

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

_____)
Public Service Commission)
))
Petitioner,)
))
vs.)
))
Falkirk Farmers Elevator Co.)
))
Respondent.)
_____)
))
PSC Case No. GE-12-769)
))
_____)

CIVIL NO. _____

**NOTICE OF APPLICATION
FOR APPOINTMENT AS
TRUSTEE AND FOR
EX PARTE ORDER AND
NOTICE OF MOTION
UNDER RULE 3.2**

**TO: Michael Gust, Attorney for Falkirk Farmers Elevator Co., 4132 30th Avenue
South Suite 100, PO Box 10247, Fargo, ND 58106-0247**

**Michael Guenther, Board President, Falkirk Farmers Elevator Co., 3807 3rd
Street SW, Underwood, ND 58576 and 101 Main Street, Washburn, ND
58577-4501**

PLEASE TAKE NOTICE that the North Dakota Public Service Commission (commission) moves the court for Appointment as Trustee and for Ex Parte Order.

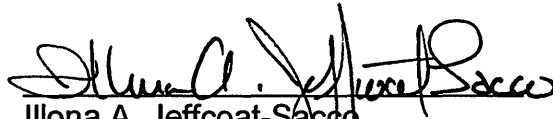
The commission further moves the court for an order declaring Falkirk Farmers Elevator Co. insolvent within the meaning of North Dakota Century Code chapter 60-04 and establishing the date of insolvency as October 10, 2012, the date the commission received the first claim for non-payment for grain delivered or sold.

YOU ARE HEREWITH NOTIFIED that the attached Application includes a request for appointment as trustee and declaration of insolvency as of October 10, 2012, and a request for an *ex parte* order under North Dakota Century Code section 60-

04-03. The application for appointment as trustee and declaration of insolvency is submitted to the court pursuant to Rule 3.2 of the North Dakota Rules of Court and will be decided on briefs unless oral argument is timely requested.

Bismarck, North Dakota, this ^{4th}30th day of November, 2012.

Respectfully submitted,



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