

Crockford, Konrad S.

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**North Dakota
Court System**

Filing Accepted

Envelope Number: 3608004
Case Number: 35-2018-CV-00088
Case Style: Public Service Commission vs.
Hunter Hanson d/b/a NoDak Grain, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Pierce County - Northeast District
Case Number	35-2018-CV-00088
Case Style	Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.
Date/Time Submitted	11/1/2019 9:03 AM CST
Date/Time Accepted	11/1/2019 9:55 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	18 - Mark and Lori Martinson
Activity Requested	EFileAndServe
Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 18 to Aff of AJS.pdf
Lead Document Page Count	3
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North Dakota Court's Information Technology Department 701-328-4218
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Claimant Name & Address
Mark Martinson - 60%
Lori Martinson - 40%
3907 Hwy 66
Rolette, ND 58366
701-871-1173 - Mark
701-871-1317 - Lori
m_mbranch2000@yahoo.com

Date Claim Filed	February 15, 2018
Date Payment Demand Made	none

PSC Calculated value total		\$	58,080.62
Crop lein with	Mark Martinson	60.0%	\$ 34,848.37
FCS - Minot	Lori Martinson	40.0%	\$ 23,232.25
Total cash claim		100.0%	\$ 58,080.62

Settlement #	Date	date	Date	date
na				
ECGM Trade Confirmation #	21321	5/25/2018		
Seller Contract #	na			
Midwest Contract #	187277	5/25/2018		
Claim applied against:	Cash			
Commodity	yellow peas			
Contracted Price Per Bushel	\$	7.05		
Contracted Bushels		20,000.00		
Delivered bushels*		8,321.60	-	-
Gross Amount Due*	\$	58,667.29	\$	\$
Less Total Fees & assessments*	\$	586.67	\$	\$
PSC calculated value*	\$	58,080.62	\$	\$
Estimated Value per Midwest				
Claimant calculated claim	\$	59,355.29		



Comments:

1. Summary

- a. Claim was received by the PSC on 2-15-19.
- b. Claim has three interested parties:
 - i. Mark Martinson 60% of the claim
 - ii. Lori Martinson 40% of the claim
 - iii. Lien holder on the crop: Farm Credit Services (FCS) of Minot
- c. Claim states 8,479.33 bushels of yellow peas were delivered at \$7.00 per bushel for a total value of \$59,355.29 that remains unpaid.
- d. Supporting documents included ECGM Trade Confirmation #21321, destination scale tickets, and freight invoices that corroborate the loads delivered.

2. Differences in claim calculations explained:

- a. Claimant used the “sellers net” price (\$7.00) instead of the “Price Paid to Seller” (\$7.05) that the PSC used to calculate the claim per ECGM Trade Confirmation #21321.
- b. Claimant did not account for the commodity checkoff deduction that would be deducted prior to final settlement per industry standard practice.
- c. Claimant used gross bushels instead of net bushels as stated on the two documents for the agreement, ECGM #21321 and Midwest Purchase Contract #187277.
- d. Explanation of how PSC calculated net bushels:
 - i. Dakota Dry Bean Scale tickets uses hundred weight (CWT) as the unit of measure instead of bushels (bu).
 - a. For hundred weight (CWT) it is 100 pounds (lbs.) per one CWT.
 - b. For yellow peas it is a standard 60 pounds (lbs.) per bushel.
 - i. Yellow Pea standard test weight is 60 lbs.
 - c. Dakota Dry Bean scale tickets show the amount of splits and moisture shrink (>13.5) in CWT deducted from the gross CWT.
 - i. Per ECGM 21321 splits were to be paid at full price.
 - ii. Per Midwest Purchase Contract #187277 the moisture shrink deduction would start at >15% moisture.
 - d. PSC calculated net bushels from the destination scale ticket information in the follow manner:
 - e. Net bu. = $(100 * ((\text{net CWT}) + (\text{splits CWT}) + (\text{moist CWT}))) / 60$
 - i. Net bu. = $((\text{NET CWT}) + (\text{Splits CWT}) + (\text{Moist CWT})) / 0.6$ is the shortened equation.
 - f. The NET bushel calculation was rounded to two decimal places.

Summary table of how value of each load calculated:

Destination Information - inbound				Pricing				Scale ticket Grade Factors					Contracts		
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	MST	Dkg	Splits	FM/ Dock	Estimate #	ECGM #	Seller Contract #	Midwest Contract
Dakota Dry Bean - Cray	CRA001001888	10/29/2018	1139.17	\$ 7.05	\$ 8,031.15	\$ 80.31	\$ 7,950.84	13.9	1.47	2.06	1.58	na	21321	na	187277
Dakota Dry Bean - Cray	CRA001001898	10/30/2018	1179.35	\$ 7.05	\$ 8,314.42	\$ 83.14	\$ 8,231.28	13.9	0.98	2.33	1.04	na	21321	na	187277
Dakota Dry Bean - Cray	CRA001001911	10/31/2018	1222.58	\$ 7.05	\$ 8,619.19	\$ 86.19	\$ 8,533.00	13.4	0.87	2.08	0.64	na	21321	na	187277
Dakota Dry Bean - Cray	CRA001001921	11/1/2018	1216.58	\$ 7.05	\$ 8,576.89	\$ 85.77	\$ 8,491.12	13.3	0.48	2.80	0.53	na	21321	na	187277
Dakota Dry Bean - Cray	CRA001001951	11/6/2018	1170.03	\$ 7.05	\$ 8,248.71	\$ 82.49	\$ 8,166.22	13.3	1.07	3.11	0.47	na	21321	na	187277
Dakota Dry Bean - Cray	CRA001001959	11/7/2018	1190.12	\$ 7.05	\$ 8,390.35	\$ 83.90	\$ 8,306.45	13.3	1.31	2.51	0.63	na	21321	na	187277
Dakota Dry Bean - Cray	CRA001001979	11/9/2018	1203.77	\$ 7.05	\$ 8,486.58	\$ 84.87	\$ 8,401.71	13.5	1.36	2.22	0.64	na	21321	na	187277

Summary table of how net bushels calculated:

Destination Information - inbound				calculation of net Bu from CWT						Scale ticket Grade Factors					Contracts		
Scale Ticket #	Delivery Date	Net Bu	Net Bu (Net contract CWT/0.6)	Net CWT per contract	Moist. CWT	splits CWT	DDB Net CWT	MST	Dkg	Splits	FM/ Dock	Estimate #	ECGM #	Seller Contract #	Midwest Contract		
CRA001001888	10/29/2018	1139.17	1,139.17	683.50	5.64	7.26	670.60	13.9	1.47	2.06	1.58	na	21321	na	187277		
CRA001001898	10/30/2018	1179.35	1,179.35	707.61	5.78	8.41	693.42	13.9	0.98	2.33	1.04	na	21321	na	187277		
CRA001001911	10/31/2018	1222.58	1,222.58	733.55	-	7.67	725.88	13.4	0.87	2.08	0.64	na	21321	na	187277		
CRA001001921	11/1/2018	1216.58	1,216.58	729.95	-	10.32	719.63	13.3	0.48	2.80	0.53	na	21321	na	187277		
CRA001001951	11/6/2018	1170.03	1,170.03	702.02	-	11.09	690.93	13.3	1.07	3.11	0.47	na	21321	na	187277		
CRA001001959	11/7/2018	1190.12	1,190.12	714.07	-	9.14	704.93	13.3	1.31	2.51	0.63	na	21321	na	187277		
CRA001001979	11/9/2018	1203.77	1,203.77	722.26	-	8.18	714.08	13.5	1.36	2.22	0.64	na	21321	na	187277		