

STATE OF NORTH DAKOTA
COUNTY OF MCLEAN

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

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

TO: RESPONDENT, FALKIRK FARMERS ELEVATOR COMPANY AND ITS ATTORNEY MICHAEL LEONARD GUST, ANDERSON, BOTTRELL, SANDEN AND THOMPSON, 4132 30TH AVE SW, SUITE 100, P.O. BOX 10247, FARGO, NORTH DAKOTA 58106

WESTERN SURETY COMPANY AND ITS ATTORNEY NICHOLAS JOHN O'CONNELL, MURNANE BRANDT, 30 EAST SEVENTH STREET, SUITE 3200, ST. PAUL, MINNESOTA 55101-4919

ST. HILAIRE SEED COMPANY, INC., AND ITS ATTORNEY TINA A. SYRING-PETROCCHI, BARNES & THORNBURG, LLP, 225 SOUTH SIXTH STREET, SUITE 2800, MINNEAPOLIS, MINNESOTA 55402

1. **PLEASE TAKE NOTICE** that the North Dakota Public Service Commission (Commission) as Trustee of the trust created by the insolvency of Falkirk Farmers Elevator Co. respectfully moves the Court for an Order approving the Second Report and Recommendation of Trustee, Requiring Deposit of Bond Proceeds, Authorizing Payment to the valid noncredit-sale contract claimant from the Trust Fund and Discharging Trustee. The corresponding Motion and Brief in Support of Motion are being filed with the Court contemporaneously with this Notice.

2. **FURTHER PLEASE TAKE NOTICE** that a copy of the Motion to Approve Second Report and Recommendation of Trustee, Require Deposit of Bond Proceeds, Approve Trust Fund Payment, and Discharge Trustee, as well as a copy of the Second Report and Recommendation of Trustee and the Proposed Order Approving Second Report and Recommendation of Trustee, Approving Trust Fund Payment and Discharging Trustee are herewith served upon you, for those served other than via the Odyssey Electronic Service and File System.
3. **FURTHER PLEASE TAKE NOTICE** that the Court has scheduled a hearing on this matter for **October 21, 2014, at 1:30 p.m.**, at the Burleigh County Courthouse, 514 East Thayer Avenue, Bismarck, North Dakota 58501.
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 Second Report and Recommendation of Trustee shall file the objection with the Court and serve copies on the Public Service 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 Bismarck, North Dakota, this 29th day of August, 2014.



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