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Sent: Friday, September 18, 2015 8:53 AM
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Subject: Notification of Service for Case No. 18-2015-CV-00240 (Public Service Commission, et al. vs. Grand Forks Bean Company, Inc.)

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Date Submitted: 9/18/2015 8:52:34 AM

Filing Code: Response

Filing Desc: Return of Curt Amundson and Beth A. Nelson to the Motion to Intervene of Bremer Bank, National Association and Brief in Support of Motion

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Notification of Service – Return of Curt Amundson & Beth Nelson to Motion to Intervene of Bremer Bank and Brief

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF GRAND FORKS

NORTHEAST CENTRAL JUDICIAL DISTRICT

Public Service Commission,

Petitioner,

v.

Grand Forks Bean Company, Inc., Auto-
Owners Insurance Company,

Respondents,

v.

Bremer Bank, National Association,

Applicant for Intervention.

PSC Case No. GE-15-36

Civil No. 18-2015-CV-00240

**RETURN OF CURT AMUNDSON
AND BETH A. NELSON TO THE
MOTION TO INTERVENE OF
BREMER BANK, NATIONAL
ASSOCIATION AND BRIEF IN
SUPPORT OF RETURN**

Curt Amundson and Beth A. Nelson, as and for their return to the motion of Bremer Bank, National Association ("Bremer Bank") to intervene, state that they resist said motion in all respects and pray the same be denied. Denial of the motion to intervene is appropriate for the following reasons:

1. By its motion, Bremer Bank seeks to intervene with respect to Petitioner's application for appointment as trustee. That application was filed on February 13, 2015 and was granted by this Court on March 25, 2015. As a consequence, Bremer Bank's motion to intervene is moot.

2. The essence of the argument made by Bremer Bank in its motion to intervene is that it wishes to be heard on how the claims of the individuals and entities that sold crops to the Respondent Grand Forks Bean Company, Inc. ("G.F. Bean") will be paid. For example, to the extent those claimants are deemed cash sellers, by virtue of Petitioner's first position statutory lien in the crop inventory of G.F. Bean, the value of the crop collateral of Bremer Bank will be reduced. Bremer Bank is already a party in interest and has a right to be heard. The granting of Bremer Bank's motion to intervene is not necessary to allow Bremer Bank to defend its interests.

3. By its motion, Bremer Bank proposes to impermissibly broaden the scope of this proceeding. Bremer Bank seeks to assert a crossclaim against G.F. Bean to foreclose against certain of its collateral and to obtain a money judgment. Such claims are not the proper subject of a proceeding under N.D.C.C. Chapter 60-04. Related to this fact is that, on information and belief, Bremer Bank also has real estate collateral as security for the debt it claims it is owed by G.F. Bean. Bremer Bank does not seek to have its real estate collateral made subject to this proceeding. It is improper to Bremer Bank to attempt to pick and choose as to the scope of this proceeding as it relates to its claims against the G.F. Bean.

WHEREFORE, Curt Amundson and Beth A. Nelson pray that the motion to intervene of Bremer Bank be denied.

Dated this 17th day of September, 2015.

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