

Richter, Susan K.

From: Lauri Sorensen <lauris@pringlend.com>
Sent: Tuesday, May 26, 2015 1:54 PM
To: Jeffcoat-Sacco, Illona; Richter, Susan K.; Furey, Casey A.
Subject: PSC Case No. GE-15-36
Attachments: Claim of FCA.pdf; COS.pdf

Please see copies of recent filings that should you should also receive from the Odyssey File & Serve System.

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141 GE-15-36 Filed: 5/26/2015 Pages: 7
Claim

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

IN DISTRICT COURT
NORTHEAST 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

**CLAIM OF FESSENDEN
COOPERATIVE ASSOCIATION**

COMES NOW, Claimant Fessenden Cooperative Association, by and through its Attorney, Scott M. Knudsvig, for and as its Claim in response to Petitioner's Notice of Appointment as Trustee and Notice to File Claims, alleges and states as follows:

[1] Fessenden Cooperative Association ("FCA") is a North Dakota cooperative association whose principal place of business is located at 900 S Railway St., Fessenden, ND 58438-0126.

[2] Grand Forks Bean Company, Inc. ("GFB"), as buyer, entered into contract #22022 on May 31, 2013 with FCA, as seller, for the purchase of pinto beans in the amount of 10,000 cwt priced at \$40 per cwt. This contract is attached hereto as **Exhibit A**. On September 25, 2013, GFB, as buyer, entered into contract #22162 with FCA, as seller, for the purchase of pinto beans in the amount of 10,000 cwt priced at \$45 per cwt. This contract is attached hereto as **Exhibit B**. GFB refused to take delivery of the pinto beans under the contracts. The amount owed by GFB to FCA under the contracts is \$850,000.00, upon delivery.

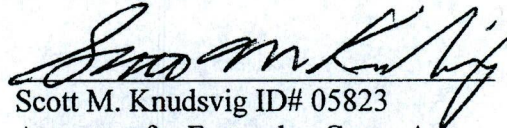
[3] FCA's damages, as measured on January 26, 2015, the date on which FCA determined GFB was in breach of the contracts is \$270,000. The damage calculation is set forth in **Exhibit C**

attached hereto. FCA asserts a claim in the amount of \$270,000, together with interest at the legal rate from the date payment was to be made pursuant to the contracts.

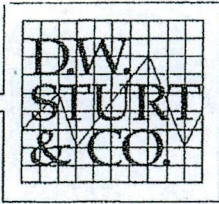
Dated this 26th day of May, 2015

Pringle & Herigstad, P.C.

By:



Scott M. Knudsvig ID# 05823
Attorneys for Fessenden Coop. Assn.
P.O. Box 1000, 2525 Elk Drive
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COMMODITY BROKERAGE

BUYER: Grand Forks Bean Co.
2120 North Washington
Grand Forks ND 58206

We hereby confirm the following transaction:

Confirmation: 22022

Date: 31 May 2013

SELLER: Fessenden Coop Association
P.O: Box 126
Fessenden ND 58438-0126

COMMODITY: Pinto Beans; 2013 Crop
QUANTITY: 5 hoppers, or approx. 10,000 (Ten thousand) cwt
QUALITY: U.S.D.A.# 1 Package quality
PACKING: Bulk basis
PRICE: \$40.00 (Forty and xx/100) per cwt
TERMS: Net cash 30 days from date of shipment.
DELIVERY: Ex Warehouse Minnesota/North Dakota
SHIPMENT: Oct/Nov/Dec, 2013 buyers option.
REMARKS: Dan/Brad/Todd Quality: As per C&F and or Trinidad/benham package specifications.

Any controversy or claim arising out of or relating to this contract or breach thereof shall be settled through arbitration

Please sign and return the enclosed copy. Thank you.

D. W. Sturt & Co.

By: NPTR

In accordance with the regulations, customs, and rules therein. D.W. Sturt & Co. assumes no responsibility for the performance of this transaction by either party or for the delivery of or payment for the commodity covered herein.

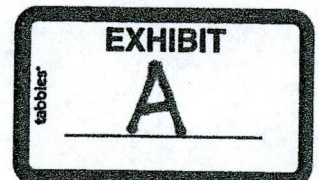
Sellers/Buyers Authorized Signature

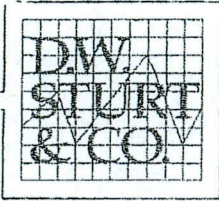
Brad Stevens 6-25-13

[Signature]

SELLER

P.O. Box 2069, Petoskey, MI 49770
Tel: (231) 347-5424 • dwsturt.com • FAX (231) 347-5967





COMMODITY BROKERAGE

BUYER: Grand Forks Bean Co.
2120 North Washington
Grand Forks ND 58206

We hereby confirm the following transaction:

Confirmation: 22162

Date: 25 Sep 2013

SELLER: Fessenden Coop Association
P.O. Box 126
Fessenden ND 58438-0126

COMMODITY: Pinto Beans; 2013 Crop
QUANTITY: 5 hoppers or approx. 10,000 (Ten Thousand) cwt
QUALITY: U.S.D.A.# 1 Package quality
PACKING: Bulk basis
PRICE: usd45.00(Forty-five and xx/100) per cwt; bulk hpr basis
TERMS: Net cash 30 days from date of shipment.
DELIVERY: F.O.B. Fessenden, N.D.
SHIPMENT: Oct. 2013- Mar 2014- buyers option
REMARKS: Brad/Boone/DW/Todd; seller agrees to ship quality as per cf foods or trinidad/benham specifications.

Any controversy or claim arising out of or relating to this contract or breach thereof shall be settled through arbitration.

Please sign and return the enclosed copy.
Thank you.

D. W. Sturt & Co.

By: NPTR

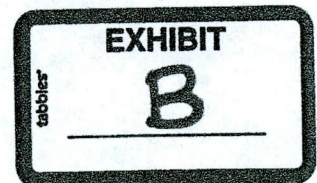
In accordance with the regulations, customs, and rules therein.
D.W. Sturt & Co. assumes no responsibility for the performance of this transaction by either party or for the delivery of or payment for the commodity covered herein.

Brad Boone 10-8-13

Sellers/Buyers Authorized Signature

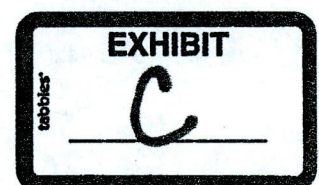
SELLER

P.O. Box 2069, Petoskey, MI 49770
Tel: (231) 347-5424 • dwsturt.com • FAX (231) 347-5967



Grand Forks Bean Contracts

Contract #	Quantity in cwt.	Contract Price	January 26, 2015 Price	Due Date	Price Difference
22022	10,000.00	\$ 40.00	\$ 29.00	12/31/2013	\$ 110,000.00
22162	10,000.00	\$ 45.00	\$ 29.00	3/31/2014	\$ 160,000.00
					\$ 270,000.00



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NORTHEAST JUDICIAL DISTRICT

Public Service Commission,)

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Petitioner,)

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vs.)

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Grand Forks Bean Company, Inc.)

)

Respondent.)

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_____)

PSC Case No. GE-15-36

Civil No.: 18-2015-CV-00240

CERTIFICATE OF SERVICE

I certify that on the 26th day of May, 2015, the following document:

CLAIM OF FESSENDEN COOPERATIVE ASSOCIATION

was electronically filed with the Clerk of Court through the Odyssey File and Serve System and an E-mail Service Notification will be sent to the following:

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