

Richter, Susan K.

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To: Jeffcoat-Sacco, Illona; Richter, Susan K.
Cc: Mitch Armstrong
Subject: PSC - Grand Forks Bean - Response of Brent Baldwin, Baldwin Farms, Inc., and Duane Altendorf to PSC's Motion for Additions to Court's May 3, 2016 Order
Attachments: Response of Brent Baldwin, Baldwin Farms, Inc., and Duane Altendorf to PSC's Motion for Additions to Court's May 3, 2016 Order.pdf

Attached is the Response of Brent Baldwin, Baldwin Farms, Inc., and Duane Altendorf to PSC's Motion for Additions to Court's May 3, 2016 Order with regard to the above-captioned matter.

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Notification of Service – Response to Motion for Additions to Order

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.,
and
Auto-Owners Insurance Company
Respondents.

Civil No. 18-2015-CV-00240



**RESPONSE OF
BRENT BALDWIN, BALDWIN FARMS,
INC., AND DUANE ALTENDORF TO
PSC'S MOTION FOR ADDITIONS TO
COURT'S MAY 3, 2016 ORDER**

PSC Case No. GE-15-36

[¶1] Brent Baldwin (“Baldwin”), Baldwin Farms, Inc. (“Baldwin Farms”), and Duane Altendorf (“Altendorf”) file this response to the Public Service Commission’s Motion for Additions to the Court’s May 3, 2016 Order (Court Doc. No. 381-383). This submission is prompted solely because of Bremer Bank’s May 31, 2016, response to the PSC’s motion (Court Doc. 406, ¶ 6), and is done to avoid any misunderstanding regarding the PSC’s payments ordered to be made by this Court’s May 3, 2016 Order Modifying Trustee’s Report and Recommendations (Court Doc. 377) and May 5, 2016 Order Correcting Clerical Mistake/Oversight (Court Doc. 379).¹

[¶2] The PSC, in its motion, noted that when the time for payment to the eight claimants is to be made, as directed by this Court in paragraphs 2-9 of the Order provision (Court Doc. 377 & 379), the PSC would check for outstanding liens for each of these identified claimants, and in turn issue payment to the noted claimant and “any relevant valid lien holder.” Court Doc. No. 383, ¶ 14. It was understood that under PSC’s motion, the joint payee for each claimant’s

¹ Bremer Bank’s response was not received until late on May 31, 2016, leaving insufficient time for the undersigned to submit this response on May 31, 2016.

payment would be only a party holding a valid crop lien from the respective claimant on this dry bean crop. For example, if Baldwin had granted a valid crop lien on his 2013 dry bean crop that remained outstanding, the PSC was requesting the payment this Court had ordered to be made to Baldwin would be made jointly payable to Baldwin and the party holding a valid and outstanding crop lien that had been granted by Baldwin in such dry bean crop, and if no such crop lien existed, then the payment would be made solely to Baldwin.

[¶3] This Court was clear in its directive and order for payments. However, Bremer Bank's May 31, 2016 response was not entirely clear (Court Doc. 406, ¶ 6) and given its position throughout these proceedings, Baldwin, Baldwin Farms, and Altendorf thought it prudent to submit this response to avoid any misunderstanding. Accordingly, these claimants request that any addition sought by the PSC with its motion make clear that absent the PSC's lien search disclosing Bremer Bank was granted and has an outstanding crop lien on the subject dry bean crop from one of the eight claimants, Bremer Bank will not be a joint payee on any payment this Court has directed and ordered to be made to the eight identified claimants. See ¶¶ 2-9 of Order provision (Court Doc. No. 377 & 379). If Bremer Bank's position is otherwise, it is attempting to circumvent this Court's order.

Dated this 1st day of June, 2016.

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