

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Hunter Hanson
d/b/a Midwest Grain Trading

and

State Farm Fire and Casualty Company

Respondents.

PSC Case No. GE-18-395

CIVIL NO. 08-2018-CV-03299

**AFFIDAVIT OF SERVICE
BY REGULAR MAIL**

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss
)

Shelly A. Bauske deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **5th day of February, 2019**, she deposited in the United States Mail, Bismarck, North Dakota, 80 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of:

1. Notice of Appointment as Trustee and Notice to File Claims Pursuant to N.D.C.C. § 60-02.1-32
2. Order Appointing Trustee
3. *Ex Parte* Order to Preserve Trust Assets
4. Order to Join Surety
5. Affidavit of Service by Regular Mail

The envelopes were addressed as follows:

Brandon Sehn
Dakota Ag Synergy LLC
PO Box 692
Linton ND 58552

Brian Larson
Co-op Elevator of McClusky
PO Box 469
McClusky ND 58463

Chris Gratton
CHS Garrison
PO Box 97
Garrison ND 58540

Keith Friesen
Delmar Commodities
2-915 Navigator Road
Winkler MB R6W 0L7
CANADA

Stacy Breckenridge
Powers Lake Elevator Company
7900 Van Buren Street
St Louis MO 63111

Stacy Breckenridge
Renville Elevator Company
7900 Van Buren Street
St Louis MO 63111

Stacy Breckenridge
McLean Elevator Company
7900 Van Buren Street
St Louis MO 63111

Gary Urlacher
United Quality Coop
209 South Main St
Parshall ND 58770

Darren Edwards
Ray Farmers Union Elevator
PO Box 128
Ray ND 58849

Jan Leishman
Shafer Commodities Inc
131 7th Street
Morden MB R6M 1S3
CANADA

Dustin Davies
Bridge Agri Partners, Inc.
PO Box 29010 Highlands
Lethbridge AB T1J 4X0
CANADA

Christine Maberley
Bridge Agri Partners, Inc.
PO Box 29010 Highlands
Lethbridge AB T1J 4X0
CANADA

Wade Fischer
8046 151st Ave NW
Grenora ND 58845

Murray Pfau
208F Ave N
Upham ND 58789

Todd Timm
1164 Hwy 9
Kensal ND 58455

Kent Florhaug
8285 6th St SE
Kensal ND 58455

Bill Spitzer
Prairie Pines Inc
542 86th Ave SE
Kensal ND 58455

Dave St. Croix
47900 506 St NW
Kenmare ND 58746

Cody St. Croix
47900 506 St NW
Kenmare ND 58746

Ronald St. Croix
PO Box 132
Kenmare ND 57746

John Enget
8925 76th St NW
Stanley ND 58784

Steve Wick
Woodworth Farmers Grain Co.
Box 59
Woodworth ND 58496

Chris Rystedt
PO Box 234
Powers Lake ND 58773

Lynden Skaare
7439 123rd Ave NW
Alamo ND 58830

Andrew Skaare
12254 74th St NW
Alamo ND 58830

Shawn Madson
Southland Pulse
Box 879
Estevan SK S4A 2A7
CANADA

Leon Schmaltz
2493 39th St NE
Harvey ND 58341

Donald Knox
PO Box 572
Ray ND 58849

Jeff Knox
PO Box 22
Ray ND 58849

David Anfinson
1814 15th Ave W
Williston ND 58801

Bobby Kubas
12549 31st St SW
Belfield ND 58622

Rich Rice
7196 98th Ave NW
Tioga ND 58852

Paul Weyrauch
11382 62nd St NW
Ray ND 58849

Glen Hauf
27400 310th St SW
Makoti ND 58756

Kevin Harstad
K&S Operating Partnership
8048 58th St NW
Stanley ND 58784

Dillon Dionne
9010 33rd Ave
Rolette ND 58366

Austin Steinmetz
5110 62nd St SW
Carson ND 58529

Garrett Novak
11126 State Highway 32 SE
St Hiliare MN 56754

Rodney Sauer
7440 40th Ave NE
Carpio ND 58725

Jim Walsh
2800 42nd St NE
Minot ND 58703

Ryan Greenfield
9311 County Rd 11
Powers Lake ND 58773

Roger Harstad
5580 78th Ave NW
Palermo ND 58769

Bryan Huber
EY Inc
5866 76th Ave SE
Jud ND 58454

Dan Mostad
Berthold Farmers Elevator
#1 Main Street South
Berthold ND 58718

Josh Watterud
9520 101 Ave NW
Columbus ND 58727

Mark Martinson
3907 Hwy 66
Rolette ND 58366

Derek Morey
10901 86th St SE
Minto ND 58701

Dale Ganskop
10560 72nd Ave NW
Flaxton ND 58737

Travis Zabloutney
1119 12th Ave SW
Minot ND 58701

Scott Anderson
9365 49th St NE
Crary ND 58327

Kris Mortenson
130 107th St NW
Souris ND 58783

Mark Jennings
Wilton Farmers Elevator
PO Box 188
Wilton ND 58579

Seth Lura
857 3rd St S
Carrington ND 58421

Lloyd Patrick Walsh
2750 42nd St NE
Minot ND 58703

Devin Tuomala
9671 57th Ave NE
Perth ND 58363

Dan Stommes
East Central Grain Marketing Inc
13033 Ridgedale Dr PMB 165
Minnetonka MN 55305

Jeremy Sorenson
Allied Grain
260 Elevator Rd
Carrington ND 58421

Steve Mortenson
14018 49th St NW
Williston ND 58801

Ryan Spitzer
540 86th Ave SE
Kensal ND 58455

Randy Lura
1109 62nd Ave NE
Carrington ND 58421

Charles Miller
4930 Valley View Dr
Williston ND 58801

Ryan Davidson
PO Box 277
Tioga ND 58852

Jeff Graupe
2316 18th Circle W
Williston ND 58801

Darren Gohrick
10810 Hwy 50
McGregor ND 58755

Mike Mongeon
4045 90th St
Rolette ND 58366

Steve Lesmeister
725 Judy Blvd
Harvey ND 58341

Ryan Westernness
8675 91st Ave NW
Powers Lake ND 58773

Jarrett Foss
3624 85th St
Rolette ND 58366

Stanley Larson
15225 59th St NW
Williston ND 58801

Justin Iverson
10012 County Rd 1
Columbus ND 58727

Justin Hagel
Vogel Law Firm
PO Box 2097
Bismarck ND 58502-2097

Katrina Lang
Turman & Lang Ltd
PO Box 110
Fargo ND 58107-0110

Art Stacey
Thompson Dorfman Sweatman LLP
1700 – 242 Hargrave St
Winnipeg MB R3C 0V1
CANADA

Erich Grant
McGee Hankla & Backes
PO Box 998
Minot ND 58702-0998

Joseph Larson
Larson Law Firm
PO Box 1599
Jamestown ND 58402-1599

Dan Gaustad
Pearson Christensen PLLP
PO Box 5758
Grand Forks ND 58206-5758

John Steinberger
Attorney at Law
PO Box 566
Kenmare ND 58746-0566

Christina Wenko
Mackoff Kellogg Law Firm
38 2nd Ave E
Dickinson ND 58601

Hunter Hanson
Midwest Grain Trading
PO Box 746
Devils Lake ND 58301

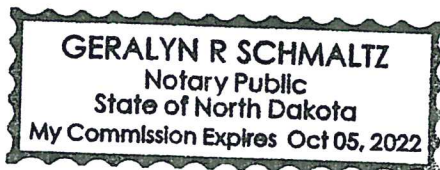
Hunter Hanson
Midwest Grain Trading
405 4th St SE
Leeds ND 58346

To the best of affiant's knowledge the addresses shown are the addressees' last reasonably ascertainable post office addresses.

Shelly A Bausk

Subscribed and sworn to before me
this 5th day of February, 2019.

SEAL



Geralyn R Schmaltz
Notary Public

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission	)	CIVIL NO. 08-2018-CV-03299
)	
Petitioner,)	
)	
vs.	)	NOTICE OF APPOINTMENT AS
	)	TRUSTEE AND NOTICE TO
Hunter Hanson	)	FILE CLAIMS PURSUANT TO
d/b/a Midwest Grain Trading	)	N.D.C.C. § 60-02.1-32
)	
and)	
)	
State Farm Fire and Casualty Company)	
)	
Respondents.)	
)	
<hr/>		
PSC Case No. GE-18-395)	
)	
)	
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[¶ 1] PLEASE TAKE NOTICE that the SOUTH CENTRAL JUDICIAL DISTRICT executed an Order that was duly entered in the above proceeding on January 23, 2019, as Document Number 27, appointing the Public Service Commission to act as trustee of a trust fund to be established and administered in accordance with North Dakota Century Code Chapter 60-02.1 and establishing the date of insolvency as on or before November 14, 2018.

[¶ 2] FURTHER, PLEASE TAKE NOTICE that outstanding receiptholders and credit-sale contract claimants shall file their claims against Hunter Hanson d/b/a Midwest Grain Trading for the non-payment of grain purchased or marketed by Hunter Hanson d/b/a

Midwest Grain Trading in North Dakota, with the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.

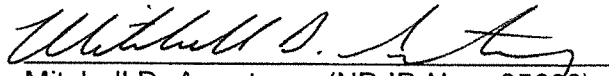
[¶ 3] **FURTHER, PLEASE TAKE NOTICE** that claims must be filed within forty-five (45) days after the final publication of this notice.

[¶ 4] **FURTHER, PLEASE TAKE NOTICE** that any outstanding receiptholder or credit-sale contract claimant filing a claim with the Public Service Commission shall include receipts, contracts, or any other evidence of the claim as required by the Commission to enable the Commission to determine the validity of the claim. This could include unsatisfied scale tickets, dishonored checks, any related contracts, or other memoranda given by the grain buyer for, or as evidence of, the receipt, storage, or sale of grain.

[¶ 5] **FURTHER, PLEASE TAKE NOTICE** that unless a claim is filed with the Public Service Commission within the time specified, the Commission is relieved of further duty in the administration of the insolvency on behalf of the receiptholder or credit-sale contract claimant and the receiptholder may be barred from participation in the trust fund, and the credit-sale contract claimant may be barred from payment for any amount due.

[¶ 6] **FURTHER, PLEASE TAKE NOTICE** that outstanding receiptholders and credit-sale contract claimants are not parties to the insolvency action unless admitted by the Court upon a motion for intervention.

Dated this 29th day of January, 2019.



Mitchell D. Armstrong (ND ID No.: 05892)
marmstrong@smithporsborg.com
Brian D. Schmidt (ND ID # 07498)
bschmidt@smithporsborg.com
Sarah E. Wall (ND ID # 07892)
swall@smithporsborg.com
Special Assistant Attorneys General
122 East Broadway Avenue
PO Box 460
Bismarck, ND 58502-0460
701-258-0630

and

Illona A. Jeffcoat-Sacco (ND ID No.: 03315)
ijs@nd.gov
Special Assistant Attorney General
State Capitol – 12th Floor
600 East Boulevard Avenue – Department 408
Bismarck, ND 58505-0480
701-328-2400

Attorneys for the Public Service Commission

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	)	ORDER APPOINTING
d/b/a Midwest Grain Trading	)	TRUSTEE
)	
and)	
)	
State Farm Fire and Casualty Company)	
)	
Respondents.)	
_____)	
PSC Case No. GE-18-395)	
)	
_____)	

[¶ 1] The Public Service Commission has moved the Court for appointment as Trustee of Hunter Hanson d/b/a Midwest Grain Trading, under North Dakota Century Code chapter 60-02.1. Hunter Hanson d/b/a Midwest Grain Trading operates as a roving grain buyer in the State of North Dakota.

[¶ 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 as of a date on or before November 14, 2018, and that it is in the best interest of potential claimants and the parties to this proceeding that a trustee be appointed.

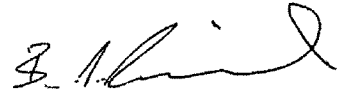
ORDER

[¶ 3] **THEREFORE, IT IS ORDERED** on the Application and Motion of the Public Service Commission by and through its attorney, the Public Service Commission is appointed trustee of the trust fund provided by North Dakota Century Code section 60-02.1-29 for the purpose of marshalling all trust assets of the insolvent Hunter Hanson d/b/a Midwest Grain Trading, in the manner provided by law.

[¶ 4] **IT IS FURTHER ORDERED** that the date of insolvency be established as on or before November 14, 2018.

BY THE COURT

Signed: 1/8/2019 2:42:17 PM



The Honorable
Judge of the District Court

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.)	
)	
<hr/>		
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.

Signed: 1/8/2019 2:41:10 PM

BY THE COURT



Honorable
Judge of the District Court

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	)	ORDER TO JOIN
d/b/a Midwest Grain Trading	)	SURETY
)	
and)	
)	
State Farm Fire and Casualty Company)	
)	
Respondents.)	
_____)	
PSC Case No. GE-18-395)	
)	
_____)	

[¶ 1] The Public Service Commission has moved 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 State Farm Fire and Casualty Company as a party to the action, and for an *Ex Parte* Order to Protect Trust Assets. Hunter Hanson d/b/a Midwest Grain Trading operates as a roving grain buyer in the State of North Dakota 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 as of a date on or before November 14, 2018, that it is in the best interest of the potential claimants and the parties to this proceeding that a trustee be appointed, and that the surety, State Farm Fire and Casualty Company, be joined as a party to this proceeding.

ORDER

[¶ 3] **THEREFORE, IT IS ORDERED** that surety, State Farm Fire and Casualty Company, One State Farm Plaza, Bloomington, Illinois 61710-0001, is joined as a respondent in this action.

BY THE COURT

Signed: 1/9/2019 2:42:43 PM



The Honorable
Judge of the District Court