

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

IN DISTRICT COURT
NORTHEAST CENTRAL JUDICIAL DISTRICT

Public Service Commission,
Plaintiff,

-vs-

Grand Forks Bean Company, Inc.,
Defendant.

PSC Case No. GE-15-36

Civil No. 18-2015-CV-00240

**AMENDED
CLAIM OF
DUANE ALTENDORF**



[¶1] Duane Altendorf asserts an amended claim in the above-entitled proceeding, based upon his quantity of 2,408.22 hundred weight (cwt.) of beans, at a price of \$38.00 per cwt, for a total of \$91,512.36, being the market price of said beans prevailing on the date of the insolvency of Defendant Grand Forks Bean Company, Inc., together with interest accruing at the weighted average prime rate charged by the Bank of North Dakota from and after October 15, 2013.

Duane Altendorf asserts the date of insolvency occurred no later than October 15, 2013.

[¶2] Duane Altendorf submits with this claim, copies of receipts and other evidence for said beans that were contained within his files, which are attached hereto as **Exhibit A**.

[¶3] Based upon information and belief, the PSC obtained copies of documents within the files and in the possession of Defendant Grand Forks Bean, Inc. relating to Duane Altendorf's 2,408.22 cwt. of beans. Duane Altendorf obtained copies of said documents from the PSC, and accordingly submits with this claim, copies of said documents, which are attached hereto as **Exhibit B**.

[¶4] The Price Later Marketing Agreement document, attached as part of Exhibit B, filled out by Defendant Grand Forks Bean, Inc. purports to have been signed and initialed by Mr. Altendorf. However, this document was not signed or initialed by Mr. Altendorf, and until he obtained it from the PSC, had not been seen by him.

[¶5] Attached as **Exhibit C** is a spreadsheet summarizing Duane Altendorf's claim.

Dated this 28th day of January, 2016.

PEARSON CHRISTENSEN, PLLP

Daniel L. Gaustad (ND ID #05282)

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Attorneys for Duane Altendorf

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STATE OF NORTH DAKOTA)
) ss. VERIFICATION
COUNTY OF Grand Forks)

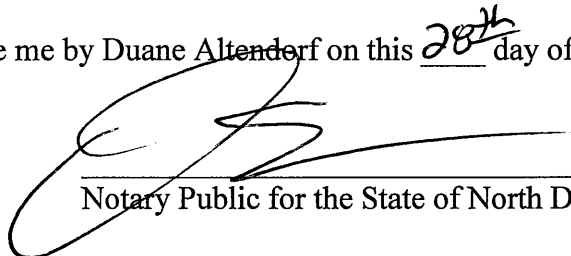
[¶6] Duane Altendorf, being duly sworn upon oath, deposes and states that I have read the above Claim and to the best of my knowledge, believe the contents to be true and correct.

DATED this 28th day of January, 2016.



DUANE ALTENDORF

Subscribed and sworn to before me by Duane Altendorf on this 28th day of January, 2016.



Notary Public for the State of North Dakota

DANIEL L GAUSTAD
Notary Public
State of North Dakota
My Commission Expires Dec. 4, 2020

Comments:

81520 Vehicle & Grain..LBS

31770 Vehicle.....LBS

49750 Gross Grain.....LBS

1682 Dockage.....LBS

48058 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02701

DATE 9/23/13

Name DWANE ALTENDORF

Name FROGAT TO BALDWIN FARMS INC DRIVER OFF

Address

Kind _____ Grade 1 Bin No. _____

Splits 1.4 %Pick 1.6 %FM 4 %

Moist 14.5 % Total Dock 3.4 %

Check Seed Coats _____ %Base Price Per CWT _____

This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery.

All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.

Check No. _____ Storage Tkt. No. _____ Assembly Sheet No. _____

**CERTIFICATE OF GRADE WEIGHT & DOCKAGE
OF GRAIN WEIGHED OVER THE SCALES OF
GRAND FORKS BEAN CO, INC.
GRAND FORKS, NORTH DAKOTA 58203**

Comments:

87800 Vehicle & Grain..LBS

31740 Vehicle.....LBS

56060 Gross Grain.....LBS

2018 Dockage.....LBS

54042 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02704

DATE 9/23/13
Name DWANE ALTEUDORF
Name FREIGHT TO BALDWIN FARMS DRIVER ON OFF
Address

Kind _____ Grade 1 Bin No. MN
Splits 2 %Pick 1.2 %FM 4 %
Moist _____ % Total Dock 3.6 %

Check Seed Coats _____ %Base Price Per CWT _____

*This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery.
All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.*

Check No. _____ Storage Tkt. No. _____ Assembly Sheet No. _____

**CERTIFICATE OF GRADE WEIGHT & DOCKAGE
OF GRAIN WEIGHED OVER THE SCALES OF
GRAND FORKS BEAN CO, INC.
GRAND FORKS, NORTH DAKOTA 58203**

Comments:

916340 Vehicle & Grain...LBS

34900 Vehicle.....LBS

61440 Gross Grain.....LBS

1966 Dockage.....LBS

59474 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02702

DATE 9/23/13

Name DUNE ALTENDORF

Name BRENT B. DRIVER ON OFF

Address

Kind _____ Grade 1 Bin No. MN

Splits 1.4 %Pick 1.32 %FM 48 %

Moist 14.1 % Total Dock 3.2 %

Check Seed Coats _____ %Base Price Per CWT _____

This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery. All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.

Check No. _____ Storage Tkt. No. _____ Assembly Sheet No. _____

CERTIFICATE OF GRADE WEIGHT & DOCKAGE OF GRAIN WEIGHED OVER THE SCALES OF GRAND FORKS BEAN CO., INC. GRAND FORKS, NORTH DAKOTA 58203

Comments:

86160 Vehicle & Grain..LBS

33140 Vehicle.....LBS

53020 Gross Grain.....LBS

2672 Dockage.....LBS

50348 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02706

DATE 9/24/13

Name ~~Quane Altenberg~~ ~~Quane Altenberg~~

Name Quane Altenberg DRIVER ON OFF

Address FREIGHT TO BRENT B.

Kind _____ Grade 1 Bin No. MN

Splits 2.92 %Pick 1.48 %FM .64 %

Moist 13.5 % Total Dock 5.04 %

Check Seed Coats _____ %Base Price Per CWT _____

*This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery.
All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.*

Check No. _____ Storage Tkt. No. _____ Assembly Sheet No. _____

**CERTIFICATE OF GRADE WEIGHT & DOCKAGE
OF GRAIN WEIGHED OVER THE SCALES OF
GRAND FORKS BEAN CO, INC.
GRAND FORKS, NORTH DAKOTA 58203**

Comments:

100260 Vehicle & Grain..LBS

28040 Vehicle.....LBS

72220 Gross Grain.....LBS

3169 Dockage.....LBS

168551 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02708

DATE 9/24/13

Name DUANE ALTENDORF

Name FREIGHT TO/BRENT B. DRIVER ON OFF

Address

Kind Grade Bin No. MN

Splits 3.6 %Pick 88 %FM 6 %

Moist 12.9 % Total Dock 5.08 %

Check Seed Coats %Base Price Per CWT

This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery.

All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.

Check No. Storage Tkt. No. Assembly Sheet No.

CERTIFICATE OF GRADE WEIGHT & DOCKAGE OF GRAIN WEIGHED OVER THE SCALES OF GRAND FORKS BEAN CO, INC. GRAND FORKS, NORTH DAKOTA 58203

Comments:

816496 Vehicle & Grain..LBS

32230 Vehicle.....LBS

54260 Gross Grain.....LBS

4319 Dockage.....LBS

49941 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02709

DATE 9/24/13

Name DUANE ALTENDORF

Name FROIGHT TO BALDWIN FARMS INC DRIVER ON OFF

Address

Kind _____ Grade 1 Bin No. MN

Splits 4.4 %Pick 2.88 %FM .68 %

Moist 14.5 % Total Dock 7.96 %

Check Seed Coats _____ %Base Price Per CWT _____

This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery.

All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.

Check No. _____ Storage Tkt. No. _____ Assembly Sheet No. _____

**CERTIFICATE OF GRADE WEIGHT & DOCKAGE
OF GRAIN WEIGHED OVER THE SCALES OF
GRAND FORKS BEAN CO, INC.
GRAND FORKS, NORTH DAKOTA 58203**

Comments:

95180 Vehicle & Grain..LBS

35440 Vehicle.....LBS

59740 Gross Grain.....LBS

3298 Dockage.....LBS

50442 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02707

DATE 9/24/13

Name DUANE ALTENDORF

Name FREIGHT TO BALDWIN FARMS DRIVER ON OFF

Address

Kind Grade 1 Bin No. MN

Splits 3.2 %Pick 1 %FM 1.32 %

Moist 13.8 % Total Dock 5.52 %

Check Seed Coats %Base Price Per CWT

This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery.

All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.

Check No. Storage Tkt. No. Assembly Sheet No.

CERTIFICATE OF GRADE WEIGHT & DOCKAGE OF GRAIN WEIGHED OVER THE SCALES OF GRAND FORKS BEAN CO, INC. GRAND FORKS, NORTH DAKOTA 58203

Comments:

93700 Vehicle & Grain..LBS

35320 Vehicle.....LBS

58380 Gross Grain.....LBS

4414 Dockage.....LBS

539166 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02710

DATE 9/24/13

Name DUANE ALSENDORF

Name FREIGHT TO BALDWIN FARM INC. DRIVER ON OFF

Address _____

Kind _____ Grade 2 Bin No. MN

Splits 3.2 %Pick 4.12 %FM .24 %

Moist 15.7 % Total Dock 7.56 %

Check Seed Coats _____ %Base Price Per CWT _____

This warehouse is not responsible for returning an identical percentage of check seed coats back to receipt holder in the event of redelivery.

All Storage contracts on dry edible beans shall terminate on April thirtieth of each year.

Check No. _____ Storage Tkt. No. _____ Assembly Sheet No. _____

**CERTIFICATE OF GRADE WEIGHT & DOCKAGE
OF GRAIN WEIGHED OVER THE SCALES OF
GRAND FORKS BEAN CO, INC.
GRAND FORKS, NORTH DAKOTA 58203**

PRICE LATER MARKETING AGREEMENT 1111

COMPANY Grand Forks Bean Co., Inc.
GROWER Duane Altvord
ADDRESS St Thomas, ND

WHEREAS, pinto beans undergo a quality deterioration in this area and cannot be stored over crop year and

WHEREAS, the parties desire to provide a market beneficial to the grower and to the company which requires a constant supply of pinto beans available to the company throughout the winter months and so the company may conduct an orderly marketing operation and so that the grower may also have choice in the time for marketing his pinto beans:

NOW THEREFORE, it is hereby agreed by and between the grower and the company as follows:

1. The company will accept, to the extent of its plant capacity to handle them, U.S. No. 1 and U.S. No. 2 Pinto Beans, with a moisture content not over 15%, grown and delivered to it by grower. Upon deliver of the pinto beans to the company plant, a receiving ticket will be issued to the grower and the issuing of the ticket will thereupon transfer title of th pinto beans to the company.
2. The beans delivered will be priced before July 1, 2014 On those pintos on which to Grower Prices, the price will be the posted market price on the date of pricing.
3. The company reserves the right to withdraw from the market due to slow market conditions from time to time.
4. Checks for the pinto beans will be issued only on growers request.
5. Signing this agreement does not automatically put your beans under this Marketing agreement. It is necessary for you to notify the company at the time each truck is delivered.
6. Seller hereby warrants that he has good and merchantable title and the right to sell the beans hereinabove described and that said beans are free and clear of all liens, mortgages, and encumbrances of any kind of nature whatsoever.
7. This Contract shall be non-assignable by either Buyer or Seller.
8. Service fee of \$.00329 per day per cwt applies.

Dated this 23 day of Sept, 20 13.

4,408.22 cwt
< 2,000.00 > 12/31/13

2408.22

Grand Forks Bean Co., Inc. tabjm
COMPANY BY
Duane Altvord
GROWER

THIS CONTRACT IS NOT PROTECTED BY NORTH DAKOTA STATUTORY WAREHOUSEMAN'S BOND COVERAGE IN THE EVENT OF BUYER'S INSOLVENCY.
DA Seller

Duane Altendorf

		Net Grain in Pounds
<u>Scale Ticket Number</u>	<u>Date</u>	<u>Duane Altendorf</u>
2701	9/23/2013	48,058.00
2704	9/23/2013	54,042.00
2702	9/23/2013	59,474.00
2706	9/24/2013	50,348.00
2708	9/24/2013	68,551.00
2709	9/24/2013	49,941.00
2707	9/24/2013	56,442.00
2710	9/24/2013	<u>53,966.00</u>
Subtotals		440,822.00
Less Sold (in pounds)	12/31/2013	<u>(200,000.00)</u>
Totals in Pounds		<u>240,822.00</u>
Totals in CWT		<u>2,408.22</u>