

Richter, Susan K.

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Sent: Tuesday, December 31, 2013 4:06 PM
To: Richter, Susan K.
Subject: Courtesy Notification of filing for Case No. 28-2012-CV-00176 (Public Service Commission vs. Falkirk Farmers Elevator Co.).

This is a courtesy notification of Filing for Case 28-2012-CV-00176 (Public Service Commission vs. Falkirk Farmers Elevator Co.),

Date Submitted: 12/31/2013 3:12:54 PM

Filed By: srichter@nd.gov

Filing Type: EFile

Filing Code: Proposed Order

Filing Description: Proposed Order to Birfurcate Proceeding, Approve First Report and Recommendation of Trustee, and Approve Credit-Sale Contract Indemnity Fund Payments

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and Commission expenses, as noted in the First Report and Recommendation. There were no objections to the Trustee's recommendation or its first report.

ORDER

3. **IT IS THEREFORE ORDERED:**
4. The proceeding is bifurcated to allow final disposition of the claims related to the Credit-Sale Contract Indemnity Fund.
5. The First Report and Recommendation of Trustee, dated December 31, 2013, requesting authorization to make Credit-Sale Contract Indemnity Fund payments to valid credit-sale claimants and partial reimbursement of Commission expenses is approved.
6. The Commission, as Trustee, is authorized to make payment from the Credit-Sale Contract Indemnity Fund to each valid credit-sale contract claimant for grain sold to Falkirk Farmers Elevator Co., 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 First 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.
7. The Commission, as Trustee, is authorized to make payment to the Commission from the Credit-Sale Contract Indemnity Fund for 50% of the expenses incurred by the Commission in the administration of the insolvency, as specified in the First Report and Recommendation of Trustee.

8. Bismarck, North Dakota, this _____ day of March, 2014.

BY THE COURT

Honorable Gail Hagerty
Judge of the District Court