

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF GRAND FORKS

NORTHEAST CENTRAL JUDICIAL DISTRICT

_____)
Public Service Commission)
))
Petitioner,)
))
vs.)
))
Grand Forks Bean Company, Inc.)
))
Respondent.)
_____)
))
PSC Case No. GE-15-36)
_____)

CIVIL NO. _____

**NOTICE OF APPLICATION
FOR APPOINTMENT AS
TRUSTEE AND FOR
EX PARTE ORDER AND
NOTICE OF MOTION UNDER
RULE 3.2**

TO: **Tad McGurk, President and Registered Agent for Grand Forks Bean Company, Inc.,** 2120 North Washington Street, Grand Forks North Dakota 58203-1447

Joel Arnason, Attorney for Grand Forks Bean Company, Inc., 301 North Third Street, Suite 300, Grand Forks, ND 58203

Daniel L. Gaustad, Attorney for Brent Baldwin/Baldwin Farms, and Duane Altendorf, 24 North 4th Street, PO Box 5758, Grand Forks, ND 58206-5758

Russ J. Melland, Attorney for Ronald Adams, Nickolas Adams, Chuck B. Nelson, and WJG Nelson (Jon Nelson & Steve Nelson), 401 DeMers Avenue, Suite 500, Grand Forks, ND 58206-5849

Jon R. Brakke, Attorney for Curt Amundson, and the Estate of Brad Nelson, 218 NP Avenue, Fargo, ND 58102

Tracy A. Kennedy, Attorney for Bremer Bank, National Association, 3100 South Columbia Road, Suite 200, Grand Forks, ND 58201

1. **PLEASE TAKE NOTICE** that the Public Service Commission respectfully moves the Court for Appointment as Trustee and for *Ex Parte* Order. The Public Service

Commission further moves the Court for an order declaring Grand Forks Bean Company, Inc. insolvent within the meaning of North Dakota Century Code Chapter 60-04 and establishing the date of insolvency as December 19, 2014, the date the Public Service Commission received the first claim for nonpayment for grain delivered or sold to Grand forks Bean Company, Inc.

2. The application, affidavit and brief in support of the application are attached to this notice and by reference made a part hereof.
3. **YOU ARE HEREWITH NOTIFIED** that the attached Application includes a request for appointment as trustee and declaration of insolvency as of December 19, 2014, and a request for an *Ex Parte* Order under North Dakota Century Code section 60-04-03. The application for appointment as trustee and declaration of insolvency is submitted to the Court pursuant to Rule 3.2 of the North Dakota Rules of Court and will be decided on briefs unless oral argument is timely requested. You have fourteen (14) days after the service of the notice and brief to file your response and other supporting papers.
4. Bismarck, North Dakota, 13th this **day of February, 2015.**



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