

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF PIERCE

NORTHEAST JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Hunter Hanson
d/b/a NoDak Grain

and

CorePointe Insurance Company

and

Philadelphia Indemnity Insurance Company

Respondents.

PSC Case No. GE-18-395

CIVIL NO. 35-2018-CV-00088

**EX PARTE ORDER
TO PRESERVE TRUST
ASSETS**

[¶ 1] The Public Service Commission has petitioned the Court for appointment as Trustee of Hunter Hanson d/b/a NoDak Grain, under North Dakota Century Code chapter 60-04, to join sureties, and for an *Ex Parte* Order to Protect Trust Assets. Hunter Hanson d/b/a NoDak Grain, license address of 2373 65 1/2 St. NE, Rugby, ND 58368, operates licensed grain warehouses at Tunbridge and Rohrville, North Dakota, under North Dakota Century Code chapters 60-02 and 60-04.

[¶ 2] It appears from the record that Hunter Hanson d/b/a NoDak Grain, is insolvent under North Dakota Century Code chapter 60-04, 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 60-04-03.1 provides that the trust fund must consist of the following:

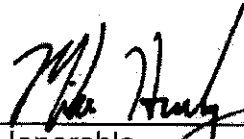
1. The grain in the warehouse of the insolvent warehouseman or the proceeds as obtained through the sale of such grain.
2. The proceeds, including accounts receivable, from any grain sold from the time of the filing of the claim that precipitated an insolvency until the commission is appointed trustee.
3. The proceeds of insurance policies upon grain destroyed in the elevator.
4. The claims for relief, and proceeds therefrom, for damages upon any bond given by the warehouseman to ensure faithful performance of the duties of a warehouseman.
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 NoDak Grain, 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 chapter 60-04, 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.

1/24/2019

BY THE COURT

 1/24/2019

Honorable
Judge of the District Court