

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

**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 **27th 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. § 60-04-04
3. Order Appointing Trustee
4. *Ex Parte* Order to Preserve Trust Assets
5. Order to Join Sureties
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 Schwartz
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

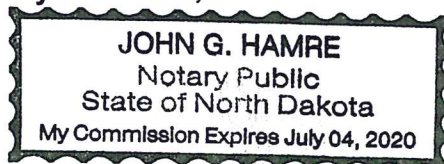
Mark & Jeremy Bullinger
8815 81st St NW
Powers Lake ND 58773

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.

Subscribed and sworn to before me
this 27th day of March, 2019.

SEAL



Shelly A Bausch

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. § 60-04-04.**

[¶ 1] PLEASE TAKE NOTICE that the NORTHEAST JUDICIAL DISTRICT executed an Order that was duly entered in the above proceeding on January 24, 2019, as Document Number 19, 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 60-04 and establishing the date of insolvency as on or before November 14, 2018.

[¶ 2] FURTHER, PLEASE TAKE NOTICE that any outstanding receiptholders and credit-sale contract claimants shall file their claims against Hunter Hanson d/b/a NoDak

Grain for the non-payment of grain purchased or marketed by Hunter Hanson d/b/a NoDak Grain in North Dakota, with the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.

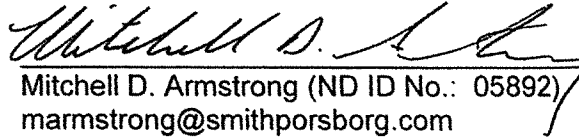
[¶ 3] FURTHER, PLEASE TAKE NOTICE that any claim must be filed within forty-five (45) days after the final publication of this notice.

[¶ 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 grain warehouse receipts, scale tickets, dishonored checks, any related contracts, or other memoranda given by the public warehouseman 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 or action on behalf of the receipt holder or credit-sale contract claimant and the receipt holder or 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.



Mitchell D. Armstrong (ND ID No.: 05892)

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Bismarck, ND 58502-0460

701-258-0630

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Bismarck, ND 58505-0480

701-328-2400

Attorneys for the Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF PIERCE

NORTHEAST JUDICIAL DISTRICT

Public Service Commission

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Respondents.

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CIVIL NO. 35-2018-CV-00088

**ORDER APPOINTING
TRUSTEE**

[¶ 1] The Public Service Commission has moved the Court for appointment as Trustee of Hunter Hanson d/b/a NoDak Grain, under North Dakota Century Code chapter 60-04. 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.

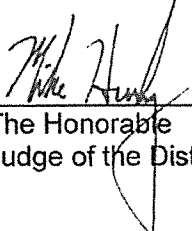
[¶ 2] It appears from the record that Hunter Hanson d/b/a NoDak Grain is insolvent under North Dakota Century Code chapter 60-04 as of a date on or before November 14, 2018, and that it is in the best interest of potential claimants and the parties to this proceeding that a trustee be appointed.

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 chapter 60-04 for the purpose of marshalling all trust assets of the insolvent Hunter Hanson d/b/a NoDak Grain, 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

 1/24/2019

The Honorable
Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF PIERCE

NORTHEAST JUDICIAL DISTRICT

Public Service Commission

Petitioner,

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Hunter Hanson
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Respondents.

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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.

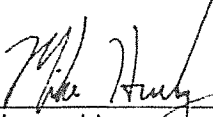
[¶ 3] North Dakota Century Code section 60-04-03.1 provides that the trust fund must consist of the following:

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.

BY THE COURT

 1/24/2019

Honorable
Judge of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

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NORTHEAST JUDICIAL DISTRICT

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**ORDER TO JOIN
SURETIES**

[¶ 1] The Public Service Commission has moved the Court for appointment as trustee of Hunter Hanson d/b/a NoDak Grain, under North Dakota Century Code chapter 60-04, to join CorePointe Insurance Company and Philadelphia Indemnity Insurance Company as parties to the action, and for an *Ex Parte* Order to Protect Trust Assets. Hunter Hanson d/b/a NoDak Grain operates licensed grain warehouses at Tunbridge and Rohrville, North Dakota, under North Dakota Century Code chapters 60-02 and 60-04.

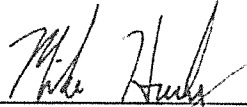
[¶ 2] It appears from the record that Hunter Hanson d/b/a/ NoDak Grain is insolvent under North Dakota Century Code chapter 60-04 as of a date on or before November 14, 2018, that it is in the best interest of the potential claimants and the parties to this

proceeding that a trustee be appointed, and that the sureties, CorePointe Insurance Company and Philadelphia Indemnity Insurance Company, be joined as parties to this proceeding.

ORDER

[¶ 3] **THEREFORE, IT IS ORDERED** that surety, CorePointe Insurance Company, 251 Little Falls Drive, Wilmington, Delaware 19808, and surety Philadelphia Indemnity Insurance Company, One Bala Plaza #100, Bala Cynwyd, Pennsylvania 19004, are joined as respondents in this action.

BY THE COURT

 1/24/2019

The Honorable
Judge of the District Court