

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

AFFIDAVIT OF SERVICE

Supreme Court No. 20160303  
Grand Forks Co. Court No. 2015-CV-00240

**Public Service Commission,**

**Petitioner, Appellee  
and Cross-Appellant**

**v.  
Grand Forks Bean Company, Inc.,  
and  
Auto-Owners Insurance Company,**

**Respondent and Appellee**

**and  
Bremer Bank, National Association,  
and  
Curt Amundson and Beth Nelson, as  
assignee of the estate of Brad Nelson,**

**Respondent, Appellee  
and Cross-Appellant**

**Interested Party and Appellant**

**Interested Party  
and Cross-Appellant**

STATE OF NORTH DAKOTA    )  
  ) ss  
COUNTY OF BURLEIGH    )

[¶1] Beth Harrison, being duly sworn on oath, deposes and states that she is of legal age and that on September 26, 2016, she served the amended Notice of Appeal in the above matter electronically as follows:

**Tracy Ann Kennedy at [tracykennedy@northdakotalaw.net](mailto:tracykennedy@northdakotalaw.net)  
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438 GE-15-36 Filed: 9/26/2016 Pages: 8  
SC APPEAL – Affidavit of Service, Amended Notice  
of Appeal

North Dakota Supreme Court - Office of the Clerk  
Beth Harrison, Deputy Clerk


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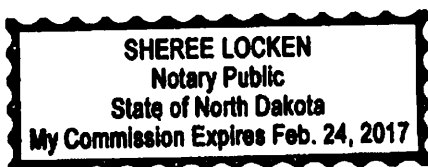
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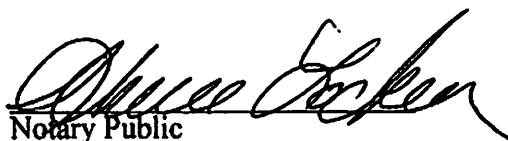
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Beth Harrison  
Deputy Clerk  
North Dakota Supreme Court

[¶2] Subscribed and sworn to before me on September 26, 2016.



  
Notary Public

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Public Service Commission,	)	
	)	Supreme Court No. 20160303
Petitioner,	)	
	)	
vs.	)	
	)	
Grand Forks Bean Company, Inc.,	)	
Auto-Owners Insurance Company,	)	Grand Forks County District Court
	)	File No. 18-2015-CV-00240
Respondents,	)	
	)	
	)	
_____	)	
PSC Case No. GE-15-36	)	

**AMENDED  
NOTICE OF APPEAL**

APPEAL FROM JUDGMENT, DATED JULY 22, 2016, ORDER DENYING INTERVENTION BY ALLOWING FULL PARTICIPATION AS A CLAIMANT – BREMER BANK, DATED NOVEMBER 19, 2015, ORDER MODIFYING TRUSTEE’S REPORT AND RECOMMENDATION, DATED MAY 3, 2016, ORDER CORRECTING CLERICAL MISTAKE/OVERSIGHT, DATED MAY 5, 2016, ORDER RESOLVING POST-HEARING ISSUES, DATED JULY 5, 2016, ORDER FOR JUDGMENT, DATED JULY 22, 2016, AND ORDER DENYING POST-JUDGMENT RELIEF-MOTION FILED AUGUST 24, 2016, DATED SEPTEMBER 15, 2016

THE DISTRICT COURT OF GRAND FORKS COUNTY, NORTH DAKOTA  
NORTHEAST CENTRAL JUDICIAL DISTRICT  
THE HONORABLE JON J. JENSEN, PRESIDING

**TO: THE ABOVE-NAMED PARTIES, ALL CLAIMANTS HEREIN, AND THEIR ATTORNEYS, AND**  
**CLERK OF THE SUPREME COURT, [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov).**

¶1 PLEASE TAKE NOTICE that Claimant Bremer Bank, National Association is taking appeal from the Grand Forks County District Court, Northeast Central Judicial District, to the

Supreme Court of North Dakota from the following judgment and orders, all entered in District Court of Grand Forks County:

¶2 JUDGMENT, DATED JULY 22, 2016 (Doc ID # 432),

¶3 ORDER DENYING INTERVENTION BY ALLOWING FULL PARTICIPATION AS A CLAIMANT – BREMER BANK, DATED NOVEMBER 19, 2015 (Doc ID # 181),

¶4 ORDER MODIFYING TRUSTEE'S REPORT AND RECOMMENDATION, DATED MAY 3, 2016 (Doc ID # 377),

¶5 ORDER CORRECTING CLERICAL MISTAKE/OVERSIGHT, DATED MAY 5, 2016 (Doc ID # 379),

¶6 ORDER RESOLVING POST-HEARING ISSUES, DATED JULY 5, 2016 (Doc ID # 423),

¶7 ORDER FOR JUDGMENT, DATED JULY 22, 2016 (Doc ID # 431), and

¶8 ORDER DENYING POST-JUDGMENT RELIEF-MOTION FILED AUGUST 24, 2016 DATED SEPTEMBER 15, 2016 (Doc ID # 459).

¶9 A preliminary statement of the issues, as required under N.D.R.App.P. 4(c) are as follows. Bremer Bank, National Association, through the listing of the following preliminary issues does not in any way intend to waive raising other or further issues in the future, and expressly reserves the right to raise any and all other issues at a later time:

¶10 **Whether the District Court Erred in Not Permitting Bremer Bank intervene as a matter of right under N.D.R.Civ.P. 24(a) or permissively under 24(b).**

¶11 **Whether the District Court Erred in Determining the Insolvency Date of Grand Forks Bean Company, Inc.**


¶12 Whether the District Court Erred in Determining the Amount Payable to Grower-Claimants.

¶13 Whether the District Court Erred in Determining the Grower-Claimants Maintained a Statutory Lien against the Pinto Bean's Held at Grand Forks Bean Company, Inc.

¶14 Whether the District Court Erred in Determining that Offsets Due from the Grower-Claimants Were Allowed to Reduce their Claims as an against Bremer Bank's Security Interest in Grand Forks Bean Company, Inc.'s Accounts.

¶15 Whether the District Court Erred in Determining the Terms of Alleged Oral Sales Agreements with Certain Grower-Claimants.

Dated this 23<sup>rd</sup> day of September, 2016.



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Association

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Public Service Commission,	)	
	)	Supreme Court No. 20160303
Petitioner,	)	
	)	
vs.	)	
	)	
Grand Forks Bean Company, Inc.,	)	
Auto-Owners Insurance Company,	)	Grand Forks County District Court
	)	File No. 18-2015-CV-00240
Respondents,	)	
	)	
	)	
_____	)	
PSC Case No. GE-15-36	)	

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**AFFIDAVIT OF SERVICE BY EMAIL**

APPEAL FROM JUDGMENT, DATED JULY 22, 2016, ORDER DENYING INTERVENTION BY ALLOWING FULL PARTICIPATION AS A CLAIMANT – BREMER BANK, DATED NOVEMBER 19, 2015, ORDER MODIFYING TRUSTEE’S REPORT AND RECOMMENDATION, DATED MAY 3, 2016, ORDER CORRECTING CLERICAL MISTAKE/OVERSIGHT, DATED MAY 5, 2016, ORDER RESOLVING POST-HEARING ISSUES, DATED JULY 5, 2016, ORDER FOR JUDGMENT, DATED JULY 22, 2016, AND ORDER DENYING POST-JUDGMENT RELIEF-MOTION FILED AUGUST 24, 2016, DATED SEPTEMBER 15, 2016

THE DISTRICT COURT OF GRAND FORKS COUNTY, NORTH DAKOTA  
NORTHEAST CENTRAL JUDICIAL DISTRICT  
THE HONORABLE JON J. JENSEN, PRESIDING

---

STATE OF NORTH DAKOTA     )  
  )SS.  
COUNTY OF GRAND FORKS     )

**BRENDA R. DIPERSIO**, being first duly sworn on oath deposes and says that she is a secretary in the office of Zimney Foster P.C., 3100 South Columbia Road, Ste. 200, Grand Forks, ND 58201, that on the 23<sup>rd</sup> day of September, 2016, she served:

- 1. Amended Notice of Appeal**

by having it electronically served to the individual(s) listed below at their email address as noted:

**Joel Arnason**

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**Mitchell D. Armstrong**

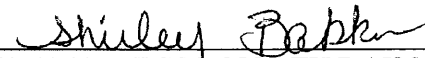
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Attorney for Auto-Owners Insurance Company

  
**Brenda R. DiPersio**

Subscribed and sworn to before me this 23<sup>rd</sup> day of September, 2016.

  
NOTARY PUBLIC, NORTH DAKOTA  
My commission expires:

