

Richter, Susan K.

From: Richter, Susan K.
Sent: Thursday, May 23, 2013 6:10 PM
To: 'Grayson Hoberg'; 'Margie Brewin'; 'Roy Brewin'
Cc: Jeffcoat-Sacco, Illona
Subject: RE: Rowland Seeds Wheat



023-010.pdf

Grayson,
Your e-mail and this e-mail will be docketed.

Roy,
I apologize for not sending a copy of the 22 May 2013 letter to Grayson Hoberg to you yesterday. The attached pdf is a copy of the letter to Grayson Hoberg.

Grayson & Roy,

Earth Harvest Mills is insolvent and is under a court order not to do anything that would threaten the potential assets of the trust. No further wheat may be removed from the EHM premises without the agreement of the Commission.

We will contact you in the morning, after our 8:30 meeting, to discuss this matter further.

Sue Richter
Public Service Commission
Bismarck, ND 58505-0480
701-328-4097
srichter@nd.gov

-----Original Message-----

From: Grayson Hoberg [<mailto:grayson@dakota-prairie.com>]
Sent: Thursday, May 23, 2013 7:27 AM
To: Richter, Susan K.; Margie Brewin; Roy Brewin
Subject: Rowland Seeds Wheat

Susan,

25 **GE-13-193** Filed: 5/23/2013 Pages: 3
E-mail response to EHM 23 2013 E-Mail

I just received your letter that you might have a claim to Rowland's Seeds wheat and that the remaining 300 bushels are not to be taken until you have paperwork proving it is Rowland's Seeds wheat.

Our attorney has advised is to stay out of this issue. The ownership of this wheat is between Rowland's Seeds & the PSC.

Rowland's Seeds owns that wheat, not Dakota Prairie.

The two of you need to communicate and resolve this.

Grayson



Public Service Commission
State of North Dakota

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22 May 2013

Mr. Grayson Hoberg, CEO
Earth Harvest Mills, Inc.
500 North Street West
Harvey, ND 58341-1012

RE: Public Service Commission vs. Earth Harvest Mills, Inc.
Civil No. 52-2013-CV-00033
PSC Case No. GE-13-193

Dear Mr. Hoberg:

It has come to our attention that Earth Harvest Mills, Inc. (EHM) recently possessed approximately 1100 bushels (and now possesses approximately 300 bushels) of wheat stored in two unlicensed grain bins on the EHM site. To date, we have received no documentation showing how and when the 1100 bushels of grain were received at the EHM site or in what capacity EHM acted when receiving the grain.

We understand that subsequent to the issuance of the District Court's Ex Parte Order to Preserve Trust Assets executed by Judge Hovey on 2 May 2013, approximately 800 bushels of the subject wheat was removed from the EHM facility. This is an apparent violation of the specific terms of the District Court's Order requiring EHM to do nothing to compromise potential assets of the trust. We further understand that additional wheat movement is planned for Friday, 24 May 2013.

This is to notify you that no further wheat may be removed from the EHM premises without written approval of the Commission.

If you have any questions, please call.

Sincerely,

Illona A. Jeffcoat-Sacco
General Counsel