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Filing Accepted

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Case Number: 08-2018-CV-03299

Case Style: Public Service Commission vs.

Hunter Hanson d/b/a Midwest Grain Trading, et al.



**North Dakota
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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-03299
Case Style	Public Service Commission vs. Hunter Hanson d/b/a Midwest Grain Trading, et al.
Date/Time Submitted	12/19/2018 4:31 PM CST
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Filing Description	Ex Parte Order to Preserve Trust Assets
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Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)	
Public Service Commission)	CIVIL NO. <u>08-2018-CV-03299</u>
)	
Petitioner,)	
)	
vs.)	
)	
Hunter Hanson)	EX PARTE ORDER
d/b/a Midwest Grain Trading)	TO PRESERVE TRUST
)	ASSETS
and)	
)	
State Farm Fire and Casualty Company)	
)	
Respondents.)	
_____)	
PSC Case No. GE-18-395)	
)	
_____)	

[¶] 1] The Public Service Commission has petitioned the Court for appointment as Trustee of Hunter Hanson d/b/a Midwest Grain Trading, under North Dakota Century Code chapter 60-02.1, to join surety, and for an *Ex Parte* Order to Protect Trust Assets. Hunter Hanson d/b/a Midwest Grain Trading, PO Box 746, Devils Lake, North Dakota 58301, operates as a roving grain buyer under North Dakota Century Code chapter 60-02.1.

[¶] 2] It appears from the record that Hunter Hanson d/b/a Midwest Grain Trading, is insolvent under North Dakota Century Code chapter 60-02.1, and that it is in the best interest of the claimants and the parties to this proceeding that an *ex parte* order be issued by this Court to preserve and protect the potential assets of the trust fund until the Court issues its order granting or denying the application.

[¶ 3] North Dakota Century Code section 60-02.1-30 provides that the trust fund must consist of the following:

1. Nonwarehouse receipt grain of the insolvent licensee held in storage or the proceeds obtained from the conversion of such grain.
2. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee must be remitted to the commission and included in the trust fund.
3. The proceeds of insurance policies on destroyed grain.
4. The claims for relief, and proceeds therefrom, for damages upon bond given by the licensee to ensure faithful performance of the duties of a licensee.
5. The claim for relief, and proceeds therefrom, for the conversion of any grain stored in the warehouse.
6. Unencumbered accounts receivable for grain sold prior to the filing of the claim that precipitated an insolvency.
7. Unencumbered equity in grain hedging accounts.
8. Unencumbered grain product assets.

ORDER

[¶ 4] **THEREFORE, IT IS ORDERED** that Hunter Hanson d/b/a Midwest Grain Trading, preserve and protect any trust assets, and is prohibited from selling, transferring, misappropriating, or removing potential assets of the trust fund as provided in North Dakota Century Code section 60-02.1-30, until the Court issues its order granting or denying the application for appointment of the Public Service Commission as Trustee of the trust fund in this proceeding.

BY THE COURT

Honorable
Judge of the District Court