

Crockford, Konrad S.

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



**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	31 - Cody St. Croix
Activity Requested	EFileAndServe
Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 31 of Aff of AJS.pdf
Lead Document Page Count	3
File Stamped Copy	View Stamped Document
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North Dakota Court's Information Technology Department 701-328-4218
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Claimant Name & Address
Cody St. Croix 47900 506th St. NW Kenmare, ND 58746 701-835-2063 codystcroix@yahoo.com Attorney: Erich M. Grant 701-852-2544 egrant@mcgeelaw.com

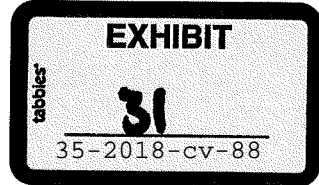
Date Claim Filed	March 21, 2018
Date Payment Demand Made	None

PSC Calculated value total	\$	80,285.33
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Claimant/addtl party	Bin #	Portion %	Dollar Value
Cody St. Croix	53	100%	\$ 28,882.10
Cody St. Croix	45 & 47	75%	\$ 38,552.42
Julius Hansen Trust	45 & 47	25%	\$ 12,850.81

Total cash claim \$ 80,285.33

Settlement #	na	Date	date	Date	date
ECGM Trade Confirmation #	21398	6/12/2018			
Seller Contract #	na				
Midwest Contract #	na				
Claim applied against:	Cash				
Commodity	Durum				
Contracted Price Per Bushel	\$	6.70			
Contracted Bushels		12,000.00			
Delivered bushels*		12,042.91	-	-	-
Gross Amount Due*	\$	80,465.99	\$	\$	\$
Less Total Fees & assessments*	\$	180.66	\$	\$	\$
PSC calculated value*	\$	80,285.33	\$	\$	\$
Estimated Value per Midwest					
Claimant calculated claim					



Comments:

1. Summary

- a. Claim form submitted by claimant received by the PSC on March 21, 2019
 - i. Claim is for 12,083.36 bushels of durum priced at \$6.70 per bushel for a value of \$80,958.51.
 - ii. Claimant also lists an additional interested party of Julius Hansen Trust.
 - 1. Julius Hanson Trust portion is 25% of grain value delivered out of bins #45, #47
- b. Claim form and supporting documents submitted by claimant's legal counsel received by the PSC March 29, 2019
 - i. Claim documents include Grain Claim Form, summary table of claim calculation and claimed bushels, list of how grain was to be split (lessor portion), some destination scale tickets, a freight invoice listing some of the claimed grain, and ECGM trade confirmation #21398.

2. Differences in claim calculations explained:

- a. PSC used net bushels for all loads included in claim, claimant used net bushels for scale tickets they had copies of while the rest used the gross bushels on the freight invoices.
- b. Claimant did not take into account the "Viterra Scale of Discounts" that were to apply per ECGM trade confirmation #21398.
- c. Claimant did not account for the commodity checkoff fee that would be deducted prior to final settlement per industry standard practice

3. Items of Note:

- a. NoDak Grain – Rohrville scale tickets #57 and #70 listed the seller as "Cody Lacroix" not Cody St. Croix. The PSC attributed these to Cody St. Croix.
 - i. PSC has no records or claim associated with a Cody Lacroix.
 - ii. Per the trucking files received by the PSC on 2-20-19 from Swenseth Law Firm
 - 1. Carbon copies of the scale tickets were included in the Deaver Trucking file
 - 2. Deaver Trucking Invoice #212 list these scale tickets with no other notes
 - iii. Claimant included scale tickets in their list of claimed grain.
 - 1. Included copies of the scale tickets.

Summary table of how value of each load calculated:

Bin #	Destination Information - inbound				Pricing						Scale ticket Grade Factors				Contracts			
	Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Prem. & Disc. per bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	TW	MST	Dock	Pro	Estimate #	ECGM #	Seller Contract	Midwest Contract
53	NoDak Grain - Rohnville	57	9/12/2018	1,167.95	\$ 6.70	\$ (0.03)	\$ 6.67	\$ 7,790.23	\$ 17.52	\$ 7,772.71	63.0	11.7	1.3	13.7	na	21398	na	na
53	NoDak Grain - Rohnville	70	9/12/2018	1,146.57	\$ 6.70	\$ (0.03)	\$ 6.67	\$ 7,647.62	\$ 17.20	\$ 7,630.42	62.5	11.4	1.3	13.6	na	21398	na	na
53	Osnabrock FEC - Osnabrock	64694	9/27/2018	986.70	\$ 6.70	\$ -	\$ 6.70	\$ 6,610.89	\$ 14.80	\$ 6,596.09	63.0	12.9	1.0	13.0	na	21398	na	na
45	Osnabrock FEC - Osnabrock	64706	9/28/2018	984.38	\$ 6.70	\$ (0.03)	\$ 6.67	\$ 6,565.81	\$ 14.77	\$ 6,551.04	62.6	13.0	1.1	13.3	na	21398	na	na
45	Osnabrock FEC - Osnabrock	64748	10/1/2018	1,205.82	\$ 6.70	\$ -	\$ 6.70	\$ 8,078.99	\$ 18.09	\$ 8,060.90	63.5	12.5	1.0	13.7	na	21398	na	na
45	Osnabrock FEC - Osnabrock	64749	10/1/2018	1,251.03	\$ 6.70	\$ -	\$ 6.70	\$ 8,381.90	\$ 18.77	\$ 8,363.13	63.2	12.8	1.0	13.5	na	21398	na	na
47	Osnabrock FEC - Osnabrock	64792	10/4/2018	910.80	\$ 6.70	\$ -	\$ 6.70	\$ 6,102.36	\$ 13.66	\$ 6,088.70	62.8	12.8	1.0	13.6	na	21398	na	na
47	Osnabrock FEC - Osnabrock	65070	11/6/2018	1,112.43	\$ 6.70	\$ -	\$ 6.70	\$ 7,453.28	\$ 16.69	\$ 7,436.59	63.4	12.6	1.0	13.2	na	21398	na	na
53	Osnabrock FEC - Osnabrock	65071	11/6/2018	1,029.60	\$ 6.70	\$ -	\$ 6.70	\$ 6,898.32	\$ 15.44	\$ 6,882.88	62.4	13.2	1.0	13.3	na	21398	na	na
47	Osnabrock FEC - Osnabrock	65072	11/6/2018	1,022.34	\$ 6.70	\$ -	\$ 6.70	\$ 6,849.68	\$ 15.34	\$ 6,834.34	63.2	13.2	1.0	13.0	na	21398	na	na
47	Osnabrock FEC - Osnabrock	65131	11/9/2018	1,225.29	\$ 6.70	\$ (0.10)	\$ 6.60	\$ 8,086.91	\$ 18.38	\$ 8,068.53	63.5	11.2	1.0	12.8	na	21398	na	na