

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 **27<sup>th</sup> day of March, 2019**, she deposited in the United States Mail, Bismarck, North Dakota, 28 envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of:

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

The envelopes were addressed as follows:

Brandon Ziebart  
423 1st St S  
New Rockford ND 58356

Paul Weyrauch  
11382 62nd St NW  
Ray ND 58849

Steichen Farms  
320 22nd Ave NE  
Goodrich ND 58444

Luke & Tessa Spitzer  
747 83 1/2 Ave SE  
Kensal ND 58455

Mike Sorenson  
9039 59th St NW  
Ross ND 58776

Zachary Schwaltz  
2493 39th St NE  
Harvey ND 58341

Saewert Brothers Partnership  
4649 157 Ave SE  
Davenport ND 58021

Jason Rice  
7132 98th Ave NW  
Tioga ND 58852

Steve Peters  
325 River Rd  
Box 189  
Wolfpoint MT 59201

Kraig Nelson  
7685 34th Ave NW  
Lansford ND 58750

Mortenson Farm Partners  
14018 49th St NW  
Williston ND 58801

Ron Miller  
15224 61st St NW  
Williston ND 58801

Mitchell McEvers  
10109 86th Ave NW  
Lignite ND 58752

Dan & Shannon Maruskie  
9765 Co Rd 16  
Battle View ND 58773

Mason Marquardt  
PO Box 527  
Ray ND 58849

Jason & Larry Martin  
2280 39th St NE  
Rugby ND 58301

Mark & Lori Martinson  
3907 Hwy 66  
Rollette ND 58366

Brian Larson  
14293 52nd St NW  
Williston ND 58801

Doug Iverson  
4624 154th Ave NW  
Williston ND 58801

Jay Hass  
PO Box 56  
Bowbells ND 58721

Allen Jackson  
5249 Hwy 20  
Devils Lake ND 58301

Marcus Christenson  
7765 94th Ave NW  
Powers Lake ND 58773

Carlson Brothers  
6424 122nd Ave NE  
Lankin ND 58250

Travis Bruner  
324 4th St SE  
Harvey ND 58341

Cando Farmers Elevator  
PO Box 456  
Cando ND 58324

John Berg  
14437 69th St NW  
Williston ND 58801

Mark & Jeremy Bullinger  
8815 81st St NW  
Powers Lake ND 58773

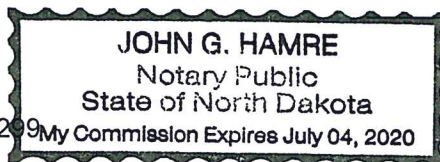
Steve Bachmeier  
9351 57th St NE  
Crary ND 58327

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

*Shelly A Baush*

Subscribed and sworn to before me  
this 27<sup>th</sup> day of March, 2019.

SEAL



*John G. Hamre*  
Notary Public

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**NOTICE OF APPOINTMENT AS  
TRUSTEE AND NOTICE TO  
FILE CLAIMS PURSUANT TO  
N.D.C.C. § 60-02.1-32**

**[¶ 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.

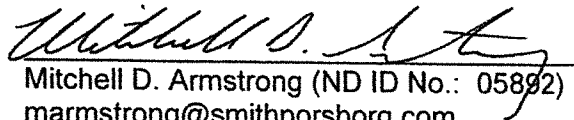
**[¶ 3] FURTHER, PLEASE TAKE NOTICE** that claims must be filed within forty-five (45) days after the final publication of this notice.

**[¶ 4] FURTHER, PLEASE TAKE NOTICE** that any outstanding receipt holder 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 receipt holder or credit-sale contract claimant and the receipt holder 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 receipt holders 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.



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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 – 12<sup>th</sup> Floor

600 East Boulevard Avenue – Department 408

Bismarck, ND 58505-0480

701-328-2400

Attorneys for the Public Service Commission



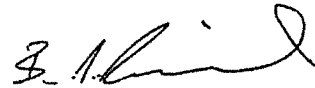
**ORDER**

[¶ 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



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The Honorable  
Judge of the District Court



[¶ 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

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COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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**ORDER TO JOIN  
SURETY**

[¶ 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: 1/8/2019 2:42:43 PM



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The Honorable  
Judge of the District Court