

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WELLS

SOUTHEAST JUDICIAL DISTRICT

_____)	
Public Service Commission)	CIVIL NO. 52-2013-CV-00033
)	
Petitioner,)	
)	
vs.)	
)	
Earth Harvest Mills, Inc.)	NOTICE OF ENTRY OF
)	EX PARTE ORDER
Respondent.)	
_____)	
PSC Case No. GE-13-193)	
_____)	

1. **PLEASE TAKE NOTICE** that an Ex Parte Order to Preserve Trust Assets, executed by the Court May 2, 2013, was duly entered in the above proceeding on May 2, 2013, ordering that Earth Harvest Mills, Inc., doing business as Dakota Prairie Organic Flour Company, is prohibited from selling, transferring, removing, processing, or otherwise compromising potential assets of the trust fund as provided in North Dakota Century Code Chapter 60-04, until the Court issues its order granting or denying the application for appointment of the Public Service Commission as Trustee of the trust fund in this proceeding.
2. A copy of the Order is attached hereto and by reference made a part hereof.

3. Bismarck, North Dakota, this **10th day of May 2013**.

By: 

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STATE OF NORTH DAKOTA

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Public Service Commission

CIVIL NO. 52-2013-CV-00033

Petitioner,

vs.

Earth Harvest Mills, Inc.

EX PARTE ORDER
TO PRESERVE TRUST
ASSETS

Respondent.

PSC Case No. GE-13-193

The Public Service Commission has moved the Court for appointment as trustee of Earth Harvest Mills, Inc. under North Dakota Century Code Chapter 60-04 and for an *Ex Parte* Order to Preserve Trust Assets. Earth Harvest Mills, Inc., doing business as Dakota Prairie Organic Flour Company, 500 North Street West, Harvey, North Dakota 58341, operates as a grain warehouseman in the State of North Dakota.

It appears from the record that Earth Harvest Mills, Inc. is insolvent under North Dakota Century Code Chapter 60-04, and that it is in the best interest of the claimants and the parties to this proceeding that an *ex parte* order be issued by this Court to preserve and protect the potential assets of the trust fund until the court issues its order granting or denying the application.

North Dakota Century Code section 60-04-03.1 provides that the trust fund must consist of the following:

13 GE-13-193 Filed: 5/6/2013 Pages: 2
Executed Ex Parte Order to Preserve Trust Assets

Wells County District Court
Honorable James D. Hovey

Received & Filed
This 2nd day of May 2013
Wells County Clerk of District Court

Filed - Clerk of District Court
5/11/2013 2:05:26 PM
Wells County, ND

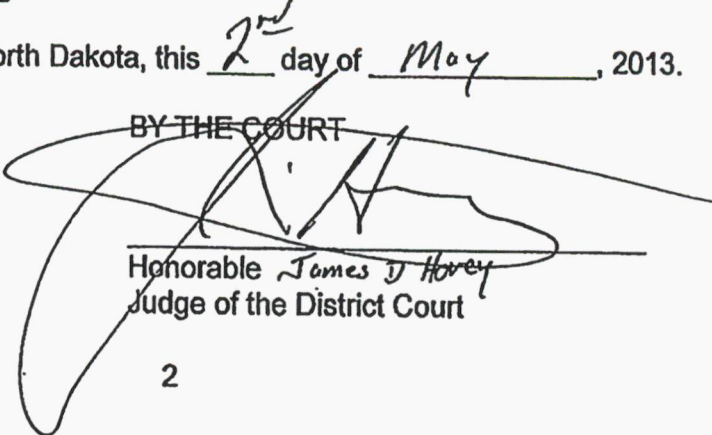
1. Nonwarehouse receipt grain of the insolvent licensee held in storage or the proceeds obtained from the conversion of such grain.
2. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee must be remitted to the commission and included in the trust fund.
3. The proceeds of insurance policies on destroyed grain.
4. The claims for relief, and proceeds therefrom, for damages upon bond given by the licensee to ensure faithful performance of the duties of a licensee.
5. The claim for relief, and proceeds therefrom, for the conversion of any grain stored in the warehouse.
6. Unencumbered accounts receivable for grain sold prior to the filing of the claim that precipitated an insolvency.
7. Unencumbered equity in grain hedging accounts.
8. Unencumbered grain product assets.

ORDER

THEREFORE, the Court orders that Earth Harvest Mills, Inc., doing business as Dakota Prairie Organic Flour Company is prohibited from selling, transferring, removing, processing, or otherwise compromising potential assets of the trust fund as provided in North Dakota Century Code Chapter 60-04, until the court issues its order granting or denying the application for appointment of the Public Service Commission as Trustee of the trust fund in this proceeding.

Wells County, North Dakota, this 2nd day of May, 2013.

BY THE COURT


Honorable James D Hovey
Judge of the District Court