

Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480
701-328-4097 – phone
701-328-2410 - fax

Memo

To: North Dakota Secretary of State
From: Sue Richter, Licensing Division Director
Date: 5/19/2015
Re: Public Service Commission, Petitioner vs.
Grand Forks Bean Company, Inc. Respondent
Civil No. 18-2015-CV-00240, PSC Case No. GE-15-36



Enclosed are four photocopies of each of the documents listed below for use in providing service of process to Tad McGurk, Registered Agent for Grand Forks Bean Company, Inc., at 2120 North Washington Street, Grand Forks, North Dakota 58203-1447 and at 630 Schroeder Drive, Grand Forks, North Dakota 58201 in the captioned matter. Please mail the Admission of Service to the Public Service Commission, 600 East Boulevard Avenue – Dept 408, Bismarck, ND 58505-0480.

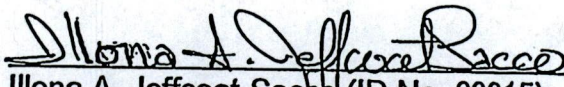
1. Notice of Entry of Ex Parte Order with a copy of the Order
2. Affidavits of Service by Certified and Regular Mail
3. Mail returned, Tad McGurk – Notice of Entry of Ex Parte Order
4. Notice of Entry of Order with a copy of the Order
5. Notice of Appointment as Trustee and Notice to File Claims
6. Affidavit of Service by Certified and Regular Mail
7. Mail returned, Tad McGurk – Notice of Entry of Order
8. Affidavit Respondent Not Found

Thank you and if you have any questions, please call me at 328-4097.

Enclosures

132 GE-15-36 Filed: 5/19/2015 Pages: 21
Memorandum enclosing service documents

3. Bismarck, North Dakota, this 25th day of February 2015.

By: 
Illona A. Jeffcoat-Sacco (ID No. 03315)
Casey A. Furey (ID No. 08035)
Special Assistant Attorneys General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410
ijs@nd.gov

Attorneys for the Public Service Commission

STATE OF NORTH DAKOTA

COUNTY OF GRAND FORKS

NORTHEAST CENTRAL JUDICIAL DISTRICT

IN DISTRICT COURT

Public Service Commission

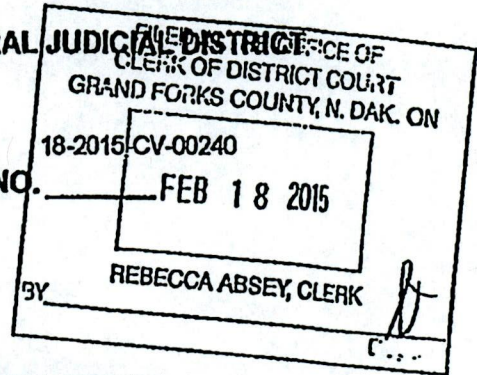
Petitioner,

vs.

Grand Forks Bean Company, Inc.

Respondent.

PSC Case No. GE-15-36



EX PARTE ORDER
TO PRESERVE TRUST
ASSETS



1. The Public Service Commission has moved the Court for appointment as trustee of Grand Forks Bean Company, Inc. under North Dakota Century Code Chapter 60-04 and for an *Ex Parte* Order to Preserve Trust Assets. Grand Forks Bean Company, Inc., 2120 North Washington Street, Grand Forks, North Dakota 58201, operates as a grain warehouseman in the State of North Dakota.
2. It appears from the record that Grand Forks Bean Company, 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.
3. North Dakota Century Code section 60-04-03.1 provides that the trust fund must consist of the following:

1. The grain in the warehouse of the insolvent warehouseman or the proceeds as obtained.
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 in the elevator.
4. The claims for relief, and proceeds therefrom, for damages upon bond given by the warehouseman to ensure faithful performance of the duties of a warehouseman.
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

4. **THEREFORE**, the Court orders that Grand Forks Bean Company, Inc. preserve and protect any trust assets 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.

Grand Forks, North Dakota, this 18th day of February, 2015.

BY THE COURT

Laura A. Heath Romanick
Judge of the District Court

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.

CIVIL NO. 18-2015-CV-00240

AFFIDAVIT OF SERVICE
BY CERTIFIED AND
REGULAR MAIL

PSC Case No. GE-15-36

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss
)

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 25th day of February 2015, she deposited in the United States Mail, Bismarck, North Dakota, 2 envelopes with certified postage, return receipt requested, securely sealed and each containing a photocopy of:

1. Notice of Entry of Ex Parte Order with attached copy of executed Ex Parte Order to Preserve Trust Assets.
2. Affidavit of Service by Certified and Regular Mail

The envelopes were addressed as follows:

Tad McGurk, President and
Registered Agent for
Grand Forks Bean Company, Inc.
2010 North Washington Street
Grand Forks, ND 58201
Certified No. 7013 2250 0001 0313 9348

Joel Arnason, Attorney
Grand Forks Bean Company, Inc.
301 North Third Street, Suite 300
Grand Forks, ND 58203
Certified No. 7013 2250 0001 0313 9355

Geralyn R. Schmaltz further deposes and says that on the 25th day of February, 2015, she deposited in the United States Mail, Bismarck, North Dakota, 14 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.
The envelopes were addressed as follows:

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

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

John D. Schroder
Attorney for Bremer Bank
3100 South Columbia Road Suite 200
Grand Forks, ND 58201

Curtis Amundson
CR Farms
43507 120th St. SW
East Grand Forks, MN 56721

Brad Nelson Estate
(Beth Nelson, Personal Representative)
27 Garden Ct. NW
East Grand Forks, MN 56721

Brent Baldwin
Baldwin Farms, Inc.
8244 144th Avenue NE
St. Thomas, ND 58276

Nick Adams
165 16th Street NE
Reynolds, ND 58273

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

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

Scott Knudsvig,
Attorney for Fessenden Cooperative Assn.
2525 Elk Drive, PO Box 1000
Minot, ND 58702-1000

Charles B. Nelson
Nelson Farms
795 11th Street NE
Thompson, ND 58278

Jon Nelson
WJS Nelson Farms
18281 495th Avenue NW
Oslo, MN 56744

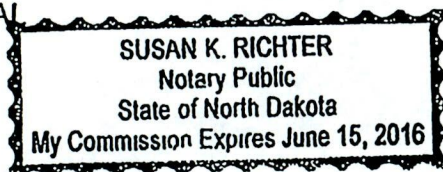
Ron Adams
165 16th Street NE
Reynolds, ND 58273

Duane Altendorf
14383 83 Rd. NE
St. Thomas, ND 58276

To the best of affiant's knowledge the addresses shown are the addressees' last reasonably ascertainable post office addresses.

Subscribed and sworn to before me
this 25th day of February, 2015.

SEAL



Susan K. Richter
Notary Public

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.

CIVIL NO. 18-2015-CV-00240

AFFIDAVIT OF SERVICE
BY CERTIFIED AND
REGULAR MAIL

PSC Case No. GE-15-36

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss
)

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 16th day of March 2015, she deposited in the United States Mail, Bismarck, North Dakota, 1 envelope with certified postage, return receipt requested, securely sealed and containing a photocopy of:

1. Notice of Entry of Ex Parte Order with attached copy of executed Ex Parte Order to Preserve Trust Assets.
2. Affidavit of Service by Certified

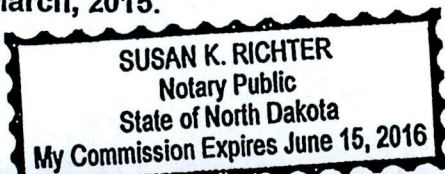
The envelope was addressed as follows:

Tad McGurk, President and Registered Agent
Grand Forks Bean Company, Inc.
630 Schroeder Drive
Grand Forks, ND 58201
Certified No. 7013 2630 0001 2317 1641

To the best of affiant's knowledge the address shown are the addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 16th day of March, 2015.

SEAL



Geralyn R. Schmaltz

Susan K. Richter

Notary Public

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Tad McGurk, President and Registered Agent for
 Grand Forks Bean Company, Inc.
 630 Schroeder Drive
 Grand Forks, ND 58201
 Cert. No. 7013 2630 0001 2317 1641
 GE-15-36

A. Signature
X Agent Addressee

B. Received by (Printed Name) **C. Date of Delivery**

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

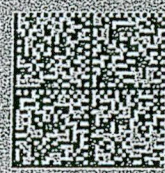
3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)
 PS Form 3811, July 2013

Cert. No. 7013 2630 0001 2317 1641
 GE-15-36
 Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



U.S. POSTAGE PITNEY BOWES
 ZIP 58505 \$ 006.69⁰
 02 1W
 0001396104 MAR 16 2015

RECEIVED
 APR 9 2015
 NORTH DAKOTA
 SERVICE COMMISSION
 RETURN TO SENDER

PUBLIC SERVICE COMMISSION
 600 E BOULEVARD AVE DEPT 408
 BISMARCK, ND 58505-0480
OFFICIAL MAIL

TAD MCGURK, PRESIDENT AND
 REGISTERED AGENT FOR
 GRAND FORKS BEAN COMPANY, INC.
 630 SCHROEDER DRIVE
 GRAND FORKS, ND 58201



3-18
 3-23
 4-2

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

IN DISTRICT COURT
NORTHEAST CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Grand Forks Bean Company, Inc.

Respondent.

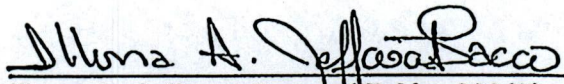
CIVIL NO. 18-2015-CV-00240

NOTICE OF
ENTRY OF ORDER

PSC Case No. GE-15-36

1. PLEASE TAKE NOTICE that an Order Appointing Trustee was executed by the Court March 25, 2015, was duly entered in the above proceeding on March 25, 2015, as Document Number 26, ordering that the Public Service Commission is appointed trustee of the trust fund provided by North Dakota Century Code Chapter 60-04 for the purpose of marshaling all trust assets in this proceeding and further ordering that the date of insolvency be established as on or before December 19, 2014.
2. A copy of this Order is included with this notice, for those served other than via the Odyssey Electronic Service and File System.

3. Bismarck, North Dakota, this 27th day of March, 2015.

By: 
Ilona A. Jeffcoat-Sacco (ID No. 03315)
Casey A. Furey (ID No. 08035)
Special Assistant Attorneys General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410
ijs@nd.gov

Attorneys for the Public Service Commission

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

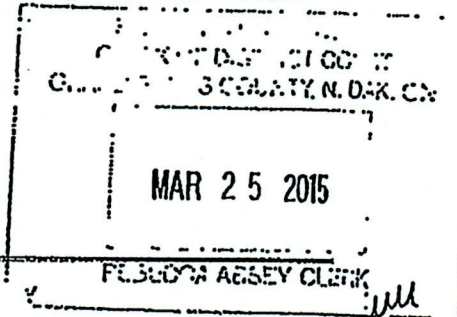
IN DISTRICT COURT
NORTHEAST CENTRAL JUDICIAL DISTRICT

Public Service Commission,
Petitioner,
v.
Grand Forks Bean Company, Inc.,
Respondent.

Civil No. 18-2015-CV-00240



AMENDED
ORDER APPOINTING TRUSTEE



PSC Case No. GE-15-36

1. The Public Service Commission has moved the Court for appointment as trustee of Grand Forks Bean Company, Inc. under North Dakota Century Code Chapter 60-04 and for an *Ex Parte* Order to Preserve Trust Assets. Grand Forks Bean Company, Inc., 2120 North Washington Street, Grand Forks, North Dakota 58201 operated as a grain warehouseman in the State of North Dakota.
2. It appears from the record that Grand Forks Bean Company, Inc. is insolvent under North Dakota Century Code Chapter 60-04 and that it is in the best interest of the potential claimants that a trustee be appointed.
3. **ORDERED THEREFORE**, on the Application and Motion of the Public Service Commission by and through its attorney, the Public Service Commission is appointed trustee of the trust fund provided by North Dakota Century Code Chapter 60-04 for the purpose of marshalling all trust assets of the insolvent Grand Forks Bean Company, Inc. in the manner provided by law.

20

4. **ORDERED FURTHER** that the date of insolvency is established as on or before
December 19, 2014.

Grand Forks, North Dakota, this 25th day of March, 2015.

BY THE COURT

Leita J. Hartt Romareck
Judge of the District Court

2191053.1

3. **FURTHER, PLEASE TAKE NOTICE** that claims must be filed within forty-five (45) days after the final publication of this notice.
4. **FURTHER, PLEASE TAKE NOTICE** that any person filing a claim with the Public Service Commission shall include receipts or other sufficient documentation to enable the Commission to determine the validity of the claim. This could include unsatisfied grain warehouse receipts, scale tickets, checks, or other memoranda given by the public warehouseman for, or as evidence of, the receipt, storage, or sale of grain, or any related contracts.
5. **FURTHER, PLEASE TAKE NOTICE** that unless a claim is filed with the Public Service Commission within the time specified, the claimant may be barred from participation in the trust fund.
6. Bismarck, North Dakota, this 27th day of March, 2015.

By:



Illona A. Jeffcoat-Sacco (ID No. 03315)
Casey A. Furey (ID No. 08035)
Special Assistant Attorneys General
State Capitol – 12th Floor
600 East Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
Telephone (701) 328-2400
Facsimile (701) 328-2410
ijs@nd.gov

Attorneys for the Public Service Commission

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. 18-2015-CV-00240

AFFIDAVIT OF SERVICE
BY CERTIFIED AND
REGULAR MAIL

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

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 **27th day of March 2015**, she deposited in the United States Mail, Bismarck, North Dakota, 2 envelopes with certified postage, return receipt requested, securely sealed and each containing a photocopy of:

1. Notice of Entry of Order Appointing Trustee with attached copy of executed Order Appointing Trustee.
2. Notice of Appointment as Trustee and Notice to File Claims.
3. Affidavit of Service by Certified and Regular Mail.

The envelope was addressed as follows:

<p>Tad McGurk, President and Registered Agent Grand Forks Bean Company, Inc. 630 Schroeder Drive Grand Forks, ND 58201 Certified No. 7013 2630 0001 2317 1658</p>	<p>Joel Arnason, Attorney Grand Forks Bean Company, Inc. 301 North Third Street, Suite 300 Grand Forks, ND 58203 Certified No. 7013 2630 0001 2317 1634</p>
--	--

Geralyn R. Schmaltz further deposes and says that on the **27th day of March, 2015**, she deposited in the United States Mail, Bismarck, North Dakota, 10 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

John D. Schroder
Attorney for Bremer Bank
3100 South Columbia Road Suite 200
Grand Forks, ND 58201

Scott Knudsvig,
Attorney for Fessenden Cooperative Assn.
2525 Elk Drive, PO Box 1000
Minot, ND 58702-1000

Curtis Amundson
CR Farms
43507 120th St. SW
East Grand Forks, MN 56721

Charles B. Nelson
Nelson Farms
795 11th Street NE
Thompson, ND 58278

Brad Nelson Estate
(Beth Nelson, Personal Representative)
27 Garden Ct. NW
East Grand Forks, MN 56721

Jon Nelson
WJS Nelson Farms
18281 495th Avenue NW
Oslo, MN 56744

Brent Baldwin
Baldwin Farms, Inc.
8244 144th Avenue NE
St. Thomas, ND 58276

Ron Adams
165 16th Street NE
Reynolds, ND 58273

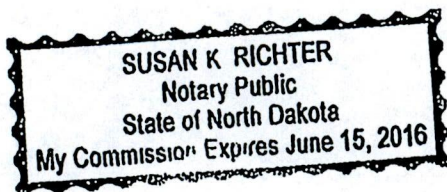
Nick Adams
165 16th Street NE
Reynolds, ND 58273

Duane Altendorf
14383 83rd Rd. NE
St. Thomas, ND 58276

To the best of affiant's knowledge the addresses shown are the addressees' last reasonably ascertainable post office addresses.

Subscribed and sworn to before me
this 27th day of March, 2015.

SEAL



Susan K Richter

Notary Public

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tad McGurk, President and Registered Agent
 Grand Forks Bean Company, Inc.
 630 Schroeder Drive
 Grand Forks, ND 58201
 Certified No. 7013 2630 0001 2317 1658
 GE-15-36

2. Article Number (transfer from service label) Cert. 7013 2630 0001 2317 1658

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below: _____

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, July 2013 Domestic Return Receipt

CERTIFIED MAIL



7013 2630 0001 2317 1658



U.S. POSTAGE >>> PITNEY BOWES
 ZIP 58505 \$ 006.69⁰
 02 1W
 0001396562 MAR 27 2015

RECEIVED
 APR 21 2015
 NORTH DAKOTA
 SERVICE COMMISSION

LN
 3-2
 M

PUBLIC SERVICE COMMISSION
 600 E BOULEVARD AVE DEPT 408
 BISMARCK, ND 58505-0480
OFFICIAL MAIL

Tad McGurk, President and Registered Agent
 Grand Forks Bean Company, Inc.
 630 Schroeder Drive
 Grand Forks, ND 58201

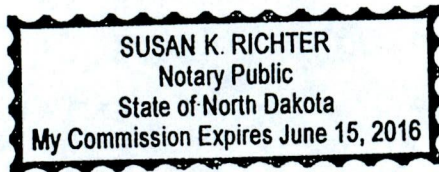
NO RECEIPT
 MAIL

RETURN RECEIPT REQUESTED

by the Secretary of State, State of North Dakota at the registered agent's address on file and an alternative address of 630 Schroeder Drive, Grand Forks, North Dakota 58201.

Subscribed and sworn to before me
this 19th day of May, 2015.

SEAL



[Handwritten Signature]
[Handwritten Signature]
Notary Public

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.

CIVIL NO. 18-2015-CV-00240

AFFIDAVIT
OF HAND DELIVERY

PSC Case No. GE-15-36

STATE OF NORTH DAKOTA

)
)ss
)

COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

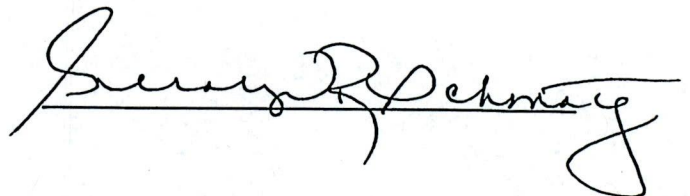
she is over the age of 18 years and not a party to this action and, on the 19th day of May 2015, she hand delivered to the North Dakota Secretary of State Office, 1 envelope, securely sealed and containing a photocopy of:

1. Memorandum Requesting Service of Process
2. Notice of Entry of Ex Parte Order with a copy of the Order
3. Affidavits of Service by Certified and Regular Mail.
4. Mail returned, Tad McGurk – Notice of Entry of Ex Parte Order
5. Notice of Entry of Order with a copy of the Order
6. Notice of Appointment as Trustee and Notice to File Claims
7. Affidavit of Service by Certified and Regular Mail
8. Mail returned, Tad McGurk – Notice of Entry of Order
9. Affidavit Respondent not Found
10. Affidavit of Hand Delivery

The envelope was addressed as follows:

Secretary of State
State of North Dakota
600 E Boulevard Avenue Dept 108
Bismarck ND 58505-0500

Subscribed and sworn to before me
this 19 day of May, 2015.



SEAL

Notary Public