment for each credit-sale claim be made jointly payable to the claimant and relevant valid lien holders at the time checks are issued.
24. The valid credit-sale claim amounts recommended for payment by the Commission total \$809,017.70 and by law each claimant is entitled to 80% of the respective valid credit-sale claim, as shown below and with additional detail in Exhibit C to the Affidavit of Timothy Erdmann, attached to this report:

| | Claimant Name | Claim Filed | Valid Claim | Credit 80% Credit-Sale Amount |
|----|---------------|--------------|--------------|-------------------------------|
| a. | Randy Appelt | \$ 31,914.35 | \$ 31,914.35 | \$ 25,531.48 |
| b. | Robert Appelt | \$ 5,256.34 | \$ 5,256.34 | \$ 4,205.07 |

| | | | | |
|----|-------------------|---------------|---------------|--------------|
| c. | Chase Dewitz | \$ 111,807.94 | \$ 111,185.23 | \$ 88,948.18 |
| d. | John Duletski | \$ 67,781.47 | \$ 67,781.47 | \$ 54,225.18 |
| e. | Tyler Grubb | \$ 48,345.70 | \$ 47,803.28 | \$ 38,242.62 |
| f. | Dale Hauser | \$ 3,786.46 | \$ 3,786.46 | \$ 3,029.17 |
| g. | Dick Hauser | \$ 1,262.04 | \$ 1,262.04 | \$ 1,009.63 |
| h. | Kevin Kessel | \$ 71,784.07 | \$ 71,784.07 | \$ 57,427.26 |
| i. | Ronald Pelton | \$ 67,750.30 | \$ 67,750.30 | \$ 54,200.24 |
| j. | Kim Raugust | \$ 18,480.56 | \$ 18,480.56 | \$ 14,784.45 |
| k. | Chadwick Rauser | \$ 61,383.26 | \$ 61,383.26 | \$ 49,106.61 |
| l. | Michael Richter | \$ 42,172.55 | \$ 42,172.55 | \$ 33,738.04 |
| m. | Todd Rodenburg | \$ 29,026.79 | \$ 29,026.79 | \$ 23,221.43 |
| n. | Kelly Schmitcke | \$ 35,359.24 | \$ 35,359.24 | \$ 28,287.39 |
| o. | Michael Schmitcke | \$ 35,359.24 | \$ 35,359.24 | \$ 28,287.39 |
| p. | Wayne Schmitcke | \$ 70,716.87 | \$ 70,716.87 | \$ 56,573.49 |
| q. | David Wanner | \$ 39,499.20 | \$ 39,499.20 | \$ 31,599.36 |
| r. | Robert Weigel | \$ 68,496.45 | \$ 68,496.45 | \$ 54,797.16 |

25. The Commission recommends that seven cash claims in the total amount of \$959,006.19 be denied as shown below and with details and the basis for denial provided in Exhibit D to the Affidavit of Timothy Erdmann, attached to this report:

| | Claimant Name | Claim Filed | Invalid Claim |
|----|------------------------------------|--------------------|----------------------|
| a. | Dan Braaten | \$ 57,589.39 | \$ 57,589.39 |
| b. | Jeff Brown | \$ 17,260.52 | \$ 17,260.52 |
| c. | DRO INC. Dirk O'Connor | \$ 107,136.22 | \$ 107,136.22 |
| e. | Durnell Klain | \$ 37,104.05 | \$ 37,104.05 |
| g. | Tri-Steel Manufacturing Co. | \$ 24,800.65 | \$ 24,800.65 |
| h. | Cordel Meidinger | \$ 61,984.42 | \$ 20,487.80* |
| i. | CHS, Inc. dba Midwest Cooperatives | \$ 740,140.52 | \$ 694,627.56 ** |

*Includes invalid claim of \$20,377.90 & \$109.90 sunflower promotion deduction.

**Includes invalid claim of \$690,536.36 & \$4,091.20 freight deduction

26. The Commission recommends that two credit-sale contract claims in the total amount of \$62,497.41 be denied as shown below and with details and the basis for denial provided in Exhibit E to the Affidavit of Timothy Erdmann, attached to this report.

| | Claimant Name | Claim Filed | Invalid Claim |
|----|----------------------|--------------------|----------------------|
| a. | Duane Dyk | \$ 26,371.15 | \$ 26,371.15 |
| b. | Todd Rodenburg | \$ 36,126.26 | \$ 36,126.26 |

27. Contemporaneously with the filing of this Report and Recommendation a motion to approve settlement, approve the Report and Recommendation, require deposit of bond proceeds, approve payments, and discharge Trustee has been filed with the North Dakota District Court located in Cass County North Dakota. Any interested party may appear at the hearing to show cause why the Report and Recommendation should not be approved. The Court has scheduled a hearing on this matter for January 6, 2014 at 9:00 a.m. CST.

Wherefore the Commission asks the Court to:

28. Approve the Trustee's Settlement.
29. Approve the Report and Recommendation of the Trustee.
30. Order the surety, Auto-Owners Insurance Company, P.O. Box 30660, Lansing, Michigan, 48909-8160, to deposit \$280,000 within 10 days, the total amount of the bond proceeds with the Trustee for payment of the approved valid cash claims.
31. Authorize the Commission to make payments of trust fund proceeds consistent with this Report and Recommendation to persons with valid claims for grain purchased for cash by Anderson Seed Co., Inc. at Durbin and Selz, North Dakota.
32. Authorize the Commission to make payments for the credit-sale contract indemnity fund consistent with this Report and Recommendation to persons with valid credit-sale contract claims for grain purchased via credit-sale contract by Anderson Seed Co., Inc.

33. Discharge the Public Service Commission, as Trustee, once trust fund assets have been distributed and credit-sale contract indemnity payments have been made.
34. Respectfully submitted at Grand Forks, North Dakota, this **25th day of November 2013.**

/s/ Jon J. Jensen

Jon J. Jensen
Special Assistant Attorney General
ND ID #04783
PO Box 12789
3301 30th Avenue South, Suite 104
Grand Forks, ND 58208-2789
Telephone: (701) 757-2525
Fax: (701) 757-2527
Email: jjensen@jensenbata.com
Attorney for Petitioner

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Anderson Seed Co., Inc.

and

Auto-Owners Insurance Company

Respondents.

PSC Case No. GE-12-78

CIVIL NO. 09-2012-CV-00693

AFFIDAVIT OF
TIMOTHY ERDMANN

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss
)

Timothy Erdmann being duly sworn states as follows:

1. That he is a citizen of the United States of America, of legal age, residing at Denhoff, North Dakota.
2. That he is Licensing Division Grain Warehouse Inspector for the Public Service Commission (Commission).
3. That he evaluated the unpaid grain claims in the Anderson Seed Co, Inc. (Anderson Seed) warehouse insolvency to determine whether the claims were valid or invalid cash claims or valid or invalid credit-sale contract claims.

4. That he evaluated the claims filed with the Commission to determine the amount and validity of each claim based on the following factors:
 - a. Long-standing Public Service Commission precedent recognizes that a scale ticket issued by a North Dakota licensed warehouse is the best evidence of delivery to that licensed warehouse and constitutes the primary basis for determining the validity of a grain claim in an insolvency proceeding in North Dakota.
 - b. Long-standing Public Service Commission precedent also recognizes that purchase contracts with a North Dakota licensed warehouse delivery point are relevant in determining validity of a grain claim in an insolvency.
 - c. Long-standing Public Service Commission precedent also recognizes that the consideration of freight agreements and costs in determining claim validity. This consideration includes the following questions:
 - i. Did the claimant deliver the grain to the warehouse himself or pay the freight charges for that delivery?
 - ii. Did the insolvent warehouseman dispatch the freight and assess the freight charges to the claimant?
 - iii. Did the warehouseman direct the freight to bypass the licensed North Dakota purchase contract delivery point and proceed directly to another warehouse out of state (in this case Mentor, MN or Redfield, SD)?
 - iv. What freight rate was assessed when the warehouseman dispatched and directed the freight?

5. Affiant reviewed the filed claims and found they fell into one of six categories. Each category or type is described below, together with a description of how affiant analyzed each type of claim and his resulting conclusions as to validity. This review, analysis and conclusions were applied to each claim falling into each category.
6. **Claim type #1 - The most common.** The claimant delivered the grain to either Selz, ND or Durbin, ND, received a Selz, ND or Durbin, ND warehouse scale ticket. The purchase contract may or may not have designated the specific North Dakota location as the delivery point. The key factor in affiant's analysis is that North Dakota issued scale tickets are valid regardless of the delivery point designated in the purchase contract. A North Dakota issued scale ticket is the best evidence of delivery in North Dakota.
7. **Claim type #2-** This scenario is identical to claim type #1 except that Anderson Seeds dispatched the freight and the freight charges were assessed to the claimant. The key factor in affiant's analysis is that North Dakota issue scale tickets are valid regardless of the delivery point designated in the purchase contract. A North Dakota issued scale ticket is the best evidence of delivery in North Dakota.
8. **Claim type #3-** The claimant submitted a claim with a mix of scale tickets, some issued from Selz, ND or Durbin, ND and the remainder issued from Mentor, MN, or the claimant submitted a claim with all Mentor, MN issued scale tickets. The claimant's purchase contract designated Selz, ND or Durbin, ND as the delivery point. Based on affiant's review of the claim and available Anderson Seed

documents, affiant concluded that Anderson Seeds dispatched the freight and directed the unloading of that freight. Anderson Seeds controlled the freight destination resulting in these claims with a mix of scale tickets or with all Mentor, MN scale tickets. The freight charge assessed by Anderson Seeds to the claimant is the same, lower price whether the truck unloaded at the contract delivery point warehouse in North Dakota or at Mentor, MN. Anderson Seeds paid the additional freight from the North Dakota warehouse to Mentor, MN. In affiant's analysis, the North Dakota scale tickets definitely are valid. The Mentor, MN issued scale tickets should be determined valid because the purchase contract delivery point is a North Dakota warehouse. Affiant's recommendation is based on the fact that Anderson Seeds controlled the freight destination and assessed the same lower freight rate whether the grain was unloaded at a North Dakota warehouse or Mentor, MN. This constitutes evidence of delivery in North Dakota or the producer's intent to deliver in North Dakota.

9. **Claim type #4-** The claimant submitted a claim with a mix of scale tickets issued from Durbin, ND, Mentor, MN, and Redfield, SD. The purchase contract designated Redfield, SD as the delivery point. Based on affiant's review of the claim and available Anderson Seed documents, affiant concluded that Anderson Seeds dispatched and directed the freight. The Durbin, ND scale tickets were assessed a higher freight rate than the Redfield, SD or Mentor, MN scale tickets. The distance from the claimant's address to Durbin, ND is farther than the distance from claimant's address to Redfield, SD, thus that higher charge is reasonable. The Mentor, MN and Redfield, SD scale tickets were all assessed

the lower Redfield, SD freight rate. The Durbin, ND scale tickets are definitely valid. Affiant recommends that the Redfield, SD and Mentor, MN issued scale tickets be determined invalid based on the purchase contract delivery point of Redfield, SD and the lower freight rate assessed by Anderson Seeds on the Mentor, MN and Redfield, SD scale tickets. In this scenario, the North Dakota scale tickets are valid. The affiant recommends the claims based on Mentor, MN or Redfield, SD deliveries be determined invalid, as there is no evidence of delivery in North Dakota or producer intent to deliver in North Dakota.

10. **Claim type #5-** The claimant submitted a claim with a mix of scale tickets issued from Durbin, ND and Redfield, SD. The purchase contract designated Durbin, ND as the delivery point. The grain was delivered by the claimant at both locations. The Durbin ND scale tickets definitely are valid. Affiant recommends the Redfield, SD scale tickets be determined invalid, since the claimant made delivery himself over the state line to Redfield, SD.
11. **Claim type #6-** The claimant submitted scale tickets from Redfield, SD. The claimant's purchase contract designated Redfield, SD as the delivery point, and the freight not a factor. The claimant submitted scale tickets from Mentor, MN, the purchase contract designated Mentor, MN as the delivery point, and the freight is not a factor. Affiant recommends this type of claim be determined invalid because no North Dakota warehouse documents were filed and there is no evidence of North Dakota deliveries or an intent to make a North Dakota delivery. This scenario involves strictly out of state transactions.

12. Affiant used the following process and analysis to determine affiant's recommendations on valid claim amounts, resulting in some differences between the filed claim amount and the recommended amount for payment.
 - a. Numerous claimants did not allow for deduction of the mandatory sunflower promotion assessment of \$.04 (4 cents) per each net hundred weight. Affiant applied this assessment to all valid claims except the claim of Midwest Co-op/ CHS, as the origination warehouse located in South Dakota was responsible for assessing this charge in this claim.
 - b. A few claimants received a payment from Anderson Seeds for on the farm storage of their sunflowers, if delivered after a certain date as designated in their purchase contract. Affiant considered these on the farm payments as preferential treatment by Anderson Seeds. Thus, affiant deducted the on the farm storage payment amounts from the net payable claims of those claimants who received this storage payment
 - c. Affiant discovered errors in claims and made corrections for them. Affiant applied appropriate quality discounts designated in the contracts, resulting in some claims being discounted and some claims being increased accordingly.
13. Anderson Seed Co, Inc. operated licensed warehouses at Selz, ND and Durbin, ND, Mentor, MN, and Redfield, SD. Affiant understands that the Selz, ND and Durbin, ND warehouses were basically receiving and storage warehouses with minimal processing capabilities, Mentor, MN was the major processing plant, and Redfield, SD had been recently constructed as a processing plant. Prior to the recent construction of the Redfield, SD plant, all of the sunflowers received at

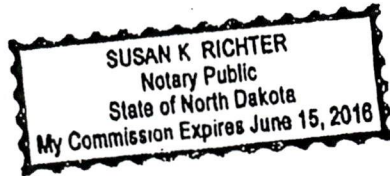
Selz, ND and Durbin, ND were transported at Anderson Seed's expense to the Mentor, MN processing plant.

Dated this 22nd day of November, 2013.

Timothy Erdmann
Timothy Erdmann

Subscribed and sworn to before me
this 22nd day of November, 2013.

Susan K Richter
Notary Public



PSC vs ANDERSON SEED CO., INC
CIVIL NO. 09-2012-CV-00693
PSC Case No. GE-12-78
Detailed claims list

Exhibit A

| 21-Nov-13 | | | | | | | | | | |
|--|---|-----------------------------------|-----------------|------------------------|--------------------|-------------------|---------------------|-------------------|---------------------------|--|
| TOTAL OBLIGATIONS | Purchase Contract # & Delivery | Credit-sale Contract # & Location | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | Page 1 of 8 Invalid Claim | |
| Claim type #1 | | | | | | | | | | |
| Appelt, Randy 3134 26th Avenue NE Martin, ND 58758 | | 460 Selt | | 976.11 | \$ 31,914.35 | | \$ 31,914.35 | | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | | |
| Claim type #1 | | | | | | | | | | |
| Appelt, Robert 3130 26 th Avenue NE Martin, ND 58758 | | 461 Selt | | 161.13 | \$ 5,256.34 | | \$ 5,256.34 | | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | | |
| Claim type #1 | | | | | | | | | | |
| Basaraba Farms LLP 37600 12th Street NE Wilton, ND 58579 | 3933 Durbin 3861 Durbin or Redfield all Durbin scale tickets | | 3634.71 | | \$ 118,791.31 | \$ 116,754.18 | | \$ (2,037.13) | | |
| Claim difference is deduction of sunflower promotion and over pricing of \$1584.39 for not filling contract 3861 prior to proceeding to contract 3933. | | | | | | | | | | |
| Claim type #6 | | | | | | | | | | |
| Braaten, Dan 5650 160th Avenue SE Kindred, ND 58051 | 3945 Redfield | | | | \$ 57,589.39 | | | | \$ 57,589.39 | |
| Invalid claim; No North Dakota documents. The claimant submitted a Redfield purchase contract and all Redfield issued scale tickets. | | | | | | | | | | |
| Claim type #6 | | | | | | | | | | |
| Brown, Jeff 9008 133rd Avenue SW Scranton, ND 58653 | 3934 Redfield | | | | \$ 17,260.52 | | | | \$ 17,260.52 | |
| Invalid claim; No North Dakota documents. The claimant submitted a Redfield purchase contract and all Redfield issued scale tickets. | | | | | | | | | | |
| Claim type #1 | | | | | | | | | | |
| Brusseau, Chad 10790 39th Street W Dickinson, ND 58601 | 3824 Durbin | | 751.3 | | \$ 24,822.70 | \$ 24,486.74 | | \$ (335.96) | | |
| Claim difference; The claimant error of using assembly# 12007 in his claim which had been paid in full versus the proper unpaid assembly# 12365. | | | | | | | | | | |
| Claim type #1 | | | | | | | | | | |
| Dewitz, Chase 2961 37th Avenue SE Steele, ND 58482 | 3979 Durbin | 429 Durbin | | 3113.56 | \$ 111,807.94 | | \$ 111,185.23 | \$ (622.71) | | |
| Claim difference is deduction of \$622.71 for on farm storage payable as indicated on the credit-sale contract. | | | | | | | | | | |

| TOTAL OBLIGATIONS | Purchase Contract # & Delivery | Credit-sale Contract # & Location | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | Invalid Claim |
|---|--------------------------------|-----------------------------------|-----------------|------------------------|------------------------------|-------------------|------------------------------|-------------------|---------------|
| Claim type #2 | | | | | | | | | |
| Doll & Pazdernik Partnership 3901 Fay Avenue N Mandan, ND 58554-8376 | 3932 Durbin | | 4788.47 | | \$ 165,000.00 | \$ 157,572.68 | | \$ (7,427.32) | |
| Claim difference, the claimant unpaid amount is an estimate. Complete accounting of all documents, balance unpaid of \$157,572.68. | | | | | | | | | |
| Claim type #6 | | | | | | | | | |
| DRO INC. Dirk O'Connor 746 Pine Creek Road Plevna, MT 59344 | 3877 Redfield | | | | \$ 107,136.22 | | | | \$ 107,136.22 |
| Invalid claim; No North Dakota documents. The claimant submitted a Redfield purchase contract and all Redfield issued scale tickets. | | | | | | | | | |
| Claim type #3 | | | | | | | | | |
| Duletski, John 3890 132nd Avenue SW Belfield, ND 58622 | 3706 Durbin | 425 Mentor 426 Durbin | | 2587.94 1095.39 | \$ 48,248.22 \$ 19,533.25 | | \$ 48,248.22 \$ 19,533.25 | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #6 | | | | | | | | | |
| Dyk, Duane 972 92nd Street SE Strasburg, ND 58573 | 3908 Redfield | 441 Redfield | | | \$ 26,371.15 | | | | \$ 26,371.15 |
| Invalid claim; No North Dakota documents. The claimant submitted a Redfield credit-sale contract, purchase contract, and scale tickets. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Enos, Derrick 151 Valley Road Baker, MT 59313 | 3924 Durbin or Redfield | | 2599.93 | | \$ 85,034.26 | \$ 84,888.28 | | \$ (145.98) | |
| Claim difference is deduction of sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Fix, Jerrold 3353 23rd Street NE Harvey, ND 58341 | 3884 Selz | | 192.72 | | \$ 5,877.96 | \$ 5,870.25 | | \$ (7.71) | |
| Claim difference is deduction of sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Gerving, Glen & Lisa PO Box 607 Glenn Ullin, ND 58531 | 3973 Durbin | | 5499.62 | | \$ 189,878.08 | \$ 189,658.09 | | \$ (219.99) | |
| Claim difference is deduction of sunflower promotion. | | | | | | | | | |
| Claim type #2 | | | | | | | | | |
| Goehring, Douglas 18250 62nd Avenue SE Menoken, ND 58558 | 3941 Durbin | | 149.9 | | \$ 11,000.00 | \$ 4,851.60 | | \$ (6,148.40) | |
| Claim difference, the claimant unpaid amount is an estimate which did not include a payment received. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Grubb, Tyler PO Box 313 Powers Lake, ND 58773 | 3825-3854 Selz | 454 Selz | | 1595.57 | \$ 48,345.70 | \$ 47,803.28 | | \$ (542.42) | |
| Claim difference is deduction of \$542.42 for error on scale ticket# 31896 over paid \$1/cwt. | | | | | | | | | |

| TOTAL OBLIGATIONS Claimant Name & Address | Purchase Contract # & Delivery | Credit-sale Contract # & Location | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | Invalid Claim |
|--|--------------------------------------|---|-----------------------|------------------------------|--------------------------|----------------------|------------------------|----------------------|------------------|
| Claim type #3 | | | | | | | | | |
| Hase, Tim | 3836 Selz | | 308.98 | | \$ 46,627.20 | \$ 9,257.04 | | \$ (264.68) | |
| 1931 28th Street NE | 3834 Selz | | 1233.62 | | | \$ 37,105.48 | | | |
| Martin, ND 58758 | | | | | | | | | |
| Split payment dual claim; \$9257.04 is valid and payable in North Dakota, \$37105.48 is a possible dual claim accepted in Minnesota. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Hauser, Dale | | 446 | | 116.65 | \$ 3,786.46 | | \$ 3,786.46 | | |
| 3230 23rd Avenue NE | | Selz | | | | | | | |
| Martin, ND 58758 | | | | | | | | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Hauser, Dick | | 432 | | 38.88 | \$ 1,262.04 | | \$ 1,262.04 | | |
| 3280 23rd Avenue NE | | Selz | | | | | | | |
| Martin, ND 58758 | | | | | | | | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Henke, Loren | | | 952.13 | | \$ 19,994.73 | \$ 19,956.64 | | \$ (38.09) | |
| 2134 Highway 31 | | | | | | | | | |
| New Salem, ND 58563 | | | | | | | | | |
| Claim difference is deduction of the sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Hill, David | 3952 | | 490.2 | | \$ 16,009.94 | \$ 15,990.33 | | \$ (19.61) | |
| 2884 84th Street NE | Selz | | | | | | | | |
| Willow City, ND 58384 | | | | | | | | | |
| Claim difference is deduction of sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Hill, Gary | 3952 | | 490.2 | | \$ 16,009.94 | \$ 15,990.33 | | \$ (19.61) | |
| 2884 84th Street NE | Selz | | | | | | | | |
| Willow City, ND 58384 | | | | | | | | | |
| Claim difference is deduction of sunflower promotion. | | | | | | | | | |
| Claim type #3 | | | | | | | | | |
| Iglehart, Travis | 3900 Durbin or | | 3924.57 | | \$ 131,721.93 | | | \$ (3,129.56) | |
| 1451 57th Avenue NW | Selz | | | | | \$ 128,592.37 | | | |
| Garrison, ND 58540 | | | | | | | | | |
| Possible dual claim; ND purchase contract with Mentor scale tickets. The claim has been accepted by Minnesota. | | | | | | | | | |
| Claim type #6 | | | | | | | | | |
| Klain, Durnell | 3935 Mentor | | | | \$ 37,104.05 | | | | \$ 37,104.05 |
| 1364 20th Street NW | | | | | | | | | |
| Ruso, ND 58778 | | | | | | | | | |
| Invalid claim; No North Dakota documents. Claim included a Mentor purchase contract and Mentor scale tickets. | | | | | | | | | |

| TOTAL OBLIGATIONS | Purchase Contract # & Delivery | Credit-sale Contract # & Location | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | Invalid Claim |
|--|---|-----------------------------------|-----------------|------------------------|--------------------|-----------------------------|---------------------|-------------------|---------------|
| Claim type #1 | | | | | | | | | |
| Kessel, Kevin 2131 132nd Avenue SW Belfield, ND 58622 | 3883 Durbin | 445 Durbin | 2325.5 | 2234.12 | \$ 149,000.00 | \$ 74,467.66 | \$ 71,784.07 | \$ (2,748.27) | |
| Claimant estimated unpaid amount, the complete accounting of documents and deduction of \$244.88 for on farm storage payment, a total unpaid of \$146,251.73. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Kohler, Trevor 2415b 23rd Avenue NW Benedict, ND 58716 | 3989 Selt 3988 Selt | | 1298.24 | | \$ 45,358.48 | \$ 45,306.55 | | \$ (51.93) | |
| Claim difference is deduction the sunflower promotion. | | | | | | | | | |
| Claim type #3 | | | | | | | | | |
| Lutes, Jay 14006 97th Street SW Bowman, ND 58623 | 3903 Durbin | | 983.24 | | \$ 34,534.40 | \$ 23,158.56 | | \$ (11,375.84) | |
| Claim difference is deductions for sunflower promotion, freight, and quality discount for excessive dark roast kernels. | | | | | | | | | |
| Claim type #3 | | | | | | | | | |
| Lutes, Jeff PO Box 244 Bowman, ND 58623 | 3947 Selt or Redfield 3895 Selt | | 2921.42 | | \$ 99,169.55 | \$ 79,027.34 \$ 6,258.71 | | \$ (13,883.50) | |
| Claim difference, Claimant use gross weight and deductions for sunflower promotion, freight, and payment received. | | | | | | | | | |
| Claim type #2 | | | | | | | | | |
| Lazorenko, Kristy 899 Brew Street Killdeer, ND 58640 | 3833 Durbin | | 989.4 | | \$ 31,853.24 | \$ 29,425.01 | | \$ (2,428.23) | |
| Claim difference is deduction of freight and sunflower promotion plus increase of \$110.21, claimant pricing error on scale ticket #92153. | | | | | | | | | |
| Claim type #2 | | | | | | | | | |
| Lazorenko, Scott 899 Brew Street Killdeer, ND 58640 | 3833 Durbin | | 989.41 | | \$ 31,852.71 | \$ 29,425.01 | | \$ (2,427.70) | |
| Claim difference is deduction of freight and sunflower promotion plus increase of \$110.21, claimant pricing error on scale ticket #92153. | | | | | | | | | |
| Claim type #5 | | | | | | | | | |
| Meldinger, Cordel PO BOX 54 Herried, SD 5763 | 3840 Durbin 3846 Drbn-Rdfd 3856 Drbn-Rdfd | | 1842.21 | | \$ 61,984.42 | \$ 41,496.62 | | \$ (109.90) | \$ 20,377.90 |
| Split payment claim; \$41,496.62 is valid and payable in North Dakota, \$20,377.90 is an invalid portion of the claim accounted on Redfield, SD documents. Additional claim difference is deduction of the sunflower promotion of \$109.90. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Peerboom Farms 480 16th Avenue SE Goodrich, ND 58444 | 3820 Selt | | 5450.78 | | \$ 164,787.59 | \$ 164,556.32 | | \$ (231.27) | |
| Claim difference is deduction of the sunflower promotion. | | | | | | | | | |

| TOTAL OBLIGATIONS Claimant Name & Address | Purchase Contract # & Delivery | Credit-sale Contract # & Location | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | |
|---|--------------------------------------|---|-----------------------|------------------------------|--------------------------|-------------------------------|------------------------|----------------------|--------------|
| Claim type #3 | | | | | | | | | |
| Peiton, Ronald 140 92nd Avenue NW Halliday, ND 58536 | 3875 Durbin or Redfield | 442 Durbin | 4800 | 2008.44 | \$ 189,620.42 | \$ 113,190.77 \$ 24,501.24 | \$ 67,750.30 | \$ 15,821.89 | |
| scale tickets, 13 Durbin & 2 Mentor Claim difference; Unknown how claimant unpaid amount was determined. Complete accounting of all documents creates a total unpaid amount of \$205,442.31. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Pfelle, Dan 418 Avenue EE Napoleon, ND 58561 | 3841 Durbin or Redfield | | 3935.39 | | \$ 128,396.45 | \$ 128,027.30 | | \$ (369.15) | |
| all Durbin scale tickets Claim difference is deduction of the sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Pfliger, Thomas 1117 Expansion Drive Hazen, ND 58545 | 3887 Selz | | 284.1 | | \$ 8,807.10 | \$ 8,795.74 | | \$ (11.36) | |
| Claim difference is deduction of the sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Raugust, Kim 1350 19th Avenue NE Goodrich, ND 58444 | | 444 Selz | | 513.92 | \$ 18,480.56 | | \$ 18,480.56 | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Rauser, Chadwick 1521 14th Street NE Goodrich, ND 58444 | 3829 Selz | 440 Selz | | 2627.48 | \$ 61,383.26 | | \$ 61,383.26 | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Rauser Family Farm Inc. 1521 14th Street NE Goodrich, ND 58444 | | | 487.08 | | \$ 16,944.39 | \$ 16,906.47 | | \$ (37.92) | |
| Claim difference is deduction of the sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Richter, Michael 1261 18th Avenue NE Goodrich, ND 58444 | 3948 Selz | 455 Selz | | 1291.64 | \$ 42,172.55 | | \$ 42,172.55 | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #4 | | | | | | | | | |
| Rodenburg, Todd 9530 9th Avenue, SE Hague, ND 58542 | 3971 Redfield | 458-D 457-M 459-R | 5161.92 | 835.66 | \$ 241,591.74 | \$ 173,545.19 | \$ 29,026.79 | \$ (2,893.50) | \$ 36,126.26 |
| The claim documents submitted were scribbled and not legible. A full accounting of all documents; North Dakota payable, cash \$173,545.19 and credit-sale of \$29,026.79. Total invalid amount is on credit-sale contracts payable partially in MN & SD of \$36,126.26. The error discount portion of \$2893.50 is the sunflower promotion and of unknown determination. | | | | | | | | | |

| TOTAL OBLIGATIONS | Purchase Contract # & Delivery | Credit-sale Contract # & Location | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | Invalid Claim |
|--|--|---|-----------------|------------------------|--------------------|-------------------|------------------------------|-------------------|---------------|
| Claim type #3 | | | | | | | | | |
| Schmitcke, Kelly 235 64th Street SE Hazelton, ND 58544 | 3864 Durbin | 450-M 452-D Durbin & Mentor scale tickets | | 1131.73 | \$ 35,359.24 | | \$ 27,966.52 \$ 7,392.72 | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #3 | | | | | | | | | |
| Schmitcke, Michael 235 64th Street SE Hazelton, ND 58544 | 3864 Durbin | 449-M 453-D Durbin & Mentor scale tickets | | 1131.73 | \$ 35,359.24 | | \$ 27,966.52 \$ 7,392.72 | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #3 | | | | | | | | | |
| Schmitcke, Wayne 235 64th Street SE Hazelton, ND 58544 | 3864 Durbin | 448-M 451-D Durbin & Mentor scale tickets | | 2263.41 | \$ 70,716.87 | | \$ 55,932.69 \$ 14,784.18 | | |
| No difference between the claim and final determined amount payable. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Schneider, Jeff 5932 25th Avenue SE Kintrye, ND 58549 | 3823 Durbin or Redfield all Durbin scale tickets | | 2072.44 | | \$ 67,872.41 | \$ 67,789.53 | | \$ (82.88) | |
| Claim difference is deduction of the sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Sletto, Greg 502 Dakota Street Willow City, ND 58384 | 3894 Selz | | 212.32 | | \$ 7,113.77 | \$ 6,354.28 | | \$ (759.49) | |
| Claim difference; amount unpaid in claim 231.87 cwt, accounting of all documents assembled, 212.32 cwt unpaid plus deduction of sunflower promotion. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Stelchen Farms 320 22nd Avenue NE Goodrich, ND 58444 | 3968 Mentor 3821 Durbin all Durbin scale tickets | | 2816.98 | | \$ 86,763.05 | \$ 86,536.52 | | \$ (226.53) | |
| Claim difference is deduction of sunflower promotion and deduction of \$113.84 for on farm storage payment received with settlement #1928 on 01/31/12. | | | | | | | | | |
| Tri-Steel Manufacturing Co. | | | | | | | | | |
| 3001 N. Washington Street PO Box 14716 Grand Forks, ND 58208-4716 | | | | | \$ 24,800.65 | | | \$ 24,800.65 | |
| Invalid claim; unpaid balance is not for grain sold or delivered, it is for the sale of merchandise and or services provided. | | | | | | | | | |
| Claim type #1 | | | | | | | | | |
| Wanner, David 6975 38th Street Hebron, ND 58638 | 3837 Durbin | 434 Durbin | 1343.22 | 1212.03 | \$ 83,538.14 | \$ 43,936.73 | \$ 39,499.20 | \$ (102.21) | |
| Claim difference is deduction of the sunflower promotion. Total payable \$83,435.93. | | | | | | | | | |

| TOTAL OBLIGATIONS Claimant Name & Address | Purchase Contract # & Delivery | Credit-sale Contract # & Location | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount |
|--|--------------------------------------|---|-----------------------|------------------------------|--------------------------|----------------------|------------------------|----------------------|
| Claim type #1 Weigel, Robert 2651 66th Street SE Kintrye, ND 58549 | 3866 Mentor Redfield | 433 Durbin | | 2110.18 | \$ 68,496.45 | | \$ 68,496.45 | |
| No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 Voller, Jim 1310 89th Street SE Strasburg, ND 58573 | 3972 Durbin | | 1146.71 | | \$ 42,055.40 | \$ 41,522.37 | | \$ (533.03) |
| Claim difference is deduction of sunflower promotion and deduction of \$.25/cwt per contract for smaller seed size. | | | | | | | | |
| Claim type #1 Faul, Michael 1580 9th Avenue NE McClusky, ND 58463 | 3939 Selz | | 5211.19 | | \$ 172,878.21 | \$ 72,236.28 | | \$ (445.92) |
| Claim difference is deduction of sunflower promotion, 5211.19 cwt unpaid at \$33.13/cwt average price on the total delivery, minus payable to share holders. | | | | | | | | |
| Coombs, Edward 206 Park Street PO Box 32 Martin, ND 58758 | 3939 Selz | | | | \$ - | \$ 15,101.99 | | |
| Per instructions from Michael Faul claim; Edward Coombs is a share holder in the amount of 456.35 cwt at \$33.13/cwt. | | | | | | | | |
| Faul, Jerome & Agnes 1150 17th Street SE Denhoff, ND 58430 | 3939 Selz | | | | \$ - | \$ 41,366.25 | | |
| Per instructions from Michael Faul claim; Jerome & Agnes Faul are share holders in the amount of 1250 cwt at \$33.13/cwt. | | | | | | | | |
| Thomas, Brian 1070 15th Street NE McClusky, ND 58463 | 3939 Selz | | | | \$ - | \$ 41,366.25 | | |
| Per instructions from Michael Faul claim; Brian Thomas is a share holder in the amount of 1250 cwt at \$33.13/cwt. | | | | | | | | |
| Waltz, Ronald G 875 Grove Street SW Hutchinson, MN 55350-3105 | 3939 Selz | | | | \$ - | \$ 2,361.52 | | |
| Per instructions from Michael Faul claim; Ronald Waltz is a share holder in the amount of 71.36 cwt at \$33.13/cwt. | | | | | | | | |

| TOTAL OBLIGATIONS | Purchase Contract # | Credit-sale Contract # | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | Page 8 of 8 Invalid Claim |
|----------------------------|-------------------------|------------------------|-----------------|------------------------|--------------------|-------------------|---------------------|-------------------|---------------------------|
| Claimant Name & Address | & Delivery | & Location | | | | | | | |
| Claim type #2 & #6 | | | | | | | | | |
| CHS, Inc. | | | | | | | | | |
| d/b/a Midwest Cooperatives | 3815 Pierre-Blunt-Onida | | | | | | | | |
| Jon R Brakke/Attorney | 3819 Redfield | | 1629.82 | | \$ 740,140.52 | \$ 45,512.96 | | \$ (4,091.20) | \$ 557,888.82 |
| Vogel Law Firm | 3891 Redfield | | | | | | | | \$ 132,647.54 |
| 218 NP Avenue PO Box 1389 | 3998 pierre-Onida | | | | | | | | |
| Fargo ND 58107-1389 | | | | | | | | | |

Claim difference: Unknown how claimant unpaid amount was determined. The net unpaid amount delivered to North Dakota of \$45,512.96. The discount of \$4,091.20 is the freight charge to transfer the product from South Dakota to Durbin ND. The invalid portion amount of \$557,888.82 is the unpaid grain delivered to Anderson Seeds at Mentor Mn. And Redfield SD. The invalid portion amount of \$132,647.54 is of unknown determination.

| | ND Cash Net CWT | ND Credit-sale Net CWT | Filed Claim Amount | Payable Cash Sale | Payable Credit-sale | Error or Discount | Invalid Claim |
|--------|-----------------|------------------------|--------------------|-------------------|---------------------|-------------------|-----------------|
| Totals | 70,917.72 | 27,045.57 | \$ 4,107,414.49 | \$ 2,233,147.18 | \$ 809,017.70 | \$ (47,947.11) | \$ 1,017,302.50 |

PSC vs ANDERSON SEED CO., INC
CIVIL NO. 09-2012-CV-00693
PSC Case No. GE-12-78
Valid Cash Claims

Exhibit B

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| Claimant Name & Address | Purchase Contract | Contract Delivery | Net CWT | Filed Claim Amount | Error or Discount | Payable Cash Amount |
|--|-------------------|------------------------------|---------|--------------------|-------------------|---------------------|
| Claim type #1 | | | | | | |
| Basaraba Farms LLP 37600 12th Street NE Wilton, ND 58579 | 3933 3861 | Durbin Durbin or Redfield | 3634.71 | \$ 118,791.31 | \$ (2,037.13) | \$ 116,754.18 |
| scale tickets all Durbin freight claimant delivered Claim difference is deduction of sunflower promotion and over pricing of \$1584.39 for not filling contract 3861 prior to proceeding to contract 3933. | | | | | | |
| Claim type #1 | | | | | | |
| Brusseau, Chad 10790 39th Street W Dickinson, ND 58601 | 3824 | Durbin | 751.3 | \$ 24,822.70 | \$ (335.96) | \$ 24,486.74 |
| scale tickets all Durbin freight claimant delivered Claim difference; The claimant error of using assembly# 12007 in his claim which had been paid in full versus the proper unpaid assembly # 12365. | | | | | | |
| Claim type #1 & #2 | | | | | | |
| Doll & Pazdernik Partnership 3901 Fay Avenue N Mandan, ND 58554-8376 | 3932 | Durbin | 4788.47 | \$ 165,000.00 | \$ (7,427.32) | \$ 157,572.68 |
| scale tickets all Durbin- freight a mix of claimant delivery & Andersons dispatched Claim difference, the claimant unpaid amount is an estimate. Complete accounting of all documents, balance unpaid of \$157,572.68 | | | | | | |
| Claim type #1 | | | | | | |
| Enos, Derrick 151 Valley Road Baker, MT 59313 | 3924 | Durbin or Redfield | 2599.93 | \$ 85,034.26 | \$ (145.98) | \$ 84,888.28 |
| scale tickets all Durbin- Freight claimant delivered Claim difference is deduction of sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Fix, Jerrold 3353 23rd Street NE Harvey, ND 58341 | 3884 | Selz | 192.72 | \$ 5,877.96 | \$ (7.71) | \$ 5,870.25 |
| scale ticket Selz- freight claimant delivered Claim difference is deduction of sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Gerving, Glen & Lisa PO Box 607 Glenn Ullin, ND 58631 | 3973 | Durbin | 5499.62 | \$ 189,878.08 | \$ (219.99) | \$ 189,658.09 |
| scale tickets all Durbin- freight claimant delivered Claim difference is deduction of sunflower promotion. | | | | | | |
| Claim type #2 | | | | | | |
| Goehring, Douglas 18250 62nd Avenue SE Menoken, ND 58558 | 3941 | Durbin | 149.9 | \$ 11,000.00 | \$ (6,148.40) | \$ 4,851.60 |
| scale ticket Durbin - freight Andersons dispatched Claim difference, the claimant unpaid amount is an estimate. Complete accounting of all documents, balance unpaid of \$4851.60. Claim did not include \$5096.75 payment. | | | | | | |

| Claimant Name & Address | Purchase Contract | Contract Delivery | Net CWT | Filed Claim Amount | Error or Discount | Payable Cash Amount |
|---|---------------------|-------------------|---------|--------------------|-------------------|---------------------|
| Claim type #3 | | | | | | |
| Hase, Tim | 3836 Selz | | 308.98 | \$ 46,627.20 | \$ (264.68) | \$ 9,257.04 |
| 1931 28th Street NE | 3834 Selz | | 1233.62 | | | \$ 37,105.48 |
| Martln, ND 58758 scale tickets 2 Selz & 3 Mentor - freight- Selz, claimant delivered- Mentor, Andersons dispatched Selz rate \$.15/cwt Split payment dual claim; \$9257.04 is valid and payable in North Dakota, \$37,105.48 is a possible dual claim accepted in Minnesota. Claim difference is freight and sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Henke, Loren | 3715 | Durbin | 952.13 | \$ 19,994.73 | \$ (38.09) | \$ 19,956.64 |
| 2134 Highway 31 New Salem, ND 58563 2 Durbin scale tickets- freight claimant paid freight Claim difference is deduction of the sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Hill, David | 3952 | Selz | 490.2 | \$ 16,009.94 | \$ (19.61) | \$ 15,990.33 |
| 2884 84th Street NE Willow City, ND 58384 scale tickets all Selz- freight claimant delivered Claim difference is deduction of sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Hill, Gary | 3952 | Selz | 490.2 | \$ 16,009.94 | \$ (19.61) | \$ 15,990.33 |
| 2884 84th Street NE Willow City, ND 58384 scale tickets all Selz - freight claimant delivered Claim difference is deduction of sunflower promotion. | | | | | | |
| Claim type #3 | | | | | | |
| Iglehart, Travis | 3900 Durbin or Selz | | 3924.57 | \$ 131,721.93 | \$ (3,129.56) | \$ 128,592.37 |
| 1451 57th Avenue NW Garrison, ND 58540 scale tickets all Mentor - freight Andersons dispatched Selz rate \$.60/cwt Possible dual claim; ND purchase contract with Mentor scale tickets. Claim accepted in Minnesota. Claim difference, under priced by claimant, deduction for freight and sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Kessel, Kevin | 3883 | Durbin | 2325.5 | \$ 77,215.93 | \$ (2,748.27) | \$ 74,467.66 |
| 2131 132nd Avenue SW Belfield, ND 58622 scale tickets all Durbin - freight claimant delivered Claimant estimated the unpaid amount. The complete accounting of documents, the deduction of \$244.88 on farm storage payment received, and errors on assembly # 1322 leaves a cash payable of \$74,467.66. | | | | | | |
| Claim type #1 | | | | | | |
| Kohler, Trevor | 3988 | Selz | 1298.24 | \$ 45,358.48 | \$ (51.93) | \$ 45,306.55 |
| 2415b 23rd Avenue NW Benedict, ND 58716 scale tickets all Selz- freight claimant delivered Claim difference is deduction the sunflower promotion. | | | | | | |
| Claim type #3 | | | | | | |
| Lutes, Jay | 3903 | Durbin | 983.24 | \$ 34,534.40 | \$ (11,375.84) | \$ 23,158.56 |
| 14006 97th Street SW Bowman, ND 58623 2 Mentor scale tickets- Freight Andersons dispatched charged Selz rate \$2.50/cwt Claim difference is deductions for sunflower promotion, freight, and quality discount for excessive dark roast kernels. The claim was based on gross weight not net weight. | | | | | | |

| Claimant Name & Address | Purchase Contract | Contract Delivery | Net CWT | Filed Claim Amount | Error or Discount | Payable Cash Amount |
|---|-------------------|---------------------------------|---------|--------------------|-------------------------------|-------------------------------|
| Claim type #3 | | | | | | |
| Lutes, Jeff PO Box 244 Bowman, ND 58623 | 3947 | Selz or Redfield | 2921.42 | \$ 99,169.55 | \$ (13,883.50) | \$ 79,027.34 \$ 6,258.71 |
| scale tickets 1 Mentor 5 Selz- Freight Andersons dispatched charged Selz rate \$2.50/cwt Claim difference; Claim was based on gross weight. Difference is deductions for sunflower promotion, freight, payment received, and recalculated on net weight. | | | | | | |
| Claim type #2 | | | | | | |
| Lazorenko, Kristy 899 Brew Street Killdeer, ND 58640 | 3833 | Durbin | 989.4 | \$ 31,853.24 | \$ (2,428.23) | \$ 29,425.01 |
| scale tickets all Durbin- freight Andersons dispatched Claim difference is deduction of freight and sunflower promotion plus increase of \$110.21, claimant pricing error on scale ticket #92153 | | | | | | |
| Claim type #2 | | | | | | |
| Lazorenko, Scott 899 Brew Street Killdeer, ND 58640 | 3833 | Durbin | 989.41 | \$ 31,852.71 | \$ (2,427.70) | \$ 29,425.01 |
| scale tickets all Durbin- freight Andersons dispatched Claim difference is deduction of freight and sunflower promotion plus increase of \$110.21, claimant pricing error on scale ticket #92153 | | | | | | |
| Claim type #5 | | | | | | |
| Meldinger, Cordel PO BOX 54 Herried, SD 5763 | 3840 | Durbin Durbin Drbn-Rdflld | 1842.21 | \$ 61,984.42 | \$ (20,377.90) \$ (109.90) | \$ 41,496.62 |
| 4 Durbin scale tickets- freight claimant delivered Split payment claim; \$41,496.62 is valid and payable in North Dakota, \$20,377.90 is an invalid portion of the claim accounted on Redfield. SD documents. Additional difference is deduction of sunflower promotion of \$109.90. | | | | | | |
| Claim type #1 | | | | | | |
| Peerboom Farms 480 16th Avenue SE Goodrich, ND 58444 | 3820 | Selz | 5450.78 | \$ 164,787.59 | \$ (231.27) | \$ 164,556.32 |
| scale tickets all Selz - freight claimant delivered Claim difference is deduction of the sunflower promotion. | | | | | | |
| Claim type #3 | | | | | | |
| Pelton, Ronald 140 92nd Avenue NW Halliday, ND 58636 | 3875 | Durbin or Redfield | 4800 | \$ 121,870.12 | \$ 15,821.89 | \$ 113,190.77 \$ 24,501.24 |
| scale tickets 12 Durbin & 2 Mentor- Freight Andersons dispatched Durbin rate \$2.17/cwt Claim difference; Unknown how claimant unpaid amount was determined. Complete accounting of all documents creates a total cash payable of \$137,692.01. | | | | | | |
| Claim type #1 | | | | | | |
| Pfeifle, Dan 418 Avenue EE Napoleon, ND 58561 | 3841 | Durbin or Redfield | 3935.39 | \$ 128,396.45 | \$ (369.15) | \$ 128,027.30 |
| scale tickets all Durbin- freight claimant delivered Claim difference is deduction of the sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Pfliger, Thomas 1117 Expansion Drive Hazen, ND 58545 | 3887 | Selz | 284.1 | \$ 8,807.10 | \$ (11.36) | \$ 8,795.74 |
| scale ticket Selz- freight claimant delivered Claim difference is deduction of the sunflower promotion. | | | | | | |

| Claimant Name & Address | Purchase Contract | Contract Delivery | Net CWT | Filed Claim Amount | Error or Discount | Payable Cash Amount |
|---|-------------------|--------------------|---------|--------------------|-------------------|--------------------------|
| Claim type #1 | | | | | | |
| Rauser Family Farm Inc. 1521 14th Street NE Goodrich, ND 58444 | cash sale | | 487.08 | \$ 16,944.39 | \$ (37.92) | \$ 16,906.47 |
| scale tickets all Selz - freight claimant delivered Claim difference is deduction of the sunflower promotion. | | | | | | |
| Claim type #4 | | | | | | |
| Rodenburg, Todd 9530 9th Avenue, SE Hague, ND 58542 | 3971 | Redfield | 5161.92 | \$ 176,438.69 | \$ (2,893.50) | \$ 173,545.19 |
| 19 scale tickets Durbin - freight Andersons dispatched Durbin rate \$1.76/cwt The claim documents submitted were scribbled and not legible. A full accounting of all assembled documents created a cash payable of \$173,545.19. The error discount portion of \$2893.50 is the sunflower promotion and of unknown determination. | | | | | | |
| Claim type #1 | | | | | | |
| Schnelder, Jeff 5932 25th Avenue SE Kintrye, ND 58549 | 3823 | Durbin or Redfield | 2072.44 | \$ 67,872.41 | \$ (82.88) | \$ 67,789.53 |
| scale tickets all Durbin- freight claimant delivered Claim difference is deduction of the sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Sletto, Greg 502 Dakota Street Willow City, ND 58384 | 3894 | Selz | 212.32 | \$ 7,113.77 | \$ (759.49) | \$ 6,354.28 |
| scale tickets all Selz - freight claimant delivered Claim difference; The amount unpaid in claim 231.87 cwt, accounting of all documents indicated 212.32 cwt unpaid plus deduction of sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Steichen Farms 320 22nd Avenue NE Goodrich, ND 58444 | 3968 3821 | Mentor Durbin | 2816.98 | \$ 86,763.05 | \$ (226.53) | \$ 86,536.52 |
| scale tickets all Durbin- freight claimant delivered Claim difference is deduction of sunflower promotion and deduction of \$113.84 on farm storage payment received with settlement #1928 on 01/31/12. | | | | | | |
| Claim type #1 | | | | | | |
| Wanner, David 6975 38th Street Hebron, ND 58638 | 3837 | Durbin | 1343.22 | 1212.03 | \$ 44,038.94 | \$ (102.21) \$ 43,936.73 |
| 4 Durbin scale tickets- freight claimant delivered Claim difference is deduction of the sunflower promotion. | | | | | | |
| Claim type #1 | | | | | | |
| Voller, Jim 1310 89th Street SE Strasburg, ND 58573 | 3972 | Durbin | 1146.71 | \$ 42,055.40 | \$ (533.03) | \$ 41,522.37 |
| scale tickets all Durbin- freight claimant delivered Claim difference is deduction of sunflower promotion and deduction of \$.25/cwt per contract for smaller seed size as indicated in the purchase contract. | | | | | | |

| Claimant Name & Address | Purchase Contract | Contract Delivery | Net CWT | Filed Claim Amount | Error or Discount | Payable Cash Amount |
|--|--|-------------------|-----------|--------------------|---|---------------------|
| Claim type #1 | | | | | | |
| Faul, Michael 1580 9th Avenue NE McClusky, ND 58463 | 3939 | Selz | 5211.19 | \$ 172,878.21 | \$ (445.92) | \$ 72,236.28 |
| scale tickets all Selz- freight claimant delivered Claim difference; Deduction of sunflower promotion, over priced at \$.04/CWT by claimant, and payments to shareholders in the amount of \$100,196.01 per MR. Faul's Instructions. | | | | | | |
| Coombs, Edward 206 Park Street PO Box 32 Martin, ND 58758 | 3939 | Selz | | \$ - | | \$ 15,101.99 |
| Per Instructions from Michael Faul claim; Edward Coombs is a share holder in the amount of 456.35 cwt at \$33.13/cwt. | | | | | | |
| Faul, Jerome & Agnes 1150 17th Street SE Denhoff, ND 58430 | 3939 | Selz | | \$ - | | \$ 41,366.25 |
| Per Instructions from Michael Faul claim; Jerome & Agnes Faul are share holders in the amount of 1250 cwt at \$33.13/cwt. | | | | | | |
| Thomas, Brian 1070 15th Street NE McClusky, ND 58463 | 3939 | Selz | | \$ - | | \$ 41,366.25 |
| Per Instructions from Michael Faul claim; Brian Thomas is a share holder in the amount of 1250 cwt at \$33.13/cwt. | | | | | | |
| Waltz, Ronald G 875 Grove Street SW Hutchinson, MN 55350-3105 | 3939 | Selz | | \$ - | | \$ 2,361.52 |
| Per instructions from Michael Faul claim; Ronald Waltz is a share holder in the amount of 71.36 cwt at \$33.13/cwt. | | | | | | |
| Claim type #2 & 6 | | | | | | |
| CHS, Inc. d/b/a Midwest Cooperatives Jon R Brakke/Attorney Vogel Law Firm 218 NP Avenue PO Box 1389 Fargo ND 58107-1389 | 3815 Pierre-Blunt-Onida 3819 Redfield 3891 Redfield 3998 pierre-Onida | | 1629.82 | \$ 740,140.52 | \$ (4,091.20) \$ (557,888.82) \$ (132,647.54) | \$ 45,512.96 |
| 3 Durbin scale tickets- freight Andersons dispatched charges 2 loads at \$2.46/cwt & 1 load at \$2.20/cwt Claim difference; Unknown how claimant unpaid amount was determined. Unpaid net amount delivered to Durbin, North Dakota of \$45,512.96. The discount of \$4,091.20 is the freight charge to transfer the product from South Dakota to Durbin ND. The invalid portion amount of \$557,888.82 is the unpaid grain delivered to Anderson Seeds at Mentor Mn. And Redfield SD. The invalid portion amount of \$132,647.54 is of unknown determination. | | | | | | |
| Totals | | | 70,917.72 | \$ 2,990,843.42 | \$ (757,696.24) | \$ 2,233,147.18 |

PSC vs ANDERSON SEED CO., INC
CIVIL NO. 09-2012-CV-00693
PSC Case No. GE-12-78
Valid Credit Sale Claims

Exhibit C

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| TOTAL OBLIGATIONS Claimant Name & Address | Purchase Contract # & Delivery | Credit-sale Contract # & Location | Grain | Credit-Sale Net CWT | Filed Claim Amount | Error Increase or Discount | Payable Credit-sale Amount | 80% Credit-sale Amount |
|---|--------------------------------------|---|------------------------------|------------------------|------------------------------|----------------------------------|----------------------------------|------------------------------|
| Claim type #1 | | | | | | | | |
| Appelt, Randy 3134 26th Avenue NE Martin, ND 58758 | | 460 Selz | oil sflr | 976.11 | \$ 31,914.35 | | \$ 31,914.35 | \$ 25,531.48 |
| All Selz Documents. - No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Appelt, Robert 3130 26 th Avenue NE Martin, ND 58758 | | 461 Selz | oil sflr | 161.13 | \$ 5,256.34 | | \$ 5,256.34 | \$ 4,205.07 |
| All Selz Documents. - No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Dewitz, Chase 2961 37th Avenue SE Steele, ND 58482 | 3979 Durbin | 429 Durbin | oil sflr | 3113.56 | \$ 111,807.94 | \$ (622.71) | \$ 111,185.23 | \$ 88,948.18 |
| All Durbin documents.- Claim difference is deduction of \$622.71 for on farm storage as indicated on the credit-sale contract. | | | | | | | | |
| Claim type #3 | | | | | | | | |
| Duletski, John 3890 132nd Avenue SW Belfield, ND 58622 | 3706 Durbin | 425 Mentor 426 Durbin | con-oil sflr con-oil sflr | 2587.94 1095.39 | \$ 48,248.22 \$ 19,533.25 | | \$ 48,248.22 \$ 19,533.25 | \$ 38,598.58 \$ 15,626.60 |
| Durbin & Mentor credit-sale documents with a Durbin delivery contract are valid.- freight Andersons dispatched Durbin rate \$1.60/cwt No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Grubb, Tyler PO Box 313 Powers Lake, ND 58773 | 3825-3854 Selz | 454 Selz | oil sflr | 1595.57 | \$ 48,345.70 | \$ (542.42) | \$ 47,803.28 | \$ 38,242.62 |
| All Selz documents. -Claim difference is deduction of \$542.42 for error on scale ticket# 31896 with an over payment of \$1/cwt. | | | | | | | | |

| TOTAL OBLIGATIONS Claimant Name & Address | Purchase Contract # & Delivery | Credit-sale Contract # & Location | Grain | Credit-Sale Net CWT | Filed Claim Amount | Error or Discount | Payable Credit-sale Amount | 80% Credit-sale Amount |
|---|--------------------------------------|---|--------------|------------------------|--------------------------|----------------------|----------------------------------|---------------------------|
| Claim type #1 | | | | | | | | |
| Hauser, Dale 3230 23rd Avenue NE Martin, ND 58758 | | 446 Selz | oil sflr | 116.65 | \$ 3,786.46 | | \$ 3,786.46 | \$ 3,029.17 |
| All Selz Documents. - No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Hauser, Dick 3280 23rd Avenue NE Martin, ND 58758 | | 432 Selz | oil sflr | 38.88 | \$ 1,262.04 | | \$ 1,262.04 | \$ 1,009.63 |
| All Selz Documents. - No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Kessel, Kevin 2131 132nd Avenue SW Belfield, ND 58622 | 3883 Durbin | 445 Durbin | Con-oil sflr | 2234.12 | \$ 71,784.07 | | \$ 71,784.07 | \$ 57,427.26 |
| All Durbin documents No difference between the credit-sale portion of the claim and final determined credit-sale amount payable. | | | | | | | | |
| Claim type #2 | | | | | | | | |
| Pelton, Ronald 140 92nd Avenue NW Halliday, ND 58636 | 3875 Durbin or Redfield | 442 Durbin | con-oil sflr | 2008.44 | \$ 67,750.30 | | \$ 67,750.30 | \$ 54,200.24 |
| The credit-sale portion is all Durbin documents. No difference between the credit-sale portion of the claim and final determined credit-sale amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Raugust, Kim 1350 19th Avenue NE Goodrich, ND 58444 | | 444 Selz | oil sflr | 513.92 | \$ 18,480.56 | | \$ 18,480.56 | \$ 14,784.45 |
| All Selz Documents. - No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Rauser, Chadwick 1521 14th Street NE Goodrich, ND 58444 | 3829 Selz | 440 Selz | oil sflr | 2627.48 | \$ 61,383.26 | | \$ 61,383.26 | \$ 49,106.61 |
| All Selz Documents. - No difference between the claim and final determined amount payable. | | | | | | | | |

| TOTAL OBLIGATIONS | Purchase Contract # & Delivery | Credit-sale Contract # & Location | Grain | Credit-Sale Net CWT | Filed Claim Amount | Error or Discount | Payable Credit-sale Amount | 80% Credit-sale Amount |
|---|--------------------------------|-----------------------------------|-------------------------------|---------------------|------------------------------|-------------------|------------------------------|------------------------------|
| Claim type #1 | | | | | | | | |
| Richter, Michael 1261 18th Avenue NE Goodrich, ND 58444 | 3948 Selz | 455 Selz | oil sflr | 1291.64 | \$ 42,172.55 | | \$ 42,172.55 | \$ 33,738.04 |
| All Selz Documents. - No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #4 | | | | | | | | |
| Rodenburg, Todd 9530 9th Avenue, SE Hague, ND 58542 | 3971 Redfield | 458-D 457-M 459-R | con-oil con-oil con-oil | 835.66 | \$ 29,026.79 | | \$ 29,026.79 | \$ 23,221.43 |
| Durbin documents are valid, Mentor & Redfield documents are invalid - freight Andersons dispatched Durbin rate \$1.76/cwt The claim included credit-sale contracts from Minnesota, South Dakota, & North Dakota. The North Dakota credit-sale contract is applicable to this proceeding, the out of state credit-sale contracts are invalid. | | | | | | | | |
| Claim type #3 | | | | | | | | |
| Schmitcke, Kelly 235 64th Street SE Hazelton, ND 58544 | 3864 Durbin | 450-M 452-D | con-oil sflr con-oil | 895.64 236.09 | \$ 27,966.52 \$ 7,392.72 | | \$ 27,966.52 \$ 7,392.72 | \$ 22,373.22 \$ 5,914.18 |
| Durbin & Mentor credit-sale documents with a Durbin delivery contract are valid.- freight Andersons dispatched Durbin rate \$1.35/cwt No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #3 | | | | | | | | |
| Schmitcke, Michael 235 64th Street SE Hazelton, ND 58544 | 3864 Durbin | 449-M 453-D | con-oil sflr con-oil | 895.64 236.09 | \$ 27,966.52 \$ 7,392.72 | | \$ 27,966.52 \$ 7,392.72 | \$ 22,373.22 \$ 5,914.18 |
| Durbin & Mentor credit-sale documents with a Durbin delivery contract are valid.- freight Andersons dispatched Durbin rate \$1.35/cwt No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #3 | | | | | | | | |
| Schmitcke, Wayne 235 64th Street SE Hazelton, ND 58544 | 3864 Durbin | 448-M 451-D | con-oil sflr con-oil | 1791.27 472.14 | \$ 55,932.69 \$ 14,784.18 | | \$ 55,932.69 \$ 14,784.18 | \$ 44,746.15 \$ 11,827.34 |
| Durbin & Mentor credit-sale documents with a Durbin delivery contract are valid.- freight Andersons dispatched Durbin rate \$1.35/cwt No difference between the claim and final determined amount payable. | | | | | | | | |
| Claim type #1 | | | | | | | | |
| Wanner, David 6975 38th Street Hebron, ND 58638 | 3837 Durbin | 434 Durbin | con-oil sflr | 1212.03 | \$ 39,499.20 | | \$ 39,499.20 | \$ 31,599.36 |
| All Durbin documents. No difference between the credit-sale portion of the claim and final determined credit-sale amount payable. | | | | | | | | |

| TOTAL OBLIGATIONS | Purchase | Credit-sale | | | Filed | | Payable | |
|--|----------------------------|-----------------------|--------------|--------------------|---------------|-----------------|--------------------|------------------------|
| Claimant Name & Address | Contract # | Contract # | Grain | Credit-Sale | Claim | Error or | Credit-sale | 80% Credit-sale |
| | & Delivery | & Location | | Net CWT | Amount | Discount | Amount | Amount |
| Claim type #1 | | | | | | | | |
| Weigel, Robert 2651 66th Street SE Kintrye, ND 58549 | 3866 Mentor or Redfield | 433 Durbin | con-oll sflr | 2110.18 | \$ 68,496.45 | | \$ 68,496.45 | \$ 54,797.16 |
| All Durbin documents. | | | | | | | | |
| No difference between the claim and final determined amount payable. | | | | | | | | |

Totals

27045.57 \$ 810,182.83 \$ (1,165.13) \$ 809,017.70 \$ 647,214.16

PSC vs ANDERSON SEED CO., INC
CIVIL NO. 09-2012-CV-00693
PSC Case No. GE-12-78
Invalid Cash Claims

Exhibit D

21-Nov-13

Page 1 of 2

| TOTAL OBLIGATIONS | Purchase Contract | Contract Delivery | Grain | Net CWT | Filed Claim Amount | Error or Discount | Invalid Claim |
|---|-------------------|-------------------|---------|---------|--------------------|-------------------|---------------|
| Claim type #6 | | | | | | | |
| Braaten, Dan | 3945 | Redfield | | | \$ 57,589.39 | | \$ 57,589.39 |
| 5650 160th Avenue SE Kindred, ND 58051 Invalid claim; No North Dakota documents. The claimant submitted all Redfield, SD. documents. | | | | | | | |
| Claim type #6 | | | | | | | |
| Brown, Jeff | 3934 | Redfield | | | \$ 17,260.52 | | \$ 17,260.52 |
| 9008 133rd Avenue SW Scranton, ND 58653 Invalid claim; No North Dakota documents. The claimant submitted all Redfield, SD. documents. | | | | | | | |
| Claim type #6 | | | | | | | |
| DRO INC. Dirk O'Connor | 3877 | Redfield | | | \$ 107,136.22 | | \$ 107,136.22 |
| 746 Pine Creek Road Plevna, MT 59344 Invalid claim; No North Dakota documents. The claimant submitted all Redfield, SD. documents. | | | | | | | |
| Claim type #6 | | | | | | | |
| Klain, Durnell | 3935 | Mentor | | | \$ 37,104.05 | | \$ 37,104.05 |
| 1364 20th Street NW Ruso, ND 58778 Invalid claim; No North Dakota documents. Claim included all Mentor, MN. documents. | | | | | | | |
| Claim type #5 | | | | | | | |
| Meidinger, Cordel | 3840 | Durbin | 1842.21 | | \$ 61,984.42 | \$ (109.90) | \$ 20,377.90 |
| PO BOX 54 3846 Drbn-Rdfd Herried, SD 5763 3856 Drbn-Rdfd 4 Redfield scale tickets- Freight the claimant delivered to Redfield. Split payment claim; \$41,496.62 is valid, \$20,377.90 is accounted on Redfield, SD. Documents is invalid. Discount for the sunflower promotion of \$109.90. | | | | | | | |

| TOTAL OBLIGATIONS Claimant Name & Address | Purchase Contract | Contract Delivery | Grain | Net CWT | Filed Claim Amount | Error or Discount | Invalld Claim |
|---|----------------------|----------------------|-------|---------|-----------------------|----------------------|------------------|
| Tri-Steel Manufacturing Co. 3001 N. Washington Street PO Box 14716 Grand Forks, ND 58208-4716 | | | | | \$ 24,800.65 | | \$ 24,800.65 |
| Invalid claim; unpaid balance is not for grain sold or delivered, it is for the sale of merchandise and or services provided. | | | | | | | |

Claim type #6

| | | | | | | | |
|--|-------------------------|---------|--|--|---------------|---------------|---------------|
| CHS, Inc. d/b/a Midwest Cooperatives | 3815 Pierre-Blunt-Onida | | | | | | |
| Jon R Brakke/Attorney | 3819 Redfield | 1629.82 | | | \$ 740,140.52 | \$ (4,091.20) | \$ 557,888.82 |
| Vogel Law Firm | 3891 Redfield | | | | | | \$ 132,647.54 |
| 218 NP Avenue PO Box 1389 Fargo ND 58107-1389 | 3998 pierre-Onida | | | | | | |

Claim difference; Unknown how claimant unpaid amount was determined. The net unpaid amount delivered to North Dakota of \$45,512.96.
 The discount of \$4,091.20 is the freight charge to transfer the product from South Dakota to Durbin ND.
 The invalid protion amount of \$557,888.82 is the unpaid grain delivered to Anderson Seeds at Mentor Mn. And Redfield SD.
 The invalid portion amount of \$132,647.54 is of unknown determination.

\$ (4,201.10) \$ 954,805.09

Total invalid amount \$ 959,006.19

PSC vs ANDERSON SEED CO., INC
CIVIL NO. 09-2012-CV-00693
PSC Case No. GE-12-78
Invalid Credit-sale Claims

Exhibit E

Page 1 of 1

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| TOTAL OBLIGATIONS | Purchase Contract # & Delivery | Credit-sale Contract # & Location | Cash Net CWT | Credit-sale Net CWT | Credit-Sale Claim Amount | Invalid Credit-sale Amount |
|---|--------------------------------------|---|-----------------|------------------------|--------------------------------|----------------------------------|
| Claim type #6 | | | | | | |
| Dyk, Duane 972 92nd Street SE Strasburg, ND 58573 | 3908 Redfield | 441 Redfield | | | \$ 26,371.15 | \$ 26,371.15 |
| Invalid claim; Claim included Redfield credit-sale contract, purchase contract, and scale tickets. | | | | | | |
| Claim type #4 | | | | | | |
| Rodenburg, Todd 9530 9th Avenue, SE Hague, ND 58542 | 3971 Redfield | 457-M 459-R | | 429.23 632.28 | \$ 14,813.75 \$ 21,312.51 | \$ 36,126.26 |
| The claim included credit-sale contracts from Minnesota, South Dakota, & North Dakota. The Durbin, North Dakota credit-sale contract is valid, the Mentor & Redfield credit-sale contracts are invalid. | | | | | | |
| Total | | | | | | \$ 62,497.41 |

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

| | | |
|-------------------------------|---|----------------------------|
| Public Service Commission |) | CIVIL NO. 09-2012-CV-00693 |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | ORDER TO APPROVE |
| |) | SETTLEMENT, APPROVE REPORT |
| Anderson Seed Co., Inc. |) | AND RECOMMENDATION OF |
| |) | TRUSTEE, REQUIRE |
| and |) | DEPOSIT OF BOND PROCEEDS, |
| |) | APPROVE PAYMENTS, |
| Auto-Owners Insurance Company |) | AND DISCHARGE TRUSTEE |
| |) | |
| |) | |
| Respondents. |) | |
| |) | |
| _____ |) | |
| PSC Case No. GE-12-78 |) | |
| |) | |
| _____ |) | |

1. This matter came before the Court on the motion of the North Dakota Public Service Commission (Commission) seeking approval of the Trustee's settlement regarding trust assets, approval of its Report and Recommendation as Trustee, deposit of bond proceeds, authorization for payment, and discharge as trustee. This matter was scheduled for hearing before this Court on **January 6, 2014 at 9:00 a.m. CDT** at the Cass County Courthouse in Fargo, North Dakota, with proper notice having been given as evidenced by the affidavit of mailing on file. The Commission appeared through _____, Special Assistant Attorney General, and Auto-Owners Insurance Company appeared through William Harrie. No other parties or claimants appeared.

2. The Court reviewed the report and other documents of record and finds grounds for approving the Trustee's settlement, the report and recommendation, requiring deposit of bond proceeds, authorizing payment, and subsequent discharge as trustee. There were no objections to the settlement, the report, the Trustee's recommendation, or the requests for deposit of bond proceeds, authorization of payment and subsequent discharge as trustee.

ORDER

IT IS THEREFORE ORDERED:

3. The Trustee's settlement regarding trust assets is approved.
4. The Report and Recommendation of Trustee, dated November 22, 2013, which recommends approval of the settlement, deposit of bond proceeds, distribution of bond proceeds to valid cash claimants, credit-sale contract indemnity fund payments to valid credit-sale claimants, and subsequent discharge of the Public Service Commission as Trustee, is approved.
5. The surety, Auto-Owners Insurance Company, PO Box 30660, Lansing, Michigan 48909-8160 deposit, within ten (10) days of the date of this order, the \$280,000 bond proceeds with the Trustee for deposit in the trust fund to pay valid cash claims.
6. The Commission, as Trustee, is authorized to make prorated payments from the trust fund to claimants with valid cash claims for grain purchased for cash by Anderson Seed Co., Inc., at its Durbin and Selz, North Dakota facilities as specified in the Report and Recommendation of Trustee. The Commission shall

make the payments for each cash claim jointly payable to the claimant and relevant valid lien holders at the time checks are issued.

7. The Commission, as Trustee, is authorized to make payment from the credit-sale contract indemnity fund to each holder of valid credit-sale contracts for grain sold to Anderson Seed Co., Inc., not to exceed the lesser of eighty percent of the amount owed to each claimant or two hundred eighty thousand dollars as specified in the Report and Recommendation of Trustee. The Commission shall make the payments for each credit-sale contract claim jointly payable to the claimant and relevant valid lien holders at the time checks are issued.
8. Upon distribution of the trust fund proceeds to the cash claimants and payment from the credit-sale contract indemnity to each holder of valid credit-sale contracts, as provided for in the Trustee's report and this Order, the Trustee is discharged.
9. Fargo, North Dakota, this _____ day of January, 2014.

BY THE COURT

Honorable Wickham Corwin
Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

| | | |
|-------------------------------|---|----------------------------|
| _____ |) | |
| Public Service Commission |) | Civil No. 09-2012-CV-00693 |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | |
| |) | AFFIDAVIT OF SERVICE |
| Anderson Seed Co., Inc. |) | BY CERTIFIED MAIL |
| |) | AND REGULAR MAIL |
| and |) | |
| |) | |
| Auto Owners Insurance Company |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |
| 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 **26th day of November, 2013**, she deposited in the United States Mail, Bismarck, North Dakota, **2 envelopes** with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

1. Notice of Motion and Notice of Hearing;
2. Motion to Adopt Report and Recommendation of Trustee and Require Deposit of Bond Proceeds;
3. Brief in Support of Motion to Adopt Report and Recommendation of Trustee and Require Deposit of Bond Proceeds;
4. Report and Recommendation of Trustee with Exhibit A, Exhibit B, Exhibit C, Exhibit D, and Exhibit E;
5. Proposed Order Adopting Report and Recommendation of Trustee and Requiring Deposit of Bond Proceeds;
6. Affidavit of Service by Certified and Regular Mail.

The envelopes were addressed as follows:

Gary Leistico
Rinke Noonan
U.S. Bank Plaza Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
Cert. No. 7012 3460 0000 6344 1539

William P. Harrie
Niles Law Firm
1800 Radisson Tower
201 5th Street North, P.O. Box 2626
Fargo, ND 58108-2626
Cert. No. 7012 3460 0000 6344 1546

Geralyn R. Schmaltz further deposes and says that on the **26th day of November, 2013**, she deposited in the United States Mail, Bismarck, North Dakota, **57** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

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

Mary Sennes
Barnes & Thornburg LLP
225 South Sixth St.
Suite 2800
Minneapolis, MN 55402-4662

John Brakke
Vogel Law Firm
218 NP Avenue
Fargo, ND 58107-1389

Rauleigh D. Robinson
15901 62nd Ave. SE
Menoken, ND 58558

Sean T. Foss
Kennelly & O'Keeffe, Ltd.
313 N.P. Avenue
P.O. Box 2105
Fargo, ND 58107-2105

Chuck Gimbel, Registered Agent
147 Main Street
PO Box 265
Hazelton, ND 58544-0265

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

Dan Pfeile
418 Avenue E E
Napoleon, ND 58561

David Hill and Gary 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
Peerboom Farms
480 16th Ave. SE
Goodrich, ND 58444

Dan Braaten
5650 160 Ave. SE
Kindred, ND 58051

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
235 64th Street SE
Hazelton, ND 58544-9338

Wayne Schmitcke
235 64th Street SE
Hazelton, ND 5844-9338

Kelly Schmitcke
235 64th Street SE
Hazelton, ND 58544-9338

Glen and Lisa Gerving
Box 607
Glen Ullin, ND 58631

Douglas D. Doll
Doll & Puzdernik Partnership
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

Chase Dewitz
2961 37th Avenue SE
Steele, ND 58482

Jeff Lutes
PO Box 244
Bowman, ND 58623

Michael Faul
1580 9th Ave. NE
McClusky, ND 58463

Todd Rodenburg
9530 9th Ave. S.E.
Hague, ND 58542

Thomas Pfliger
1117 Expansion Drive
Hazen, ND 58545

Jim Voller
1310 89th Street SE
Strasburg, ND 58573

Loren Henke
2134 Highway 31
Hannover, ND 58563-9175

Doug Goehring
18250 62nd Ave. SE
Menoken, ND 58558

Dean Gerving
Box 607
Glen Ullin, ND 58631

Greg Sletto
502 Dakota Street
Willow City, ND 58384

Jay Lutes
14006 97th St. SW
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

Scott & Kristy Lazorenko
521 110th Ave SW
Killdeer, ND 58640-9734

Jerrold Fix
3353 23rd St. N. E.
Harvey, ND 58341

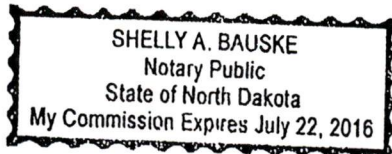
Cordell & Heidie Meidinger
PO Box 54
Herried, S. D. 57632

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

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

Subscribed and sworn to before me
this 26th day of November, 2013.

SEAL



Shelly A Bauske

Notary Public