

**Richter, Susan K.**

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Filing Desc: Deposition of Duane Altendorf  
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1 DISTRICT COURT, GRAND FORKS COUNTY, NORTH DAKOTA  
 2 Civil No. 18-2015-CV-00240  
 3 Public Service Commission )  
 4 Petitioner, )  
 5 vs. )  
 6 Grand Forks Bean Company, Inc., )  
 7 Auto-Owners Insurance Company, )  
 8 Respondents. )  
 9 -----  
 10 DEPOSITION OF DUANE ALTENDORF  
 11 January 19, 2016  
 12 A p p e a r a n c e s :  
 13 For the Petitioner:  
 14 SMITH BAKKE PORSBORG SCHWEIGERT & ARMSTRONG  
 15 P. O. Box 460  
 16 Bismarck, North Dakota 58502-0460  
 17 By: MITCHELL D. ARMSTRONG, ESQ.  
 18 For the Claimants Brent Baldwin, Baldwin  
 19 Farms, Inc., and Duane Altendorf:  
 20 PEARSON CHRISTENSEN, PLLP  
 21 P. O. Box 5758  
 22 Grand Forks, North Dakota 58206-5758  
 23 By: DANIEL L. GAUSTAD, ESQ.  
 24 For the Claimants Nick Adams, Ron Adams and  
 25 Chuck Nelson:  
 CAMRUD, MADDOCK, OLSON & LARSON, LTD.  
 P. O. Box 5849  
 Grand Forks, North Dakota 58206-5849  
 By: RUSS J. MELLAND, ESQ.

3 I N D E X  
 4 DEPONENT: PAGE NO.  
 5 DUANE ALTENDORF  
 6 Examination by . . . Mr. Schroeder 5  
 7 Examination by . . . Mr. Armstrong 26  
 8  
 9  
 10  
 11  
 12 EXHIBIT MARKED  
 13 No. 34 -- Claim 11  
 14  
 15  
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 17  
 18  
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 23  
 24  
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2 A p p e a r a n c e s (Continued):  
 3 For the Respondent Auto-Owners Insurance  
 4 Company:  
 5 MORLEY LAW FIRM, LTD.  
 6 P. O. Box 14519  
 7 Grand Forks, North Dakota 58208-4519  
 8 By: MICHAEL J. MORLEY, ESQ.  
 9 For Bremer Bank, National Association:  
 10 ZIMNEY FOSTER P.C.  
 11 3100 South Columbia Road, Suite 200  
 12 Grand Forks, North Dakota 58201  
 13 By: JOHN D. SCHROEDER, ESQ.  
 14 Also Present: Brent Baldwin  
 15  
 16  
 17  
 18 Taken By: Joy Filipiski, Court Reporter  
 19  
 20  
 21  
 22  
 23  
 24  
 25

4  
 1 . . . The following is the Deposition  
 2 of DUANE ALTENDORF, taken at the request of the  
 3 Attorney for Bremer Bank, National Association  
 4 in the above-entitled cause, pending in the  
 5 District Court, Grand Forks County, North  
 6 Dakota, pursuant to Amended Notice and the  
 7 North Dakota Rules of Civil Procedure, before  
 8 Joy Filipiski, Court Reporter, a Notary Public  
 9 within and for the State of North Dakota, at  
 10 the law office of ZIMNEY FOSTER P.C., 3100  
 11 South Columbia Road, Suite 200, Grand Forks,  
 12 North Dakota, on Tuesday, January 19, 2016, at  
 13 2:22 o'clock p.m., at which time counsel  
 14 appeared as hereinbefore set forth . . .  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

COPY

5

1 DUANE ALTENDORF,  
2 a Claimant, of St. Thomas, North Dakota, called  
3 as a witness by the Attorney for Bremer Bank,  
4 National Association, being first duly sworn by  
5 Joy Filipski, Court Reporter, a Notary Public  
6 within and for the State of North Dakota, was  
7 examined and deposed on his oath as follows:

9 EXAMINATION

10 BY MR. SCHROEDER:

11 Q. Will you go ahead and state your  
12 name for the record, please?

13 A. Duane Altendorf.

14 Q. Okay. And your attorney may have  
15 gone over this, but I'll go over it with you,  
16 too.

17 I will be asking you a series of  
18 questions. If you do not understand the  
19 question, please tell me and I'll, I'll try to  
20 rephrase it.

21 If you answer my question, I'm  
22 going to understand -- I'm going to assume that  
23 you understood what I was asking.

24 When I ask a question, please wait  
25 until I've completed asking the question before

7

1 for a living?

2 A. I worked at Grafton Equipment for  
3 two years and then I started farming.

4 Q. So you've been farming since 1985.  
5 Is that right?

6 A. Uh-huh.

7 Q. Okay. And are you still farming?

8 A. Yes.

9 Q. Any other work you've been involved  
10 in since 1985 besides farming?

11 A. No.

12 Q. Okay. Where, where do you --  
13 where, where's your farming operation based  
14 around generally?

15 A. 4 miles west of St. Thomas.

16 Q. Okay. And what are, what are the  
17 crops you typically grow?

18 A. Wheat. Pinto beans. And some  
19 soybeans. Just the last two years of soybeans.

20 Q. So that would be just in 2015 and  
21 2014, the soybeans, you --

22 A. Yes.

23 Q. -- started doing?

24 And part of that is just wheat and  
25 pinto?

6

1 you start your answer. And I will try to not  
2 interrupt your answers with further questions.

3 If there's a yes or no answer,  
4 please state yes or no, not a nod of your head  
5 or say uh-huh.

6 And if you need to take a break,  
7 please let us know and we can take a break.

8 Okay. What is your age?

9 A. 53.

10 Q. Okay. And what is your present  
11 address?

12 A. 14383 83rd Street Northeast, St.  
13 Thomas, North Dakota.

14 Q. And what's your educational  
15 background?

16 A. High school and two years of  
17 college.

18 Q. Where did you go to college?

19 A. Wahpeton.

20 Q. What did you study at Wahpeton?

21 A. Diesel mechanic.

22 Q. And when did you stop going to  
23 school at, at Wahpeton?

24 A. '83.

25 Q. So since '83, what have you done

8

1 A. Whe -- yeah, wheat and pintos.

2 Q. Okay. For the wheat, what do you  
3 typically do with that when you harvest it?

4 A. Haul it to the elevator.

5 Q. And what elevator?

6 A. Our local elevator.

7 Q. Which is?

8 A. Crystal.

9 Q. Crystal.

10 Okay. And what do you do with the  
11 wheat at the, at the elevator?

12 A. Just store it until I want to sell  
13 it.

14 Q. Okay. And then the pinto beans,  
15 what would you do with those when you harvested  
16 those?

17 A. Hauled them in and either sold  
18 them or stored them until I wanted to sell  
19 them.

20 Q. Okay. So in -- did you grow pintos  
21 in 2015?

22 A. Yes.

23 Q. Okay. And where did you deliver  
24 those pintos?

25 A. Cavalier Bean.

9

1 Q. Okay. And in 2014, did you grow  
 2 pintos?  
 3 A. Yep.  
 4 Q. Okay. And where did you deliver  
 5 those pintos after they were harvested?  
 6 A. Cavalier Bean.  
 7 Q. Okay. And then in 2013, you grew  
 8 pintos, right?  
 9 A. Yes.  
 10 Q. Okay. And where did you deliver  
 11 those pintos you grew in 2013?  
 12 A. Well, some went to Grand Forks and  
 13 the rest went to Cavalier Bean.  
 14 Q. Do you have an idea how many total  
 15 pounds you grew in 2013?  
 16 A. Look on the, on the thing there,  
 17 just take it times two is my total poundage.  
 18 Look on the bill of lading, because he got half  
 19 my crop.  
 20 Q. Okay. So you delivered half to  
 21 Grand Forks Bean and half to --  
 22 A. To --  
 23 Q. -- Cavalier?  
 24 A. Yeah.  
 25 Q. Okay.

10

1 A. So just look on there and it'll  
 2 tell you.  
 3 Q. Okay. Is there a reason you would  
 4 go half to Cavalier and half to Grand Forks  
 5 Bean?  
 6 A. No.  
 7 Q. Were the, were the 2013 pintos  
 8 grown in generally the same locale?  
 9 A. Yep.  
 10 Q. Okay.  
 11 A. Yes.  
 12 Q. And the years prior to 2013, what  
 13 had you done with the pinto beans?  
 14 A. Stored them, sold them.  
 15 Q. Okay. Well, with, with Cavalier  
 16 Bean and Grand Forks Bean?  
 17 A. No.  
 18 Q. No?  
 19 A. Just Cavalier.  
 20 Q. Just Cavalier prior to 2013?  
 21 A. Yep.  
 22 Q. Okay. So 2013 is the only year you  
 23 delivered pintos to Grand Forks Bean?  
 24 A. Yes, it is.  
 25 Q. Okay. I'll show you --

11

1 (Whereupon, Deposition Exhibit No.  
 2 34, Altendorf, was marked for identification.)  
 3 Q. (By Mr. Schroeder) I'll show you  
 4 what's been marked as Deposition Exhibit 34.  
 5 Titled: Claim of Duane Altendorf.  
 6 Are you familiar with that document?  
 7 A. Yes.  
 8 Q. Okay. And is this, this the, the  
 9 document laying out what you believe you're  
 10 owed in this insolvency matter?  
 11 A. Yes, it is.  
 12 Q. Okay. And reading off the top  
 13 here, you're claiming you're, you're owed  
 14 2,408.22 hundredweight of pinto beans. Is that  
 15 right?  
 16 A. Yes.  
 17 Q. Okay. Then later, it says that  
 18 you're asserting the day of the insolvency of  
 19 defendant, Grand Forks Bean Company,  
 20 Incorporated, occurring on or before December  
 21 19, 2014?  
 22 A. Yes.  
 23 Q. Okay. So what date would you  
 24 assert, prior to December 19, 2014, that Grand  
 25 Forks Bean Company was insolvent?

12

1 MR. GAUSTAD: And I'll object,  
 2 just -- it, it does call for a legal  
 3 conclusion.  
 4 But to the extent you can answer.  
 5 A. Isn't that up to the Court?  
 6 Q. (By Mr. Schroeder) Well, it's your  
 7 assertion right here. You're asserting it's on  
 8 or before that date.  
 9 A. Well, I called them after we  
 10 delivered them to try to get him to sell them  
 11 and he was always working on something.  
 12 Q. Okay.  
 13 And it looks like the, Exhibit A to  
 14 your claim there, those are the, the scale  
 15 tickets from your deliveries to Grand Forks  
 16 Bean in 2013. Is that right?  
 17 A. Yes.  
 18 Q. Okay. Tho -- those deliveries,  
 19 were those delivered to you by -- by you or by  
 20 somebody else?  
 21 A. By somebody else.  
 22 Q. Okay. Who, who were those  
 23 delivered by?  
 24 A. Brent Baldwin.  
 25 Q. When you say "Brent Baldwin", were

13

1 those delivered personally by Brent Baldwin?  
 2 A. I -- no, I don't think so.  
 3 Q. Okay. Do you know, does Brent  
 4 Baldwin have employees?  
 5 A. Yes, he does.  
 6 Q. Okay. So you don't know if it  
 7 would be employees or by Brent?  
 8 A. No, I don't.  
 9 Q. Okay. What's the relationship with  
 10 Brent Baldwin that he would be delivering the  
 11 pintos for you?  
 12 A. Neighbor.  
 13 Q. Okay.  
 14 A. And we've worked together.  
 15 Q. Okay. Did you pay anything to  
 16 Brent for delivering the pintos?  
 17 A. No.  
 18 Q. Okay. Those scale tickets that are  
 19 Exhibit A, were those in your possession?  
 20 A. Yes.  
 21 Q. Okay. And how did you get, get  
 22 those into your possession?  
 23 A. From Brent.  
 24 Q. From Brent.  
 25 I'll have you turn to Exhibit B in

14

1 that document?  
 2 Have you seen that, that document  
 3 before?  
 4 A. No.  
 5 Q. No.  
 6 MR. GAUSTAD: Before what date?  
 7 Might have been a little early on his answer.  
 8 MR. SCHROEDER: Sure.  
 9 Q. (By Mr. Schroeder) You did file it  
 10 as part of your claim as an Exhibit, right?  
 11 A. Yes.  
 12 Q. Okay. And so I -- the -- you  
 13 reviewed the, the claim before it was filed  
 14 with the Court. Is that right?  
 15 A. Yes.  
 16 Q. Okay. And at the top, it says  
 17 it's a Price Later Marketing Agreement. Do, do  
 18 you see that?  
 19 A. Uh-huh.  
 20 Q. And it's state -- the document's  
 21 reading that it's between Grand Forks Bean  
 22 Company as company and Duane Altendorf as  
 23 grower. Do you see that?  
 24 A. Yes.  
 25 Q. Do you agree it says that?

15

1 A. Yes.  
 2 Q. Okay. And you agree it has an  
 3 address: St. Thomas, ND, is that right, at the  
 4 top there?  
 5 A. Yep. Yes, --  
 6 Q. Okay.  
 7 A. -- it is.  
 8 Q. And you see at the bottom where  
 9 it's dated the 23rd day of September, 2013?  
 10 You --  
 11 A. Yes.  
 12 Q. Okay. And you would agree that you  
 13 delivered beans to Grand Forks Bean on  
 14 September 23, 2013?  
 15 A. Yep.  
 16 Q. Okay.  
 17 A. Yes.  
 18 Q. And the line where it says:  
 19 Grower, it looks like the name Duane Altendorf  
 20 is there. Do you see that?  
 21 A. Yes, I do.  
 22 Q. Okay. Is that your signature?  
 23 A. No, it's not.  
 24 Q. Okay. And you see where it says:  
 25 DA in the box underneath the, the signature

16

1 line there?  
 2 A. Yes.  
 3 Q. Did you put those initials in that  
 4 box?  
 5 A. No, I didn't.  
 6 Q. Okay. Do you know who did put  
 7 those initials in the box?  
 8 A. No, I don't.  
 9 Q. Do you know who put the name Duane  
 10 Altendorf on the grower line?  
 11 A. No, I don't.  
 12 Q. Okay. Do you know the first time  
 13 you reviewed this, this document, this Price  
 14 Later Marketing Agreement?  
 15 A. When it come from the PSC.  
 16 Q. Okay. Do you see on the left hand  
 17 side there there's: 4,408.22 hundredweight?  
 18 Do you see that --  
 19 A. Yes.  
 20 Q. -- handwritten note?  
 21 Okay. And it looks like, minus  
 22 2,000, 12-31-13?  
 23 A. Yes.  
 24 Q. Okay. What, what do you think  
 25 that's a reference to?

<p style="text-align: center;">17</p> <p>1 A. That was the beans that he was 2 selling on 12-31-13 for me. 3 Q. Okay. So describe for me how, how 4 that process worked, that there were a certain 5 amount of beans sold. 6 A. Contracted 2,000 in for \$45 and we 7 hauled another 2400 in for the price when we 8 wanted to sell them. 9 Q. Okay. And by "contracted", what do 10 you mean, "contracted"? For the 2,000s. 11 A. What do you -- I don't understand. 12 Q. Did you have a written contract -- 13 A. No, -- 14 Q. -- for the 2,000 -- 15 A. -- it's verbal. 16 Q. Okay. 17 A. Verbal, over the phone. 18 Q. Who, who was that phone 19 conversation with? 20 A. Todd. 21 Q. Todd. 22 And when did that conversation 23 take -- occur? 24 A. A couple days before I started 25 hauling to him.</p>	<p style="text-align: center;">19</p> <p>1 he just didn't have a market for them. 2 Q. Okay. Have you ever been to the 3 Grand Forks Bean facility? 4 A. Yes. 5 Q. Okay. When was the last time? 6 A. Oh, before Christmas. Of '14. 7 Q. Okay. What about prior to that, 8 other times you recall being at the Grand Forks 9 Bean facility? 10 A. No. 11 Q. So reading through your claim, the 12 first three pages, I, I don't see a dollar 13 amount that you're claiming you are owed by 14 Grand Forks Bean Company. How much money do 15 you claim Grand Forks Bean Company owes you? 16 A. From when? 17 Q. For the 2,408.22 hundredweight. 18 A. Well, it's either up to the PSC or 19 you guys. 20 Q. Well, how much, how much would you 21 demand be paid? 22 A. (No verbal response.) 23 Q. Do you have a price per 24 hundredweight? 25 A. 38 bucks.</p>
<p style="text-align: center;">18</p> <p>1 Q. So the first part -- September 2 20th, 21st, somewhere in there? 3 A. Yeah, I suppose, yes. 4 Q. And what was the discussion 5 regarding the excess beans above 2,000? 6 A. They'd be sold when we called to 7 ask to sell them. 8 Q. Okay. And did you, did you call 9 and ask that they be sold? 10 A. Yes, I did. 11 Q. Okay. When was that? 12 A. Starting in October, all the way up 13 until he passed away. 14 Q. Starting in October of 2013? 15 A. Yep. Yes. 16 Q. And how often would you say you, 17 you spoke with him? 18 A. Sometimes every ten days, sometimes 19 once a month, sometimes once a week. 20 Q. And would those be phone -- 21 A. Yes. 22 Q. -- conversations? 23 And what was the, the explanation 24 that Todd would give you? 25 A. He's either working on something or</p>	<p style="text-align: center;">20</p> <p>1 Q. Okay. And what's that \$38 per 2 hundredweight based on? 3 A. What I was trying to get for them 4 when I was trying to sell them and he wouldn't 5 take them. 6 Q. And when was that? 7 A. October of '13, until he passed 8 away. 9 Q. So is it -- so are, are you saying 10 that the price of pinto beans from October of 11 '13 through approximately August of '14 should 12 have been \$38 a hundredweight? 13 A. No, that's what they were when I 14 was trying to sell them. 15 Q. In October -- 16 A. That's what I -- 17 Q. -- of '13? 18 A. Yeah, that's what I wanted. 19 Q. Okay. Do you know what the price 20 of pinto beans has done since October of 2013? 21 A. Yeah. 22 Q. Well, what have, what have they 23 done? 24 A. Went in the gutter. 25 Q. Okay. At any time since October of</p>

21

1 2013 did you have a discussion with Todd McGurk  
 2 about redelivery of this 2400 and some odd  
 3 pinto beans?  
 4 A. No, I didn't.  
 5 Q. Okay. Any conversations about  
 6 redelivery with Tad McGurk?  
 7 A. No.  
 8 Q. Okay. Do you have any -- did you  
 9 ever have any e-mail contact with Todd McGurk  
 10 at Grand Forks Bean?  
 11 A. No, I didn't.  
 12 Q. Okay. What about with Tad McGurk,  
 13 any e-mail contact?  
 14 A. No.  
 15 Q. Any kind of written communications  
 16 with either of them?  
 17 A. No.  
 18 Q. Okay. Anybody else at Grand Forks  
 19 Bean, any kind of written communication?  
 20 A. No.  
 21 Q. Okay. Have you had any written  
 22 communications with any other farmers who filed  
 23 a claim in this matter?  
 24 A. Communications, I have.  
 25 Q. Okay. Any written communications?

22

1 A. No.  
 2 Q. What about other communications?  
 3 What have you -- who have you, who have you  
 4 spoken with?  
 5 A. Brent Baldwin.  
 6 Q. Okay. Anybody else?  
 7 A. No.  
 8 Q. Okay. And what were your  
 9 conversations with Brent Baldwin regarding  
 10 Grand Forks Bean?  
 11 MR. GAUSTAD: And you're asking  
 12 outside of the context when an attorney is not  
 13 present, correct?  
 14 MR. SCHROEDER: I --  
 15 MR. GAUSTAD: To, to the extent  
 16 you're asking him a question when, when I'm  
 17 present or Mr. Melland was present, that would  
 18 be subject to attorney-client privilege, so --  
 19 Q. (By Mr. Schroeder) What were your  
 20 discussions with Brent Baldwin?  
 21 MR. GAUSTAD: Again, to the extent  
 22 you can answer the question when it wasn't --  
 23 not subject to attorney-client privilege.  
 24 Q. (By Mr. Schroeder) How about this:  
 25 did you have conversations with Brent Baldwin

23

1 without an attorney present?  
 2 A. Yes.  
 3 Q. Okay. What were those  
 4 conversations? What did you discuss in those  
 5 conversations?  
 6 MR. GAUSTAD: Go ahead and answer  
 7 those.  
 8 A. How to get our money.  
 9 Q. (By Mr. Schroeder) Okay. So, so  
 10 specifically what, what, what types of things  
 11 did you and Brent discuss on how to get your  
 12 money?  
 13 A. How to figure out how to get it,  
 14 we'd never been stuck in a position like this.  
 15 Q. Okay.  
 16 A. Just trying to figure out what to  
 17 do.  
 18 Q. Okay. Do you recall when those  
 19 conversations occurred?  
 20 A. No.  
 21 Q. Okay. Would it have been after  
 22 Todd had passed away?  
 23 A. Yeah. Yes.  
 24 Q. Okay. In those conversations with  
 25 Brent, was there any reference or did you

24

1 discuss any, at all, a Price Later Marketing  
 2 Agreement?  
 3 A. No.  
 4 Q. Okay. What, what was the  
 5 discussions relating to your, your rights in  
 6 these beans with Brent Baldwin?  
 7 A. There wasn't any discussion on my  
 8 rights.  
 9 Q. Okay. Just that you had delivered  
 10 some and he had delivered some?  
 11 A. Correct.  
 12 Q. Okay. Did you attend any type of  
 13 meetings with other, other farmers who filed  
 14 claims in this matter?  
 15 MR. GAUSTAD: If --  
 16 A. Yeah, we had one or -- we had a  
 17 couple with the -- these guys.  
 18 Q. (By Mr. Schroeder) Okay. So you  
 19 had one with Mr. Melland. Is that right?  
 20 A. Yes.  
 21 Q. And that would have been February  
 22 20 of 2014?  
 23 A. I think so.  
 24 Q. Okay. And was it your  
 25 understanding at that Jan -- December 20, 2014

25

1 meeting, that Mr. Melland was your attorney?  
 2 A. Yes, it was.  
 3 Q. Okay. Any other meetings with all  
 4 the farmers?  
 5 A. No.  
 6 Q. Okay. The -- a -- another one of  
 7 the claimants has talked about a meeting that  
 8 occur at a Season's restaurant in East Grand  
 9 Forks. Did you attend anything at Season's?  
 10 A. Yes, that was the other one I  
 11 attended.  
 12 Q. Okay. And what was discussed at  
 13 that, that meeting with the other farmers?  
 14 A. Just trying to figure something  
 15 out, trying to figure out how to get the beans  
 16 back or get the money for them.  
 17 Q. Okay. Did anybody discuss a Price  
 18 Later Marketing Agreement at that Season's  
 19 meeting?  
 20 A. No.  
 21 Q. For the beans that you delivered to  
 22 Cavalier Bean, what type of documents do you  
 23 receive from Cavalier Bean for those  
 24 deliveries?  
 25 A. Scale tickets and an assembly

26

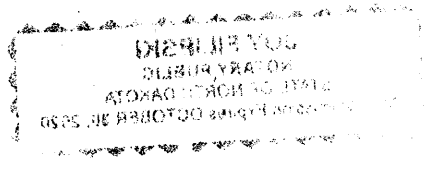
1 sheet.  
 2 Q. Okay. You don't get a warehouse  
 3 receipt from Cavalier Bean?  
 4 A. Scale --  
 5 MR. GAUSTAD: Is that what you mean  
 6 by a scale ticket?  
 7 A. Scale tickets.  
 8 Q. (By Mr. Schroeder) You just get  
 9 scale tickets, like the ones that are filed as  
 10 part of your claim?  
 11 A. Yes.  
 12 Q. Okay. Do you have any written  
 13 contracts with Cavalier Bean?  
 14 A. Yes.  
 15 Q. Okay.  
 16 MR. SCHROEDER: I think that's all  
 17 the questions I have.  
 18 MR. MORLEY: No questions here.  
 19 MR. MELLAND: No questions.  
 20  
 21 EXAMINATION  
 22 BY MR. ARMSTRONG:  
 23 Q. Do you know what the market price  
 24 of beans was in December of 2014?  
 25 A. No, I don't.

27

1 Q. Do you think the \$23 per  
 2 hundredweight sounds about right or do you just  
 3 not know?  
 4 A. I have to say no.  
 5 MR. GAUSTAD: No, --  
 6 A. I don't, --  
 7 MR. GAUSTAD: -- you don't?  
 8 A. -- I don't know.  
 9 Q. (By Mr. Armstrong) Okay.  
 10 MR. ARMSTRONG: That's all the  
 11 questions I have. Thank you.  
 12 MR. GAUSTAD: He will read and  
 13 sign, please. You're very good, but we'll let  
 14 him read and sign, okay?  
 15 COURT REPORTER: Thank you, Dan.  
 16 (Whereupon, the deposition was  
 17 concluded at 2:50 o'clock p.m.)  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
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28

1 I, DUANE ALTENDORF, do hereby certify  
 2 that the foregoing 27 pages contain a full,  
 3 true and correct transcript of the testimony as  
 4 given by me at the aforesaid time and place  
 5 with corrections, if any, as noted on the  
 6 attached sheet or sheets.  
 7  
 8  
 9 \_\_\_\_\_  
 10 Duane Altendorf  
 11  
 12  
 13 Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
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 25



1 NOTARY-REPORTER'S CERTIFICATE  
 2 STATE OF NORTH DAKOTA )  
 ) ss  
 3 COUNTY OF GRAND FORKS )

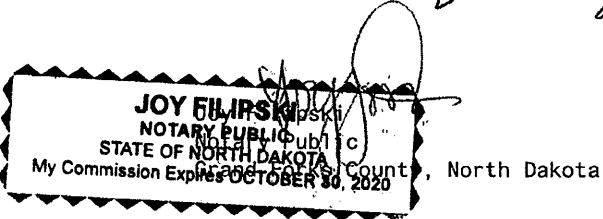
4  
 5 I, JOY FILIPSKI, a Notary Public within and  
 6 for the County of Grand Forks and State of  
 7 North Dakota, do hereby certify:

8 That prior to being examined the  
 9 afore-named witness was by me sworn to testify  
 10 the truth, the whole truth, and nothing but the  
 11 truth;

12 That said deposition, consisting of 27  
 13 pages of typewritten materials, was taken down  
 14 by me in Stenotype at the time and place  
 15 therein named, and was thereafter reduced to  
 16 typewriting under my direction.

17 I further certify that I am neither related  
 18 to any of the parties or counsel nor interested  
 19 in this matter directly or indirectly.

20 WITNESS my hand and seal this *22<sup>nd</sup>* day of *January*  
 21 *2010*

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 23   
 24  
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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.

Civil No. 18-2015-CV-00240

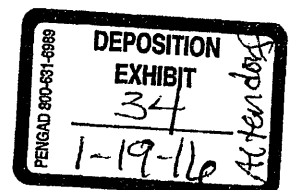
**CLAIM OF  
DUANE ALTENDORF**

\_\_\_\_\_  
PSC Case No. GE-15-36  
\_\_\_\_\_

[¶1] Duane Altendorf asserts a claim in the above-entitled proceeding, based upon his quantity of 2,408.22 hundred weight (cwt.) of beans, for 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 since the date of the insolvency of Defendant Grand Forks Bean Company, Inc. Pursuant to the Court's Amended Order Appointing Trustee (Court Doc. No. 26), Duane Altendorf asserts the date of insolvency of Defendant Grand Forks Bean Company, Inc. occurred on or before December 19, 2014.

[¶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 11<sup>th</sup> day of May, 2015.

**PEARSON CHRISTENSEN, PLLP**

Daniel L. Gaustad (ND ID #05282)

Joseph E. Quinn (ND ID #06538)

Attorneys at Law

24 North 4<sup>th</sup> Street

P. O. Box 5758

Grand Forks, ND 58206-5758

Phone: 701-775-0521

Facsimile: 701-775-0524

[dan@grandforkslaw.com](mailto:dan@grandforkslaw.com)

[jquinn@grandforkslaw.com](mailto:jquinn@grandforkslaw.com)

Attorneys for Duane Altendorf

*[balance of page intentionally left blank]*

STATE OF NORTH DAKOTA

COUNTY OF Pembina

)  
) ss. VERIFICATION  
)

[¶] 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 11<sup>th</sup> day of May, 2015.

*Duane Altendorf*  
DUANE ALTENDORF

Subscribed and sworn to before me by Duane Altendorf on this 11 day of May, 2015.

*Daniel L. Johnson*  
Notary Public for the State of North Dakota

DANIEL L. JOHNSON  
Notary Public  
State of North Dakota  
My Commission Expires Feb. 2, 2017

Comments:

03700 Vehicle & Grain...LBS

35320 Vehicle.....LBS

58380 Gross Grain.....LBS

4414 Dockage.....LBS

58906 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02710

DATE 9/24/13

Name DUANE ALTENDORF

Name FRESH TO BALDWIN FARM INC. DRIVER OFF

Address

Kind \_\_\_\_\_ Grade 2 Bin No. MN

Spills 3.2 %Pick 4.12 %FM 24 %

Moist 15.7 % Total Dock 7.54 %

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  
 57440 Vehicle.....LBS  
 59740 Gross Grain.....LBS  
 3298 Dockage.....LBS  
 56442 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:

56490 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 FREIGHT 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:

100260 Vehicle & Grain..LBS  
 28040 Vehicle.....LBS  
 72220 Gross Grain.....LBS  
 3669 Dockage.....LBS  
 68551 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 1 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:

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 ~~Grand Forks~~

Name Duane Altvick 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:

912340 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 9/22/13

Name DUANE ALTENDORF

Name BRENT 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 \_\_\_\_\_ Storage \_\_\_\_\_ Assembly \_\_\_\_\_  
 No. \_\_\_\_\_ Tkt. No. \_\_\_\_\_ 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 ALTENDORF

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:

81520 Vehicle & Grain..LBS

31770 Vehicle.....LBS

49750 Gross Grain.....LBS

1182 Dockage.....LBS

48058 Net Grain.....LBS

Moist Dock.....%LBS

Net Grain.....LBS

02701

DATE 9/23/13

Name DUANE 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

# PRICE LATER MARKETING AGREEMENT 1111

COMPANY Grand Forks Bean Co., Inc.  
GROWER Duane Albrecht  
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, 2013.

4,408.22 cwt  
< 2,000.00 > 12/31/13  
2408.22

Grand Forks Bean Co., Inc. talk j m  
COMPANY BY  
Duane Albrecht  
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

<u>Scale Ticket Number</u>	<u>Date</u>	<u>Net Grain in Pounds</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	53,966.00
Subtotals		440,822.00
Less Sold (in pounds)	12/31/2013	(200,000.00)
Totals in Pounds		<u>240,822.00</u>
Totals in CWT		<u>2,408.22</u>

<p><b>\$</b></p>	<p><b>4</b></p>	<p>12:7</p>	<p>12:24, 12:25, 13:1, 13:3, 13:7, 13:10, 13:16, 13:23, 13:24, 22:5, 22:9, 22:20, 22:25, 23:11, 23:25, 24:6</p>	<p><b>context</b> [1] - 22:12 <b>Continued</b> [1] - 2:1 <b>contract</b> [1] - 17:12 <b>contracted</b> [3] - 17:6, 17:9, 17:10 <b>contracts</b> [1] - 26:13 <b>conversation</b> [2] - 17:19, 17:22 <b>conversations</b> [8] - 18:22, 21:5, 22:9, 22:25, 23:4, 23:5, 23:19, 23:24 <b>correct</b> [3] - 22:13, 24:11, 28:3 <b>corrections</b> [1] - 28:5 <b>counsel</b> [2] - 4:13, 29:18 <b>County</b> [3] - 4:5, 29:6, 29:24 <b>COUNTY</b> [2] - 1:1, 29:3 <b>couple</b> [2] - 17:24, 24:17 <b>Court</b> [4] - 2:18, 4:5, 4:8, 5:5 <b>COURT</b> [2] - 1:1, 27:15 <b>court</b> [2] - 12:5, 14:14 <b>crop</b> [1] - 9:19 <b>crops</b> [1] - 7:17 <b>Crystal</b> [2] - 8:8, 8:9</p>
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