

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission)	CIVIL NO. 28-2012-CV-00176
)	
Petitioner,)	
vs.)	
Falkirk Farmers Elevator Co.)	AFFIDAVIT OF SERVICE
)	BY REGULAR MAIL
)	
Respondent.)	
)	
PSC Case No. GE-12-769)	
)	

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 **7th day of April, 2014**, she deposited in the United States Mail, Bismarck, North Dakota, 18 envelopes with postage, fully prepaid, securely sealed and each containing a photocopy of the following documents:

1. Notice of Entry of Judgment
2. Judgment
3. Affidavit of Electronic Service
4. Affidavit of Service by Regular Mail

The envelopes were addressed as follows:

Michael Guenther
 Board President
 Falkirk Farmers Elevator Co.
 3807 3rd Street SW
 Underwood, ND 58576

Derek Woodward
 CNA Surety
 PO Box 9322
 Minneapolis, MN 55440-9322

Emily Grande Stearns
 Barnes & Thornburg, LLP
 Attorney for St. Hilaire Seed Co., Inc.
 225 South Sixth Street, Suite 2800
 Minneapolis, MN 55402-4662

Steve Stregge
 ND Grain Dealers Association
 1325 23rd St. South – Suite A
 Fargo, ND 58103-3723

Monty Fast
480 13th Ave. NW
Turtle Lake, ND 58575

Michael Guenther
3807 3rd Street SW
Underwood, ND 58576

Lowayne Krush
204 Minnie Avenue
Wilton, ND 58579

Retterath Ranch Joint Venture
1291 33rd Avenue SW
Center, ND 58530

Jerald Sommer
218 9th Street NW
Beulah, ND 58523

Kjelstrup Farms Partnership
PO Box 281
Underwood, ND 58576

Steven Hager
Falkirk Farmers Elevator
2896 3rd Street NW
Underwood, ND 58576

Kelly & Kristi Erdmann
3507 17th Street NW
Garrison, ND 58540

Gary Knell
831 45th Avenue NW
Hazen, ND 58545-9361

Neal Peterson
Cowtrail Ranch
3959 7th Street SW
Washburn, ND 58577

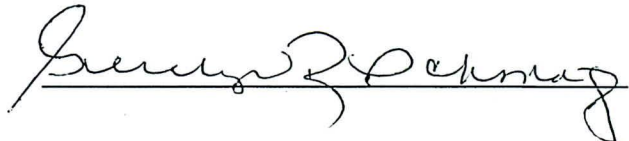
St. Hilaire Seed Co., Inc.
PO Box 85
St. Hilaire, MN 56754

Marlyn & Kristie Seidler JV
464 23rd Avenue NW
Underwood, ND 58576-9679

Jerry Blotter
1608 25th Avenue NW
Coleharbor, ND 58531

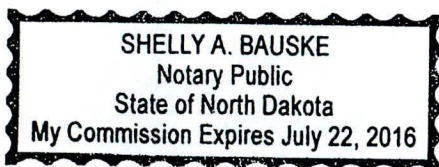
Laura Maupin
Barnes & Thornburg, LLP
Attorney for St. Hilaire Seed Co., Inc.
225 South Sixth Street, Suite 2800
Minneapolis, MN 55402-4662

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



Subscribed and sworn to before me
this 7th day of April, 2014.

SEAL





Notary Public

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission

CIVIL NO. 28-2012-CV-00176

Petitioner,

vs.

NOTICE OF ENTRY OF
JUDGMENT

Falkirk Farmers Elevator Co.

Respondent.

PSC Case No. GE-12-769

To: Falkirk Farmers Elevator Company and its attorney Michael Leonard Gust, Anderson, Bottrell, Sanden & Thompson, 4132 30th Ave SW, Suite 100, P. O. Box 10247, Fargo, North Dakota 58106:

1. **PLEASE TAKE NOTICE** that a judgment was duly entered in the captioned action on the 7th day of April 2014, in favor of the Petitioner and against Respondent Falkirk Farmers Elevator Co.
2. A copy of the judgment is included with this Notice, for those served other than via the Odyssey Electronic Service and File System.
3. Dated at Bismarck, North Dakota this 7th day of April, 2014.



Illona A. Jeffcoat-Sacco (ID No. 03315)
Special Assistant Attorney General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
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Attorney for the Public Service Commission, as Trustee

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission)	CIVIL NO. 28-2012-CV-00176
)	
Petitioner,)	
vs.)	
)	
Falkirk Farmers Elevator Co.)	JUDGMENT
)	
)	
Respondent.)	
)	
PSC Case No. GE-12-769)	
)	

1. This action came on for hearing before the Court on March 14, 2014, the Honorable Gail Hagerty presiding, and the Court having ordered:
2. That the Court has jurisdiction in this matter.
3. That the proceeding is bifurcated to allow final disposition of the Credit-Sale Contract Indemnity Fund portion of the proceeding.
4. That the First Report and Recommendation of Trustee, dated December 31, 2013, requesting authorization to make Credit-Sale Contract Indemnity Fund payments on valid credit-sale contract claims and reimbursement of Commission expenses, is approved.
5. That 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

District Court

APR 07 2014

McLean County, ND

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McLean County, ND

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.

6. That the following individuals each have a valid credit-sale contract claim. Consequently, each is entitled to 80% of the valid claim from the Credit-Sale Contract Indemnity Fund. The sums awarded, representing 80% of each valid credit-sale contract claim, are:

a.	Kelly & Kristi Erdmann	\$ 94,852.92
b.	Monty Fast	\$ 30,368.90
c.	Michael Guenthner	\$ 4,711.91
d.	Gary Knell	\$ 7,359.42
e.	Lowayne Krush	\$ 5,514.15
f.	Neal Peterson	\$ 4,446.33
g.	Retterath Ranch Joint Venture	\$ 75,800.83

7. That the following credit-sale contract claim is denied for reasons set forth in the First Report and Recommendation:

a.	Jerry Blotter	\$ 6,452.73
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8. That as a matter of law, the Commission, as Trustee, is entitled to reimbursement from the Credit-Sale Contract Indemnity Fund for expenses incurred in the administration of the insolvency.
9. That the Commission, as Trustee, is authorized to make payment for reimbursement of one-half of the expenses related to this proceeding. One-half the expenses as of March 14, 2014, the date of the Court's Order, total \$207.08.

10. That there is no just reason for delay in entering a final order, under Rule 54(b) of the North Dakota Rules of Civil Procedure, regarding the First Report and Recommendation of Trustee.

Let Judgment be entered accordingly.

Dated at ^{Washburn}~~Bismarck~~, North Dakota this 7th day of April 2014.



By: Cathy Bailey, Clerk of Court
By: M. A. Anderson, Deputy

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission)	CIVIL NO. 28-2012-CV-00176
)	
Petitioner,)	
vs.)	
)	AFFIDAVIT OF ELECTRONIC
Falkirk Farmers Elevator Co.)	SERVICE
)	
)	
Respondent.)	
_____)	
PSC Case No. GE-12-769)	
_____)	

Shelly A. Bauske deposes and says that she is over the age of 18 years and not a party to this action and, on the 7th day of April, 2014, a copy of the following document:

- 1. Notice of Entry of Judgment

was served, via the Odyssey Electronic Service and File System using the email address provided on the Odyssey Electronic Service and File System, upon the following:

Respondent Falkirk Farmers Elevator Co, through its attorney
Michael L. Gust mgust@andersonbottrell.com

Shelly A Bauske

Subscribed and sworn to before me
this 7th day of April, 2014.

Geralyn R Schmaltz
Notary Public

SEAL

