GD01-002

KY/BK

GD01-002

DOCKET NO. GD01-002

In the Matter of IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH

## Public Utilities Commission of the State of South Dakota

| DATE | | MEMORANDA |
|---|---|---|
| 7/25 | 01 | Opened Docket |
| 9/28 | 01 | Order For and Notice of Hearing; |
| 10/29 | 01 | Affidavit of Publication; |
| 11/7 | 01 | Transcript of Hearing held 11/1/01; |
| 5/21 | 02 | Proof of Claim; |
| 6/5 | 02 | Proof of Claim; |
| 8/15 | 02 | Proof of Claim; |
| 11/7 | 02 | Proposed Find. of Fact + Con. of Law + Decision of Receiver; |
| 11/7 | 02 | Proposed Judgment + Order Approving Proposed Find. of Fact + Con. of Law + Dec. of Receiver; |
| 11/7 | 02 | Certificate of Service; |
| 11/14 | 02 | Notice of Entry of Judgment + Order Approving Pro. Find. of Fact + Con. of Law + Decision of Receiver; |
| 1/28 | 03 | Docket Closed. |

STATE PUBLISHING CO., PIERRE, SOUTH DAKOTA—SMEAD 99 SP14130

HD01-002

Farmland

# AMKOTA

COOP

P.O. BOX Q
WESSINGTON SPRINGS, SOUTH DAKOTA 57382

*SERVING THE HEARTLAND OF AMERICA & SOUTH DAKOTA*

AMPRIDE CONVENIENCE MART
PHONE (605) 539-1932

PETROLEUM DEPARTMENT
PHONE (605) 539-1666

FEED, LUMBER & FARM SUPPLY
PHONE (605) 539-1444

GRAIN ELEVATOR & FEED MILL
PHONE (605) 539-1555

January 10, 2001

Public Utilities Commission
500 E. Capitol Avenue
Capitol Building
Pierre, SD 57501

Dear Commissioners:

On behalf of AmKota Cooperative in Wessington Springs, I am filing this complaint to receive a portion of our grain dealer's bond due us as a result of our loss caused by the Chapter 11 Bankruptcy by AgriBioTech, Inc, et al.

I am including a copy of our filed Proof of Claim and justification of our loss of $92,213.86. According to information in the Court's Disclosure Statement for Joint Plan of Reorganization AmKota is likely to receive less than $3500.00 under the proposed settlement. If you require further documentation or information, you can call me at 539-1666. I appreciate your efforts to move forward in the process of making the bond funds available.

Sincerely,

Mark E. Steichen

Mark E. Steichen
General Manager

Enclosure

RECEIVED
JAN 10 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

FORM B10 (Official Form 10) (Rev. 4/98)

United States Bankruptcy Court — District Of Nevada

**PROOF OF CLAIM**

Name of Debtor: AgriBioTech, Inc., a Nevada corporation

Case Number: 00-10533-BLR

Creditor Number: F-12800

RECEIVED AND FILED

FEB 29 1 44 PM '0

UNITED STATES BANKRUPTCY COURT
PATRICIA GRAY
CLERK

Note: This form should not be used to make a claim for an administrative expense arising after the commencement of request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor:

AMKOTA COOPERATIVE

☐ Check box if you are aware that anyone else has filed a proof of clai relating to your claim. Attach copy statement giving particulars.

Name and address where notices should be sent

AMKOTA COOPERATIVE
P O BOX Q
~~WESSINGTON, SD 57382~~
WESSINGTON SPRINGS SD 57382

☐ Check box if you have never receiv any notices from the bankruptcy cc in this case.

☒ Check box if the address differs fro the address on the envelope sent to by the court.

Telephone Number: 605-539-1555

This space is for Court use only

Account or other number by which creditor identifies debtor:

53570

Check here if this claim ☐ replaces ☐ amends a previously filed claim dated: _____

**1. Basis for Claim**

☒ Goods Sold
☒ Services Performed
☐ Money Loaned
☐ Personal Injury/wrongful death
☐ Taxes
☐ Other _____

☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
☐ Wages, salaries, and compensation (Fill out below)

Your SS#: _____ - _____ - _____

Unpaid compensation for services performed

from _____ (Date) to _____ (Date)

**2. Date debt was incurred:** 7-1-99

**3. If court judgment, date obtained:**

**4. Total Amount of Claim at time Case Filed** $ 92,213.86

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☒ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach an itemized statement of all i additional charges.

**5. Secured Claim**

☐ Check this box if claim is secured by collateral (including a right of setc

Brief description of Collateral:

☐ Real Estate ☐ Motor Vehicle
☐ Other: _____

Value of Collateral: $ _____

Amount of arrearage and other charges at time case filed included in sec claim, if any $ _____

**6. Unsecured Priority Claim**

☐ Check this box if you have an unsecured priority claim

Amount entitled to priority $ _____

Specify the priority of the claim:

☐ Wages, salaries, or commissions (up to $4,300), earned within 90 days before the filing of t bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. 507(a)(3)

☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).

☐ Up to $1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).

☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C § 507(a)(7).

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)

☐ Other - Specify applicableparagraph of U.S.C. § 507(a-__).

*Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to ca commenced on or after the date of adjustment.

**7. CREDITS:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. SUPPORTING DOCUMENT** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain. If documents are voluminous, attach summary

**9. DATE-STAMPED COP** To receive an acknowledgement of the filing of your claim, enclose a self-addressed envelope and copy of this proof of claim.

This Space is for Court Use Only

Date | Sign and print the name and title, if any, of the the creditor or the person authorized to file this claim(attach c

Mark Steichen

Amkota
Box 2
Wess. Springs, SD 57382

| | | | |
|---|---|---|---|
| 29 loads | flowers | 1,220,580# | $ 87875.83 |
| 2 loads | milo | 1689.20 bu. | 2905.42 |
| 2 loads | trucking salt + finance chg. (1075.00) (319.56) | | 1432.61 |
| | | | 92,213.86 |

GR434 AMERTA GRAIN CORP OUT 08/15/84

53570 DISCOUNT FARM CENTER COMMODITY: SUNFLOWER

| TICKET # | CNT GROSS | CNT SHRINK | CNT NET | TEST WEIGHT | MOISTURE | DOCKAGE | REG. DAMAGE | HEAT DAMAGE | TOTAL DISC |
|---|---|---|---|---|---|---|---|---|---|
| 6232.01 | 494.62 | 45.61 | 448.99 | 31.0 0.000 | 7.7 3.202 | 9.0 0.240 | 0.0 0.000 | 0.0 0.000 | |
| 6234.01 | 510.00 | 46.87 | 463.13 | 31.7 0.000 | 8.5 0.320 | 8.0 0.300 | 0.0 0.000 | 0.0 0.000 | |
| 6235.01 | 497.70 | 38.53 | 459.17 | 31.9 0.000 | 7.6 0.000 | 7.5 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6246.01 | 503.20 | 42.52 | 460.68 | 31.6 0.000 | 7.1 0.000 | 7.5 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6253.01 | 507.30 | 50.67 | 456.63 | 32.4 0.000 | 7.1 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6281.01 | 508.92 | 67.75 | 436.24 | 33.0 0.000 | 7.5 0.000 | 14.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6157.01 | 513.52 | 66.99 | 446.61 | 32.0 0.000 | 7.5 0.000 | 13.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6192.01 | 415.32 | 55.82 | 359.50 | 33.0 0.000 | 7.5 0.000 | 13.5 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6193.01 | 511.02 | 67.02 | 443.00 | 33.2 0.000 | 7.6 0.000 | 13.5 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6199.01 | 495.30 | 50.19 | 444.31 | 32.0 0.000 | 7.7 0.000 | 10.5 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6201.01 | 445.77 | 69.82 | 375.95 | 33.2 0.000 | 8.0 0.000 | 18.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6207.01 | 485.28 | 51.67 | 341.33 | 31.5 0.000 | 8.7 0.000 | 14.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6218.01 | 494.34 | 54.38 | 372.52 | 32.5 0.000 | 7.0 0.000 | 13.5 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6219.01 | 524.40 | 72.22 | 452.18 | 32.5 0.000 | 7.5 0.000 | 13.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6220.01 | 524.20 | 58.14 | 466.06 | 31.5 0.000 | 8.0 0.000 | 11.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6222.01 | 526.20 | 51.12 | 475.08 | 32.5 0.000 | 8.0 0.000 | 12.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6224.01 | 484.20 | 49.65 | 434.55 | 32.5 0.000 | 7.4 0.000 | 9.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6225.01 | 494.10 | 52.38 | 441.72 | 32.5 0.000 | 8.7 0.000 | 9.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6226.01 | 494.10 | 48.60 | 445.50 | 32.5 0.000 | 7.5 0.000 | 12.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6227.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6228.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6229.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6230.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6231.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6233.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6234.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6235.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6246.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6253.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6281.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6157.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6192.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6193.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6199.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6201.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6207.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6218.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6219.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6220.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6222.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6224.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6225.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6226.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6227.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6228.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6229.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6230.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6231.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6233.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6234.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6235.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6246.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6253.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6281.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6157.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6192.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6193.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6199.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6201.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6207.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6218.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6219.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6220.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6222.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6224.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6225.01 | 494.10 | 45.54 | 448.56 | 32.5 0.000 | 7.5 0.000 | 10.0 0.000 | 0.0 0.000 | 0.0 0.000 | |

| DIV. | SPT | TICKET# | GROSS | SHR% | NET | DOCK | REG DMG | HEAT DMG | TOTAL DISC | |
|---|---|---|---|---|---|---|---|---|---|---|
| 3 | D | 6232.01 | 494.62 | 7.00 | 460.00 | 10.0 | 0.0 | 0.0 | 34.265 | |
| 3 | D | 6234.01 | 510.00 | 7.00 | 474.30 | 10.0 | 0.0 | 0.0 | 35.91 | |
| 3 | D | 6235.01 | 497.70 | 7.00 | 462.80 | 10.0 | 0.0 | 0.0 | 32.14.9 | |
| 3 | D | 6246.01 | 503.20 | 7.00 | 467.90 | 10.0 | 0.0 | 0.0 | 3237.50 | |
| 3 | D | 6253.01 | 507.30 | 7.00 | 471.70 | 10.0 | 0.0 | 0.0 | 3154.41 | |
| 3 | D | 6281.01 | 508.92 | 7.00 | 473.20 | 10.0 | 0.0 | 0.0 | 3088.62 | |
| 3 | D | 6157.01 | 513.52 | 7.25 | 476.00 | 10.0 | 0.0 | 0.0 | 3230.67 | |
| 3 | D | 6192.01 | 415.32 | 7.25 | 385.00 | 10.0 | 0.0 | 0.0 | 2591.88 | |
| 3 | D | 6193.01 | 511.02 | 7.25 | 474.00 | 10.0 | 0.0 | 0.0 | 3248.00 | |
| 3 | D | 6199.01 | 495.30 | 7.25 | 459.30 | 10.0 | 0.0 | 0.0 | 3224.87 | |
| 3 | D | 6201.01 | 445.77 | 7.25 | 413.30 | 10.0 | 0.0 | 0.0 | 2740.86 | |
| 3 | D | 6207.01 | 485.28 | 7.25 | 450.00 | 10.0 | 0.0 | 0.0 | 2474.64 | |
| 3 | D | 6218.01 | 494.34 | 7.25 | 458.30 | 10.0 | 0.0 | 0.0 | 2700.63 | |
| 3 | D | 6219.01 | 524.40 | 7.25 | 486.30 | 10.0 | 0.0 | 0.0 | 3212.40 | |
| 3 | D | 6220.01 | 524.20 | 7.25 | 486.00 | 10.0 | 0.0 | 0.0 | 3372.44 | |
| 3 | D | 6222.01 | 526.20 | 7.25 | 488.00 | 10.0 | 0.0 | 0.0 | 3246.19 | |
| 3 | D | 6224.01 | 484.20 | 7.25 | 449.00 | 10.0 | 0.0 | 0.0 | 2751.81 | |
| 3 | D | 6225.01 | 494.10 | 7.25 | 458.00 | 10.0 | 0.0 | 0.0 | | |

split
180.48 @ 7.00 ← = 1263.36
251.76 @ 7.25
1825.26
3088.62

AMADA CO-OP
OPEN GRAIN-OUT

08/15/00
13:33:00

GR434

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 3 | D | 6127.01 | 473.1100 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3430.05 | 0 | 0.00 | 0.00 |
| 3 | D | 6128.01 | 387.0900 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2806.40 | 0 | 0.00 | 0.00 |
| 3 | D | 6130.01 | 416.7300 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3021.29 | 0 | 0.00 | 0.00 |
| 3 | D | 6131.01 | 344.8600 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2500.38 | 0 | 0.00 | 0.00 |
| 3 | D | 6253.01 | 388.5700 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2543.30 | 0 | 0.00 | 0.00 |
| 3 | D | 6354.01 | 415.5800 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3012.96 | 0 | 0.00 | 0.00 |
| 3 | D | 6356.01 | 362.6100 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2630.37 | 0 | 0.00 | 0.00 |
| 3 | D | 6366.01 | 468.7200 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3398.22 | 0 | 0.00 | 0.00 |
| 3 | D | 6336.01 | 474.1100 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3437.30 | 0 | 0.00 | 0.00 |
| 3 | D | 6342.01 | 433.8400 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3145.34 | 0 | 0.00 | 0.00 |
| 3 | D | 6351.01 | 452.4700 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3280.41 | 0 | 0.00 | 0.00 |
| 3 | D | 6355.01 | 385.6400 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2795.89 | 0 | 0.00 | 0.00 |
| TOTAL | | | 12205.6000 | | | 0.00 | | | | 0.00 | 0.00 |

$ 87875.83

33570 DISCOUNT FARM CENTER COMMODITY: MILO

| | BUSHEL | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TICKET # | GROSS | SHRINK | NET | TEST WEIGHT | | MOISTURE | | F.M. | | REG. DOCKAGE | | HEAT DAMAGE | | TOTAL DISC |
| 6124.01 | 867.56 | 17.36 | 850.20 | 57.0 | 0.000 | 12.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6294.01 | 865.02 | 25.32 | 839.70 | 55.0 | 0.000 | 12.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| | | | AVERAGE | 57.0 | | 12.0 | | 0.0 | | 0.0 | | 0.0 | | |

| | DIV. | OPT | TICKET# | BUSHEL | CONT# | PRICE | DIS/AM | DEL.DATE | SPLDATE | CHECK# | HANDLE | NET DUE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 3 | D | 6124.01 | 850.2000 | | 0.0000 | 0.0000 | 08/15/00 | | 0 | 0.00 | 0.00 |
| | 3 | D | 6294.01 | 839.7000 | | 0.0000 | 0.0000 | 08/15/00 | | 0 | 0.00 | 0.00 |
| TOTAL | | | | 1689.9000 | | | 0.00 | | | | 0.00 | 0.00 |

all 2 12 = $ 2905.42

| ---COMMODITY--- | -------OPTION------ | DIV. | ----BUSHEL----- |
|---|---|---|---|
| SUNFLOWER | DELAYED PRICE | 3 | 12,205.6000 |
| MILO | DELAYED PRICE | 3 | 1,689.9000 |

AMKOTA CO-OP

P.O. BOX Q
WESSINGTON SPRINGS, SD 57382
605-539-1666

REPRINTED ON 02/16/00
ACCOUNT NUMBER 03170

TOTAL DUE SHOWN BELOW 1,438.61

DISCOUNT FARM CENTER
(FORMERLY SEXAUER)
P.O. BOX 84
WATERTOWN, SD 57201

PRIOR

ACCOUNT WITH AMKOTA CO-OP

| —DATE— | BR | REF # | QUANTITY | UNIT | ---- DESCRIPTION ---- | CHARGE | CREDIT | BALANCE |
|---|---|---|---|---|---|---|---|---|
| 07/01/99 | | | | | BALANCE FORWARD | | | 0.00 |
| 07/14/99 | EL | I51334 | 1.00 | LD | SEMI TRUCKING | 505.47 | | 505.47 |
| 07/17/99 | EL | I53546 | 1.00 | LD | SEMI TRUCKING | 509.25 | | 1,014.72 |
| 07/20/99 | | SVCCHG | 1.00 | | SERVICE CHARGE | 16.95 | | 1,031.67 |
| 07/25/99 | EL | I72582 | 1.00 | LD | SEMI TRUCKING | 624.78 | | 1,656.45 |
| 07/31/99 | EL | I75029 | 1.00 | LD | SEMI TRUCKING | 811.20 | | 2,467.65 |
| 07/31/99 | EL | I75030 | 1.00 | LD | SEMI TRUCKING | 776.32 | | 3,243.97 |
| 07/31/99 | EL | I75060 | 1.00 | LD | SEMI TRUCKING | 642.60 | | 3,886.57 |
| 07/31/99 | EL | I75073 | 1.00 | LD | SEMI TRUCKING | 556.75 | | 4,443.32 |
| 08/03/99 | EL | R-5668 | | | RECEIVED ON ACCOUNT | | 1,014.72 | 3,428.60 |
| 08/07/99 | EL | I78803 | 1.00 | LD | SEMI TRUCKING | 645.57 | | 4,074.17 |
| 08/07/99 | EL | I78585 | 1.00 | LD | SEMI TRUCKING | 657.28 | | 4,731.45 |
| 08/15/99 | EL | I82475 | 1.00 | LD | SEMI TRUCKING | 808.96 | | 5,540.41 |
| 08/18/99 | EL | I84354 | 1.00 | LD | SEMI TRUCKING | 681.48 | | 6,221.89 |
| 08/21/99 | | SVCCHG | 1.00 | | SERVICE CHARGE | 57.26 | | 6,279.15 |
| 08/22/99 | EL | I85739 | 1.00 | LD | SEMI TRUCKING | 681.35 | | 6,960.50 |
| 08/30/99 | EL | I89058 | 1.00 | LD | SEMI TRUCKING | 2,093.79 | | 9,054.29 |
| 10/18/99 | EL | R-7040 | | | RECEIVED ON ACCOUNT | | 4,093.13 | 4,961.16 |
| 10/18/99 | | SVCCHG | 1.00 | | SERVICE CHARGE | 151.21 | | 5,112.37 |
| 10/21/99 | EL | I02916 | 1.00 | LD | SEMI TRUCKING | 525.00 | | 5,637.37 |
| 11/18/99 | | SVCCHG | 1.00 | | SERVICE CHARGE | 94.14 | | 5,731.51 |
| 11/24/99 | EL | I21879 | 1.00 | LD | HAUL 1 LOAD SALT | 550.00 | | 6,281.51 |
| 11/30/99 | EL | R-8074 | | | RECEIVED ON ACCOUNT | | 5,411.95 | 869.56 |
| 12/27/99 | EL | I33869 | 1.00 | LD | SALT TO WATERTOWN | 525.00 | | 1,394.56 |
| 12/27/99 | | SVCCHG | 1.00 | | SERVICE CHARGE | 14.52 * | | |
| | | | 1.00 | | SERVICE CHARGE | 23.53 * | | |
| | | | | | INVOICE TOTAL | 38.05 | | 1,438.61 |

| | |
|---|---|
| TOTAL DUE | 1,438.61 |
| CURRENT | 0.00 |
| 1 - 30 DAYS | 23.53 |
| 31 - 60 DAYS | 533.52 |
| OVER 60 DAYS | 869.56 |

* * * *

GD01-002



# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

July 25, 2001

TO ALL PATRONS OF AGRIBIOTECH, INC. WITH UNSETTLED OR UNPAID GRAIN TRANSACTIONS INCLUDING:

PRICED BUT NOT PAID GRAIN SALES; OUTSTANDING CHECKS; VOLUNTARY CREDIT SALES CONTRACTS AND HOLDERS OF DISHONORED CHECKS

On January 25, 2000, AgriBioTech, Inc. filed a petition for Reorganization pursuant to Chapter 11 of the U.S. Bankruptcy Code in the U.S. Bankruptcy Court in Las Vegas, Nevada. On June 18, 2001, the United States Bankruptcy Court, District Of Nevada, granted the South Dakota Public Utilities Commission limited relief from the automatic stay of 11 U.S.C. Section 362 for the sole purpose of administering claims against the grain dealer's bond of AgriBioTech, Inc.. AgriBioTech, Inc. was licensed as a grain dealer pursuant to SDCL Chapter § 49-45, which is under the jurisdiction of the Commission. The purpose of this letter is to inform you of your potential rights under South Dakota law.

SDCL § 49-45-9 states in part: "Before any grain dealer license is issued by the commission, the applicant shall file with the commission a bond conditioned to secure the faithful performance of the applicant's obligations as a grain dealer and full and unreserved compliance with the laws of this state and the rules of the commission, relating to the purchase of grain by the grain dealer. The bond is for the specific purpose of protecting persons selling grain to the grain dealer. However, the bond may not benefit any person entering into a voluntary credit sale with a grain dealer." Also excluded are any purchases for the buyer's own use or consumption.

A voluntary credit sale (VCS) is defined in SDCL § 49-45-1.1 as "a sale of grain or seed pursuant to which the sale price is to be paid more than thirty days after the delivery or release of the grain for sale, including those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts and price-

**Capitol Office**
**Telephone (605)773-3201**
**FAX (605)773-3809**

**Transportation/**
**Warehouse Division**
**Telephone (605)773-5280**
**FAX (605)773-3225**

**Consumer Hotline**
**1-800-332-1782**

**TTY Through**
**Relay South Dakota**
**1-800-877-1113**

**Internet Website**
**www.state.sd.us/puc/**

**Jim Burg**
Chairman
**Pam Nelson**
Vice-Chairman
**Laska Schoenfelder**
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
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Heather K. Forney
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Mary Giddings
Lewis Hammond
Leni Healy
Mary Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest

later contracts." SDCL § 49-45-11 also states that VCS contracts shall be in writing.

If you have not received payment for grain which you have sold to AgriBioTech, Inc.; or if you were issued a check that will no longer be honored, any loss sustained may be covered in whole or in part by the grain dealer bond, except for those sales involving a VCS contract as defined above. For the licensing year which ended June 30, 2000, AgriBioTech, Inc. had a grain dealer bond in the amount of $50,000. At this time it has not been determined if the bond will be sufficient to cover 100% of the anticipated claims. If there is not sufficient coverage, claims may be paid on a pro rata basis.

The comments below, for each class of claimant against the bond, are suggestions on how you should proceed and how claims in each class will be generally treated:

CREDITORS WHO SOLD GRAIN THAT WAS PRICED BUT NOT PAID FOR

Any producer who sold grain to AgriBioTech, Inc. for resale but has not received payment may have a valid claim against the grain dealer's bond unless the sale involves a voluntary credit sale.

CREDITORS WHO HOLD OUTSTANDING OR DISHONORED CHECKS

All such checks that are for the sale of grain to AgriBioTech, Inc. for resale may be valid claims against the grain dealer's bond unless the sale involves a voluntary credit sale.

CREDITORS WHO ENTERED INTO VCS CONTRACTS

As described by SDCL § 49-45-9, VCS contracts are not covered by the bond.

The above comments are preliminary and may change as the case unfolds. You may wish to consult with an attorney.

In order to verify the total dollar amount of potential claims against the bond, the Commission must receive a written verification of the amount AgriBioTech, Inc. owes you. Enclosed is a claim form that you must fill out, have notarized and return to the Commission. Copies of scale tickets, settlement sheets, checks, contracts or any other evidence you possess which establishes that you sold grain to AgriBioTech, Inc. for resale **must be provided to substantiate your claim.** Please forward this information to the Commission as soon as possible, **but no later than August 10, 2001.** If you do not have a claim against AgriBioTech, Inc., please contact the Commission at 1-800-332-1782 and inform us of this. Thank you for your attention to this matter.

If you have any questions concerning this letter, please contact me or Lisa Hull at the Commission. The Commission will keep you informed as this case develops.

Sincerely,

Bob Knadle

Bob Knadle
Director, Transportation/ Warehouse Division

# PROOF OF CLAIM FOR CASH GRAIN

## (GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, _____, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named _____ located at _____.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

_____

_____

_____

_____

_____

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

_____
**Signature of Claimant**

_____
**Date**

_____
**Street/PO Box**

_____
**City/State/Zip**

_____
**Telephone**

Subscribed and sworn to me this _____ day of _____, 20_____.

**Notary**_____

**County of:**_____

**State of:** _____

**Commission Expires:** _____

South Dakota Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501-5070
Tel: (605) 773-3201
Fax: (605) 773-3809

**SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

# Fax

**To:** Argus Leader **From:** Kelly D. Frazier

Attn: Joan

**Fax:** 605.331.2340 **Pages:** Page 1 of 2

**Phone:** 605.331.2200 **Date:** September 27, 2001

**Re:** Publish of Notice CIV. 01-0447 **CC:**

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

● **Comments:**

To the Argus Leader,

Please publish the attached notice on October 7th and 14th. Please publish in a single line legal notice format and return an affidavit of publication at your soonest possible convenience and invoice the South Dakota Public Utilities Commission. If you have any questions please contact Kelly D. Frazier at 773-3201. Thank you for your time and attention to this matter.

Sincerely,

Kelly D. Frazier

Staff Attorney

South Dakota Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501-5070
Tel: (605) 773-3201
Fax: (605) 773-3809

**SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

# Fax

**To:** Watertown Public Opinion **From:** Kelly D. Frazier

Attn: Carolyn Lubber

**Fax:** 605.886.4280 **Pages:** Page 1 of 2

**Phone:** 605.886.6901 **Date:** September 27, 2001

**Re:** Publish of Notice CIV. 01-0447 **CC:**

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

To the Watertown Public Opinion,

Please publish the attached notice on October Saturday September 29th and October 6th, 2001. Please publish in a single line legal notice format and return an affidavit of publication at your soonest possible convenience and invoice the South Dakota Public Utilities Commission. If you have any questions please contact Kelly D. Frazier at 773-3201. Thank you for your time and attention to this matter.

Sincerely,

Kelly D. Frazier

Staff Attorney

**GD01-002 - IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH. NOTICE TO CLAIMANTS OF HEARING**

NOTICE IS HEREBY GIVEN that the South Dakota Public Utilities Commission (Commission), 500 East Capitol Ave., Pierre, SD 57501-5070, has been appointed a Receiver to take possession of the bond proceeds of AgriBioTech, Inc. (ABT) formerly of Watertown, South Dakota, pursuant to SDCL 49-45-16 and SDCL Chapter 21-21. ABT's grain dealer's license has expired. The bonding company is St. Paul Fire & Marine Insurance Company, PO Box 1138, Baltimore, MD 21203-1138.

NOTICE IS FURTHER GIVEN that claims for the bond proceeds shall be given in writing. Contact the Commission at 1-800-332-1782 to receive a proof of claims form. Please submit any claims by October 15, 2001.

NOTICE IS FURTHER GIVEN that the Commission shall hold a public hearing for considering claims against the bond proceeds and all claimants are encouraged to appear at this hearing to present evidence of their claims which may include, but is not limited to, such documents as scale tickets, settlement sheets, bad checks or other evidence of a sale of grain to ABT which has not been paid.

THIS HEARING WILL BE HELD ON November 1, 2001 in Watertown, South Dakota at the Ramkota Hotel, 1901 9th Avenue SW, in the Stony Point Meeting Room.

Anyone having questions can contact the Commission by calling 1-800-332-1782. This hearing is being held in a physically accessible location. Please contact the Commission if you have special needs so arrangements can be made to accommodate you.

The decision of the Commission as Receiver in this matter is subject to the final approval of the Third Circuit Court of the State of South Dakota and which may be further appealed to the South Dakota Supreme Court.

# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

| | | |
|---|---|---|
| IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC. | ) | ORDER FOR AND NOTICE OF HEARING |
| | ) | GD01-002 |
| | ) | (Civ. 01-0447) |

On August 2, 2001, the Public Utilities Commission (Commission) filed with the Third Judicial Circuit a Petition to Appoint South Dakota Public Utilities Commission as a receiver of AgriBioTech, Inc. (ABT) pursuant to SDCL 49-45-16 and SDCL Chapter 21-21, to take possession of the cash proceeds of the grain dealer's bond numbered 400JR0028. On August 29, 2001, the Commission was appointed receiver by the Honorable Judge Ronald K. Roehr of the Third Judicial Circuit of South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 21-21 and 49-45, specifically 49-45-13, 49-45-16, and 49-45-18. Pursuant to the order of the Court, the Commission shall determine claims against the cash proceeds of the grain dealer's bond numbered 400JR0028, commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire & Marine Insurance Company, being the surety. A hearing shall be held on the claims against the bond as described above on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota.

The issue at the hearing will be to determine claims against the cash proceeds of the grain dealer's bond numbered 400JR0028, commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire & Marine Insurance Company, being the surety.

All potential claimants have the right to be present, to be represented by an attorney, and to present evidence of their claims. Evidence may include, but is not limited to, such documents as scale tickets, settlement sheets, bad checks, or other evidence of a sale of grain to ABT which has not been paid. These and other due process rights will be forfeited if they are not exercised at the hearing or by submitting a proof of claim with the Commission. After the hearing, the Commission, as receiver, will consider all evidence and testimony that was presented at the hearing. As a result of the hearing, the Commission shall determine claims against the cash proceeds of the grain dealer's bond. The Commission will then enter proposed Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter which will be submitted to the Third Circuit of the State of South Dakota. The Final Decision made by the Circuit Court may be appealed to the state Supreme Court as provided by law.

It is therefore

ORDERED, that the hearing shall be held on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 28th day of September, 2001.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Delaine Kolbo

Date: 9/28/01

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

# AFFIDAVIT OF PUBLICATION

## GD01-002 - IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH. NOTICE TO CLAIMANTS OF HEARING

NOTICE IS HEREBY GIVEN that the South Dakota Public Utilities Commission (Commission), 500 East Capitol Ave., Pierre, SD 57501-5070, has been appointed a Receiver to take possession of the bond proceeds of AgriBioTech, Inc. (ABT) formerly of Watertown, South Dakota, pursuant to SDCL 49-45-16 and SDCL Chapter 21-21. ABT's grain dealer's license has expired. The bonding company is St. Paul Fire & Marine Insurance Company, PO Box 1138, Baltimore, MD 21203-1138.

NOTICE IS FURTHER GIVEN that claims for the bond proceeds shall be given in writing. Contact the Commission at 1-800-332-1782 to receive a proof of claims form. Please submit any claims by October 15, 2001.

NOTICE IS FURTHER GIVEN that the Commission shall hold a public hearing for considering claims against the bond proceeds and all claimants are encouraged to appear at this hearing to present evidence of their claims which may include, but is not limited to, such documents as scale tickets, settlement sheets, bad checks or other evidence of a sale of grain to ABT which has not been paid.

THIS HEARING WILL BE HELD ON November 1, 2001 in Watertown, South Dakota at the Ramkota Hotel, 1901 9th Avenue SW, in the Stony Point Meeting Room.

Anyone having questions can contact the Commission by calling 1-800-332-1782. This hearing is being held in a physically accessible location. Please contact the Commission if you have special needs so arrangements can be made to accommodate you.

The decision of the Commission as Receiver in this matter is subject to the final approval of the Third Circuit Court of the State of South Dakota and which may be further appealed to the South Dakota Supreme Court.

128.36

TA. }
N } ss.

aly sworn, says: That Watertown Public Opinion is, einafter mentioned was, a daily legal newspaper as mended, published at Watertown, Codington Coun- wn Public Opinion Co.; that affiant is and during all e of the publisher of such newspaper and has personal d in this affidavit; that the notice, order or advertise- h is attached, was published in said newspaper for two

:

ade on the 29th day of September, 2001

; made on 6th day of October, 2001.

ee charged for publishing the same, to-wit, the sum of benefit of the publisher of said newspaper; that no agree- he division of the fee has been made with any person, as been agreed to be paid to any other person.

Maureen K. Haaland

Subscribed and sworn to before me this 6th day of October, A.D. 2001.

(Seal) Carolyn K. Gilbertson
Notary Public, SD

My Commission Expires

RECEIVED
OCT 11 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

| CUSTOMER NUMBER: | 078394 | Argus Leader | |
|---|---|---|---|
| INVOICE NUMBER: | 21007 | P.O. Box 5034, Sioux Falls, S.D. 57117-5034 | |
| RUN DATES: | 10/7, 10/14, 2001 | AMOUNT DUE: | $74.10 |

RECEIVED
OCT 29 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Public Utilities / Kelly D Frazier
Attn: One Call Notification Board
1012 North Sycamore Ave
Sioux Falls SD 57110-5747

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-
Customer Number: 078394
Invoice Number: 21007

Public Utilities / Kelly D Frazier

# Argus Leader
# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA } ss

Nancy Hyronimus being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Sunday ,the 7 day of October 2001 ,

Sunday ,the 14 day of October 2001 ,

_____ ,the ____ day of _____ 2001 ,

_____ ,the ____ day of _____ 2001 ,

_____ ,the ____ day of _____ 2001 ,

_____ ,the ____ day of _____ 2001 ,

_____ ,the ____ day of _____ 2001 ,

and that $74.10 was charged for publishing the same including A $5.00 affidavit fee.

Nancy Hyronimus

Subscribed and sworn to before 10/17/2001 .

JOAN STAHL
NOTARY PUBLIC SOUTH DAKOTA
SEAL SEAL

Joan Stahl
Notary Public, South Dakota

My Commission expires June 30th, 2005

LEGALS

State Notices | State Notices | State Notices | State Notices

Pierre, SD 5750-5070, has been appointed a Receiver to take possession of the bond proceeds held by Agri-Search, Inc. pursuant to SDCL 49-45-16 and SDCL Chapter 21-21. ABT's grain dealer's license has expired, considering claims against the bond. The bonding company is St. Paul Fire & Marine Insurance Company, PO Box 1138, Babbitt, MN 55706. Claimants are encouraged to appear at the hearing to present evidence in support of their claims which may include, but is not limited to, such documents as scale tickets, settlement sheets, bad check or other evidence of a sale of grain to ABT which has not been paid.

NOTICE IS FURTHER GIVEN that the Commission will hold a public hearing for the purpose of considering any claims by ABT's bond proceeds and all claimants may

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

* * * * * * * * * * * * * * * * * * * * *

In the Matter of the Grain Dealer's Bond of AgriBioTech, Inc.

Ramkota Inn
Watertown, South Dakota
November 1, 2001
1:00 o'clock p.m.

* * * * * * * * * * * * * * * * * * * * *

H E A R I N G

* * * * * * * * * * * * * * * * * * * * *

BEFORE: Mr. Jim Burg, Commission Chairman
Ms. Pam Nelson, Commissioner
Ms. Rolayne Ailts-Wiest, Commission Counsel
Mr. Greg Rislov, Commission Counsel

APPEARANCES:

Mr. Kelly D. Frazier
Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

for the Public Utilities Commission.

RECEIVED
NOV 01 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

ORIGINAL

## INDEX TO WITNESS

Examination

BOB KNADLE
BY Mr. Frazier: P. 4

## INDEX TO EXHIBITS


| | Marked for Identification | Offered into Evidence |
|---|---|---|
| Exhibit No. 1 | P. 3 | P. 13 |
| Exhibit No. 2 | P. 3 | P. 14 |
| Exhibit No. 3 | P. 3 | P. 15 |
| Exhibit No. 4 | P. 3 | P. 6 |
| Exhibit No. 5 | P. 3 | P. 7 |
| Exhibit No. 6 | P. 3 | P. 9 |
| Exhibit No. 7 | P. 3 | P. 10 |
| Exhibit No. 8 | P. 3 | P. 11 |
| Exhibit No. 9 | P. 3 | P. 27 |

(PUC Exhibit Nos. 1 through 9 were marked for identification.)

CHAIRMAN BURG: I'll go ahead and begin the hearing then for Docket GD01-002, In the Matter of the Grain Dealer's Bond of AgriBioTech, Incorporated. The time is approximately 1:00 p.m. The date is November 1, 2001. And the location of the hearing is the Stonypoint Meeting Room, Ramkota Motel, 1901 9th Avenue Southwest, Watertown, South Dakota.

I'm Jim Burg, Commission Chairman. Commissioner Pam Nelson is also present. I am presiding over this hearing. This hearing was noticed pursuant to the commission's order for and notice of hearing issued September 28, 2001. The issue of this hearing will be to determine claims against the cash proceeds of the grain dealer's bond numbered 400JR0028, commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire and Marine Insurance Company, being the surety.

All parties have the right to be present and be represented by an attorney. All persons so testifying will be sworn in subject to cross-examination by the parties. The commission is acting as a receiver and will submit the proposed

Findings of Facts and Conclusions of Law to the Third Judicial Court. The Court's final decision may be appealed by the parties to the state Supreme Court.

Rolayne Wiest will act as commission counsel. She may provide recommended rulings on procedural and evidentiary matters. The commission may overrule its counsel's preliminary rulings throughout the hearing; however, if not overruled the preliminary rulings will become final rulings. At this time I'll turn it over to Rolayne.

MS. WIEST: First I'll take appearances of the parties. Staff?

MR. FRAZIER: Kelly Frazier, staff attorney.

MS. WIEST: Is there anyone else that would like to make an appearance? Is there anyone else that would like to testify at the hearing today? If not, I believe then we'll start with staff.

MR. FRAZIER: I would call Bob Knadle.

BOB KNADLE,

called as a witness, being first duly sworn, testified and said as follows:

EXAMINATION BY MR. FRAZIER:

Q. Good morning, Bob. Would you state your name and spell it for the record, please?

A. Good afternoon. Bob Knadle, B-O-B, K-N-A-D-L-E.

Q. And what is your educational background, Bob?
A. I graduated from South Dakota State University in December of 1979 with a Master of Science degree in commercial economics.
Q. And where are you currently employed?
A. The South Dakota Public Utilities Commission.
Q. How long have you been there?
A. Since March of 1980.
Q. And what do you do for the commission?
A. I'm currently the Director of Transportation Division -- Transportation/Warehouse Division of the South Dakota Public Utilities Commission.
Q. Is it part of your job at the PUC to monitor licensed grain dealers?
A. Yes, it is.
Q. In the process of doing so did you become familiar with a company by the name of AgriBioTech?
A. Yes, I did.
Q. And for simplicity we'll call it ABT. Did ABT become -- apply to become a licensed dealer with the PUC?
A. Yes, they did.
Q. Did they ultimately do so?
A. Yes, they did.
Q. You have before you, and everybody else should, too, anybody who's interested there's a stack over here,

what has been premarked as Staff Exhibit 4. Are you familiar with this document?

A. Yes, I am.

Q. And could you please describe it?

A. Yes. This is a South Dakota Grain Dealer's License, non-storage for, AgriBioTech, Inc., Watertown, South Dakota. License was effective the 1st day of July, 1999, and expired at midnight on June 30th of 2000.

Q. Okay. And does this appear to be the same license that was issued to ABT?

A. Yes, it does.

Q. Appear to have the same contents as when it was issued?

A. Yes, it does.

MR. FRAZIER: I would then move to enter staff Exhibit 4, the license of ABT.

MS. WIEST: Any objection? If not, it will be admitted.

Q. Was ABT required to post bond in order to get this license?

A. Yes, they were.

Q. Also before you, and for the commission here, is what's been premarked as Staff Exhibit 5. And for the record this is a three-page document labeled 5A through C. Would you look at that and please

describe that document?

A. Yes. This is a bond for use by public grain warehousemen and grain dealers, and was for AgriBioTech, Inc., out of Watertown, South Dakota. And it's a grain dealer's license bond for $50,000. And it was commencing July 1, 1999, and ending June 30 of 2000.

Q. And after this was issued to your knowledge did there come a time when ABT ultimately went out of business?

A. Can I talk?

MR. FRAZIER: I'm sorry. I would first move to enter Staff Exhibit 5.

MS. WIEST: Any objection? If not, it's admitted.

Q. Okay. Regarding ABT's going out of business.

A. Yes, I can.

Q. Would you describe those events as you recall them?

A. Yes. On January 25, 2000, ABT filed Chapter 11 bankruptcy in the U.S. Bankruptcy Court in Nevada. ABT facilities in South Dakota were sold to the Chapter 11 Bankruptcy toward the end of June of 2000. ABT's grain dealer's license expired at midnight on June 30 of 2000. The Chapter 11 bankruptcy proceeding is still ongoing at this time.

Q. Okay. And when they went into bankruptcy, of course,

the stay was imposed on the state. To your knowledge did the PUC then file a motion with the Nevada court to have the stay lifted against it?

A. Yes, they did.

Q. As a result of that motion did the PUC then enter into a stipulated agreement with the attorneys for ABT?

A. Yes, they did.

Q. And as a result of that stipulated agreement, to your knowledge did a Nevada judge then sign an order lifting the stay against the PUC and the grain dealer's bond?

A. Yes, he did.

Q. If you look before you there will be what's been premarked as Staff Exhibit 6. For the record this is a four-page document, 6A through 6D were the pages. Could you please describe that document?

A. Yes, I can. This is an Order regarding the State of South Dakota Public Utilities Commission, Motion for Relief from Automatic Stay (Verified).

Q. Okay. And you saw that document before it was filed. Is that correct?

A. That's correct.

Q. And does it appear to have the same contents and be the same document that you saw filed with the Nevada

court?

A. Yes, it does.

MR. FRAZIER: I would then move to enter Staff Exhibit 6.

MS. WIEST: Any objection? If not, Exhibit 6 is admitted.

Q. Once the stay was lifted did the PUC then file with the Circuit Court they be appointed as the receiver of the bond to ABT to determine the claims against it?

A. Yes, they did.

Q. Again, if you look before you, it will be what has been premarked Staff Exhibit 7. This is a three-page document labeled 7A through 7C. Could you please describe that document?

A. Yes, I can. This is a petition to appoint South Dakota Public Utilities Commission as receiver. It was filed in Circuit Court, Third Judicial Circuit on August 2, 2001, by the commission.

Q. Okay. And you saw this document before it was filed. Correct?

A. Yes, I did.

Q. Does it appear to be the same document, same contents as when it was filed?

A. Yes, it does.

MR. FRAZIER: Okay. I would then move to enter Staff Exhibit 7.

MS. WIEST: Any objection? If not, it's admitted.

Q. As a result of this motion was a hearing held?

A. Yes, it was.

Q. To your knowledge was it the result of that hearing that an Order was signed granting the petition appointing us as receiver?

A. Yes, it was.

Q. Again, looking before you there will be what has been premarked as Staff Exhibit 8. Could you please describe that document?

A. Yes. This is an Order appointing South Dakota Public Utilities Commission as receiver before the Circuit Court, Third Judicial Circuit. That was signed on August 29, 2001, by the Circuit Court Judge.

Q. Okay. And you saw this before it was filed. Is that correct?

A. That's correct.

Q. Does it appear to be the same document, same contents as when it was filed?

A. Yes, it does.

MR. FRAZIER: Okay. I would then move to enter Staff Exhibit 8, pages 8A and 8B.

MS. WIEST: Any objection? If not, it's admitted.

Q. As a result of that Order did the PUC then schedule today's hearing?

A. Yes, they did.

Q. What type of notice did you give potential claimants?

A. The potential claimants were mailed a copy of the Order for notice of hearing for today's hearing. There were approximately 35 potential claimants that were mailed this notice.

Q. Okay. Were there any other type of notices that you did?

A. Yes. Notice was published in the Watertown PUBLIC OPINION and the Sioux Falls ARGUS LEADER regarding today's hearing.

Q. And in preparation for today's hearing did you review all of the proof of claims that were submitted pursuant to a letter dated July 25th requesting proof of claims?

A. Yes, I have.

Q. Okay. If you look before you there will be what has been premarked as Staff Exhibit 1. Could you please describe this exhibit?

A. Yes, I can. This is a Proof of Claim Forms and Documentation Index in that it would include the

July 25, 2001 letter, two pages, requesting proof of claims from the commission. It would also include all the proof of claims that were submitted back to the commission regarding this July 25, 2001 letter requesting the same.

Q. So essentially this is the letter requesting proof of claims and all of the proof of claims you received as a result of that letter. Right?

A. That is correct.

Q. Does this exhibit, the letter and all of the claims appear to be the exact same contents as when you prepared it, Bob?

A. Yes, it does.

Q. Now, within this exhibit you have what's marked as Staff Exhibit 1A. Is that correct?

A. That is correct.

Q. And that's the letter that you prepared?

A. It says it's the July 25, 2001 letter that I sent out to the potential claimants that might have a claim against the grain dealer's bond after reviewing the accompanying records. Within that letter there was attached to that a proof of claim form that the producer would need to fill out, have notarized, and sent back to the commission if they indeed had had a claim against the bond.

Q. And B through Y are the claims that you received. Is that correct?
A. That is correct.
Q. And does the letter and the claims appear to be exactly the same as they were when you received and prepared this exhibit?
A. That's correct.
MR. FRAZIER: I would move to offer Staff Exhibit 1A through Y.
MS. WIEST: Any objection? If not, it's admitted.
Q. Have you reviewed the claims that were filed by the patrons of ABT in this case?
A. Yes, I have.
Q. And did you review those claims against the company records in order to make a recommendation to this commission?
A. Yes, I did.
Q. Okay. If you'll look before you there's what's been premarked Staff Exhibit 2. Are you familiar with this document?
A. Yes, I am.
Q. And could you please describe it?
A. What this is basically is a summary of the file claims and recommendations to that claims. And it

would also include a summary of the same on Exhibit 2A.

Q. And does this appear to be the same document as when you last saw it?

A. Yes, it does.

MR. FRAZIER: I would then move to enter Staff Exhibit 2 which includes 2A and 2B.

MS. WIEST: Any objection? If not, it's admitted.

Q. Now, in the process of preparing these recommendations were there instances where your recommendation varied from the claim that a patron of ABT filed with you?

A. Yes, there were.

Q. And did you prepare a document basically to explain those, the difference between the claim and your recommendation?

A. Yes, I have.

Q. Okay. And that would be what's before you as Staff Exhibit 3. Is that correct?

A. Yes, it would be. Staff Exhibit 3 would be the documentation for staff changes to file proof of claims. It would also include verification of proof of claims filed by the patrons of ABT which would further enhance their claim from the company's

records.

Q. And does this appear to be the same document with the same contents as when you prepared it?

A. Yes, it does.

MR. FRAZIER: I would then move to enter Exhibit 3 containing A through L.

MS. WIEST: Any objection? If not, it's admitted.

Q. Given that you've put together these exhibits and prepared the recommendations, are you now prepared to proceed on making the formal recommendations to the commission regarding these claims?

A. Yes, I am.

Q. Okay. I would like to direct everybody's attention to Staff Exhibit 2. Anybody in the audience, that would be the one that you most likely have in your hand. You can skip 2A for the time being, and I would like you to go straight to 2B. The first name on the list is Wishek Farmers Elevator. Could you please describe the recommendation to the commission regarding that claim?

A. Yes, I can. Wishek Farmers Elevator is claiming an amount due of $12,631.05 for rye. Company records would support this amount. Staff recommends that $12,631.05 is a valid claim.

Q. The next claim is Farmland Atwood. Would you describe your recommendation there?
A. Farmland Atwood is claiming an amount due of $4,922.30 for millet. Company records would support this amount. Staff recommends that $4,922.30 is a valid claim.
Q. Okay. And North Pacific Trading?
A. North Pacific Trading is claiming an amount due of $25,245.00 for nyger seed. Company records would support this amount. Staff recommends that $25,245.00 is a valid claim.
Q. Okay. And Vincent Ries?
A. Vincent Ries is claiming an amount due of $1,443.37 for rye plus a $5.00 bank handling fee and attorney fees. Company records would support the $1,443.37 for the rye. Staff recommends that $1,443.37 for the rye is a valid claim. The bank handling fee and attorney fees are not covered by the bond which is for the specific purpose of grain purchases.
Q. So it's your recommendation that he not be compensated for attorney fees and a $5.00 bank fee? Those are the kinds of things bonds shouldn't cover?
A. That is correct.
Q. Okay. Hittle Trucking?
A. Hittle Trucking is claiming an amount of $4,189.53

for rye. Company records would support this amount. Staff recommends that $4,189.53 is a valid claim.

Q. Okay. Next we have Minnerath Farms.

A. Minnerath Farms is claiming an amount due of $83,074.09 for rye and oats. Company records would support this amount. Staff recommends that $83,074.09 is a valid claim.

Q. Okay. And this claim references documentation 3A which would refer to Exhibit 3A. What would be -- what would we find in 3A, Bob?

A. 3A would be the receiving reports from the company records and it would further enhance the claims of Minnerath farms.

Q. This would be proof above and beyond that which was actually filed by the patron of ABT. Is that correct?

A. That's correct.

Q. Next is Douglas Bandemer?

A. Douglas Bandemer is claiming an amount of $411.96 for rye. The company records would support this amount. Staff recommends that $411.96 is a valid claim.

Q. Okay. And TBS Brokers?

A. TBS Brokers is claiming an amount of $6,785.74 for rye. Company records would support this amount. Staff recommends that $6,785.74 is a valid claim.

Q. Okay. And the claim of Randy Hausvik?
A. Randy Hausvik is claiming an amount of $3,227.66 for rye. Company records would support this amount. Staff recommends that $3,227.66 is a valid claim.
Q. And then under comments it notes that you actually have seen a non-sufficient check fund -- or non-sufficient check in the amount, in that amount to justify this recommendation. Is that true?
A. That's correct.
Q. Okay. Vanderveen Commodity Service, Limited.
A. Vanderveen Commodity Service, Limited, is claiming an amount of $16,665.89 for rye. Company records would support this amount. Staff recommends that $16,665.89 is a valid claim.
Q. Okay. And documentation above and beyond that filed by the patron would be found in 3B. Is that correct?
A. That would be correct.
Q. Green Thumb Commodities.
A. Green Thumb Commodities is claiming an amount of $600.00 for sunflowers, and an amount of $14.00 for pellets. Company records would support the amount of $600.00 for the sunflowers. Staff recommends that $600.00 for the sunflowers is a valid claim. Pallets are not covered by the bond which is for the specific purpose of grain purchases.

Q. Okay. And David Hulscher?
A. David Hulscher is claiming an amount of $7,878.88 for oats. Company records would support this amount. Staff recommends that $7,878.88 is a valid claim.
Q. And in 3C would we find documentation through company records to substantiate that claim?
A. That would be correct.
Q. I would move on to page 2 of 2, Staff Exhibit 2B, the claim of Gary Theisen.
A. Gary Theisen is claiming an amount of $364.46 for rye. Company records would support this amount. Staff would recommend that $364.46 is a valid claim.
Q. Okay. Next is Paul Theisen.
A. Paul Theisen is claiming an amount of $735.91 for rye. The company records would support this amount. Staff would recommend that $735.91 is a valid claim.
Q. And in 3D and E, that would be company records documenting the claim above and beyond what the Theisens filed?
A. That would be correct.
Q. Okay. Berlin Farmers Elevator?
A. Berlin Farmers Elevator is claiming an amount of $13,583.81 for rye. Company records show an amount of $13,397.26, the difference of $186.55 due to dockage. Staff would recommend that $13,397.26 is a

valid claim.

Q. Okay. And 3F would be the company records to document the difference in dockage?

A. That would be correct.

Q. Okay. Clarie Orthaus.

A. Clarie Orthaus is claiming an amount of $850.00 for soybeans. Company records show an amount of $778.15. Staff would recommend that $778.15 is a valid claim.

Q. And 3G is the company records. Correct?

A. They would be company records that would support the staff recommendation that is different from Mr. Orthaus'.

Q. Next we have Amkota Co-op.

A. Amkota Co-op is claiming an amount of $90,781.25 for sunflowers and milo. Company records would support this amount. Staff would recommend that $90,781.25 is a valid claim.

Q. And Burton Hoovestol.

A. Burton Hoovestol is claiming an amount of $8,056.94 for oats. The company records show an amount of $8,045.96. The slight difference is due to the amount of bushels. Staff would recommend then $8,045.96 is a valid claim.

Q. And what would be found in 3H?

A. 3H would be the discrepancy due to the bushels from the company's records.
Q. And Dakota Mill & Grain.
A. Dakota Mill & Grain is claiming an amount of $17,446.04 for millet and safflower. Company records show an amount of $15,384.62. Dockage accounts for $806.41 of the difference. And the remaining difference of $1,255.01 is related to the mathematical error on the part of Dakota Mill & Grain on their proof of claim form. Staff would recommend that $15,384.62 is a valid claim.
Q. So essentially Dakota Mill & Grain, they just kind of misadded in this one?
A. They had a mathematical error on their proof of claim. There's also a slight difference between the dockage.
Q. And as usually 3I would reflect the company's records regarding that dockage?
A. That would be correct.
Q. Okay. Kuecker Seed Farm.
A. Kuecker Seed Farm is claiming an amount of $15,914.60 for certified sharp wheat and rye. Company records would support this amount. Per SDCL 49-45-1.1(2), definition of grain would not include grain that has been cleaned, processed, and specifically identified

for an intended use of planting for reproduction for which a grain warehouse receipt has not been issued. It's staff's opinion that the certified sharp wheat in the amount of $3,395.34 would fall in this category. It will not be covered by the grain dealer bond. Staff would recommend that $12,519.26 is a valid claim.

Q. What exactly is a certified sharp wheat?

A. It would be seed for reproduction.

Q. It's your opinion then that staff feels that's excluded for bond coverage?

A. That's correct. That would be correct.

Q. Okay. How about the South Shore Elevator?

A. South Shore Elevator is claiming an amount of $17,146.47 for rye, canola and buckwheat. In receiving Report Number 2163 there is $6,245.64 in buckwheat seed in the above-mentioned total. The company records would support this amount. Per SDCL 49-45-1.1(2) the definition of grain will not include grain that has been cleaned, processed, and specifically identified for an intended use of planting for reproduction and for which a grain warehouse receipt has not been issued. It's staff's opinion that buckwheat seed in the amount of $6,245.64 would fall in this category and would not

be covered by the grain dealer bond. Staff would recommend that $10,900.83 is a valid claim.

Q. So basically just the certified sharp wheat -- the buckwheat is seed for reproduction and it's your opinion that it's not covered under bond?

A. That is correct.

Q. Okay. Charles Olson.

A. Charles Olson is claiming an amount of $3,854.50 for certified jerry oats. Company records would support this amount. Per SDCL 49-45-1.1(2) the definition of grain will not include grain that has been cleaned, processed, and specifically identified for intended use of planting, for reproduction, and for which a grain warehouse receipt has not been issued. It's staff's opinion that certified jerry oats would fall into this category and would not be covered by the grain dealer bond. Staff would recommend that Mr. Olson does not have a valid claim.

Q. Okay. And that's a deferred payment contract. Correct?

A. No. It would be certified jerry oats, seed for reproduction.

Q. Sorry. Thank you. Then that's seed for reproduction in your opinion?

A. That's correct.

Q. Thank you. Byrl Logan.
A. Byrl Logan is claiming an amount of $6,307.69 for rye plus $166.00 for interest. The company records would support the $6,307.69, the amount for the rye. Mr. Logan also provided a deferred payment contract dated March 3, 1999, for the above-mentioned amounts. Deferred payment contracts are not protected by South Dakota statutory bond coverages for SDCL 49-45-9 entitled grain passage to the buyer upon delivery. Staff would recommend that Mr. Logan does not have a valid claim.
Q. And this one is the deferred payment contract. Right?
A. That would be correct.
Q. And you've come to be pretty familiar with those?
A. A little bit.
Q. Jay Grinols.
A. Jay Grinols is claiming an amount of $2,557.19 for oats. Company records show an amount of $1,967.07. This is due to the amount of bushels claimed. Staff would recommend that $1,967.07 is a valid claim.
Q. And in 3L, the company records would document that discrepancy?
A. That would be correct.
Q. As far as recommendations for claims that you've

received, are there any others besides this here right now? This is all the things you received. Is that correct?

A. That would be correct.

Q. Okay. Then I'd like to draw your attention back to the first page then, which is a summary, and have you please describe 2A, I'm sorry, the summary of these claims.

A. Staff Exhibit 2A would be the summary of claims for staff. What essentially it does is line one would be -- which would be the bond for licensing the grain dealer effective for the period of July 1, 1999, through June 30 of 2000 in the amount of $50,000.00. Staff recommended valid claims against the bond, which comes from staff Exhibit 2B, would be $321,950.24. Line three, the balance, would be $271,950.24.

Q. Which essentially leaves a shortage on the bond. Is that correct?

A. That would be correct.

Q. Now, if this commission, and ultimately the circuit court, come up with a number that exceeds the actual value of the bond, how would you recommend that the payments be made if the amount of valid claims exceeds the amount of the bond?

A. Staff would recommend that the valid claims be paid on a pro rata basis out of the grain dealer bond proceeds and any interest earned on the same.

Q. Okay. Well, then other than these claims have you received any other proof of claims from any other patrons of ABT?

A. No, I have not.

Q. And can you think of any other issues regarding these -- just these claims specifically that you feel you have not addressed in your testimony today?

A. No, I do not.

Q. Are there any outstanding issues that you feel might ultimately affect these recommendations?

A. Yes, there is. On Monday, October 29, 2001, I received a letter to Amkota Co-op from Cox & Smith, Incorporated, to Mark Stein of Amkota Co-op, regarding a demand for the return of a preferential transfer from the debtors within 90 days of the debtors filing for relief under Chapter 11 of the Bankruptcy Code. A preliminary analysis indicates that there may be approximately 15 patrons of ABT affected by this of which approximately half a dozen were not on the commission's mailing list due to the fact that they were not owed any money for grain. Depending on the outcome of this issue there may be

additional claims on the bond.

Q. Okay. If you look before you you'll see what has been premarked as Staff Exhibit 9. This is a two-page document so it would be 9A and 9B. Could you please describe that exhibit?

A. Yes, I can. This is the October 12, 2001, letter from Cox & Smith to Amkota Co-op that I just spoke about.

Q. Okay. And does this appear to be the same letter and the same contents as when we received it?

A. Yes, it does.

MR. FRAZIER: I would move to enter Staff Exhibit 9.

MS. WIEST: Any objection? If not, it's admitted.

MR. FRAZIER: Well, before I turn you over to any other -- any questioning by any other party, I would, as a result of this letter, recommend to the commission that this record remain open. This is a very new issue for staff at this point. And we're not sure how it's going to be resolved. We recommend that the record remain open while staff inquire into this matter and see how it's going to be resolved. Other than that, I have no further witnesses and would close and turn Bob over to any questioning that

any party may have.

MS. WIEST: Would staff intend to try to contact the creditor trustee in order to determine the basis for these calling of preferential payments?

MR. FRAZIER: Yes, I will do that.

MS. WIEST: And then at some point staff will report back to the commission with its findings on this issue. Is that correct?

MR. FRAZIER: As soon as we receive an answer. We'll keep the commission updated at all points.

MS. WIEST: And also the claimants as well?

MR. FRAZIER: Yes.

MS. WIEST: Commissioners have any questions?

CHAIRMAN BURG: The only one I have, just this understanding of this preferential letter or preferential transfer, these dollars that are shown on that Exhibit 9, they are all in addition to the claims of unpaid deliveries that were in the other form. Is that right?

THE WITNESS: That would be correct. I mean, if you looked at Staff Exhibit 2A, I believe Amkota had a claim of $90,781.25. This would be in addition to that if they have to pay this back. It's my understanding that they have turned this over to their attorney. And that's where it's at right now.

They are going to file something to fight this. I don't know what the outcome is going to be. And so that's kind of where we're at right now. But they did receive a check. This grain which was delivered in approximately I think the October, November range, they got a check for it. Now this Cox & Smith, Incorporated, is requesting for them to return that money.

MS. WIEST: Any other questions of this witness? If not, thank you. Do you have any other witnesses?

MR. FRAZIER: I would close. I have no further witnesses.

MS. WIEST: Does anyone in the audience have any testimony they'd like to give at this time? If not, I believe that would close the hearing for today, but we will keep the record open and pending staff's further investigation into the issue of the creditor requests for preferential transfer. Thank you.

(End of Proceeding.)

STATE OF SOUTH DAKOTA )
:SS CERTIFICATE
COUNTY OF MINNEHAHA )

I, Pat L. Beck, Registered Merit Reporter and Notary Public within and for the State of South Dakota:

DO HEREBY CERTIFY that I took the proceedings of the foregoing Public Utilities Commission Hearing, and the foregoing pages 1-29, inclusive, are a true and correct transcript of my stenotype notes.

I FURTHER CERTIFY that I am not an attorney for, nor related to the parties to this action, and that I am in no way interested in the outcome of this action.

In testimony whereof, I have hereto set my hand and official seal this 5th day of November, 2001.

Pat L Beck

Pat L. Beck, Notary Public
Expiration Date: June 11, 2005
Iowa CSR Number: 1185

**Staff_Exhibit 1**

PROOF OF CLAIM FORMS AND DOCUMENTATION INDEX
AGRIBIOTECH, INC.
NOVEMBER, 2001

| | |
|---|---|
| 1. July 25, 2001, letter to patrons requesting proof of claims | Staff_Exhibit 1A |
| 2. Wishek Farmers Elevator | Staff_Exhibit 1B |
| 3. Farmland Atwood | Staff_Exhibit 1C |
| 4. North Pacific Trading | Staff_Exhibit 1D |
| 5. Vincent Ries | Staff_Exhibit 1E |
| 6. Hittle Trucking | Staff_Exhibit 1F |
| 7. Minnerath Farms | Staff_Exhibit 1G |
| 8. Douglas Bandemer | Staff_Exhibit 1H |
| 9. TBS Brokers | Staff_Exhibit 1I |
| 10. Randy Hausvik | Staff_Exhibit 1J |
| 11. Vanderveen Commodity Service, LTD | Staff_Exhibit 1K |
| 12. Green Thumb Commodities | Staff_Exhibit 1L |
| 13. David Hulscher | Staff_Exhibit 1M |
| 14. Gary Theisen | Staff_Exhibit 1N |
| 15. Paul Theisen | Staff_Exhibit 1O |
| 16. Berlin Farmers Elevator | Staff_Exhibit 1P |
| 17. Clarie Orthaus | Staff_Exhibit 1Q |
| 18. Amkota Coop | Staff_Exhibit 1R |
| 19. Burton Hoovestol | Staff_Exhibit 1S |
| 20. Dakota Mill & Grain | Staff_Exhibit 1T |
| 21. Kuecker Seed Farm | Staff_Exhibit 1U |
| 22. South Shore Elevator | Staff_Exhibit 1V |
| 23. Charles Olson | Staff_Exhibit 1W |
| 24. Byrl Logan | Staff_Exhibit 1X |
| 25. Jay Grinols | Staff_Exhibit 1Y |

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UTILITIES COMMISSION

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# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

July 25, 2001

TO ALL PATRONS OF AGRIBIOTECH, INC. WITH UNSETTLED OR UNPAID GRAIN TRANSACTIONS INCLUDING:

PRICED BUT NOT PAID GRAIN SALES; OUTSTANDING CHECKS; VOLUNTARY CREDIT SALES CONTRACTS AND HOLDERS OF DISHONORED CHECKS

On January 25, 2000, AgriBioTech, Inc. filed a petition for Reorganization pursuant to Chapter 11 of the U.S. Bankruptcy Code in the U.S. Bankruptcy Court in Las Vegas, Nevada. On June 18, 2001, the United States Bankruptcy Court, District Of Nevada, granted the South Dakota Public Utilities Commission limited relief from the automatic stay of 11 U.S.C. Section 362 for the sole purpose of administering claims against the grain dealer's bond of AgriBioTech, Inc.. AgriBioTech, Inc. was licensed as a grain dealer pursuant to SDCL Chapter § 49-45, which is under the jurisdiction of the Commission. The purpose of this letter is to inform you of your potential rights under South Dakota law.

SDCL § 49-45-9 states in part: "Before any grain dealer license is issued by the commission, the applicant shall file with the commission a bond conditioned to secure the faithful performance of the applicant's obligations as a grain dealer and full and unreserved compliance with the laws of this state and the rules of the commission, relating to the purchase of grain by the grain dealer. The bond is for the specific purpose of protecting persons selling grain to the grain dealer. However, the bond may not benefit any person entering into a voluntary credit sale with a grain dealer." Also excluded are any purchases for the buyer's own use or consumption.

A voluntary credit sale (VCS) is defined in SDCL § 49-45-1.1 as "a sale of grain or seed pursuant to which the sale price is to be paid more than thirty days after the delivery or release of the grain for sale, including those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts and price-

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Lucy Fossen
Mary Giddings
Lewis Hammond
Leni Healy
Mary Healy
Camron Hoseck
Lisa Hull
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Jennifer Kirk
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Charlene Lund
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later contracts." SDCL § 49-45-11 also states that VCS contracts shall be in writing.

If you have not received payment for grain which you have sold to AgriBioTech, Inc.; or if you were issued a check that will no longer be honored, any loss sustained may be covered in whole or in part by the grain dealer bond, except for those sales involving a VCS contract as defined above. For the licensing year which ended June 30, 2000, AgriBioTech, Inc. had a grain dealer bond in the amount of $50,000. At this time it has not been determined if the bond will be sufficient to cover 100% of the anticipated claims. If there is not sufficient coverage, claims may be paid on a pro rata basis.

The comments below, for each class of claimant against the bond, are suggestions on how you should proceed and how claims in each class will be generally treated:

CREDITORS WHO SOLD GRAIN THAT WAS PRICED BUT NOT PAID FOR

Any producer who sold grain to AgriBioTech, Inc. for resale but has not received payment may have a valid claim against the grain dealer's bond unless the sale involves a voluntary credit sale.

CREDITORS WHO HOLD OUTSTANDING OR DISHONORED CHECKS

All such checks that are for the sale of grain to AgriBioTech, Inc. for resale may be valid claims against the grain dealer's bond unless the sale involves a voluntary credit sale.

CREDITORS WHO ENTERED INTO VCS CONTRACTS

As described by SDCL § 49-45-9, VCS contracts are not covered by the bond.

The above comments are preliminary and may change as the case unfolds. You may wish to consult with an attorney.

In order to verify the total dollar amount of potential claims against the bond, the Commission must receive a written verification of the amount AgriBioTech, Inc. owes you. Enclosed is a claim form that you must fill out, have notarized and return to the Commission. Copies of scale tickets, settlement sheets, checks, contracts or any other evidence you possess which establishes that you sold grain to AgriBioTech, Inc. for resale **must be provided to substantiate your claim.** Please forward this information to the Commission as soon as possible, **but no later than August 10, 2001.** If you do not have a claim against AgriBioTech, Inc., please contact the Commission at 1-800-332-1782 and inform us of this. Thank you for your attention to this matter.

If you have any questions concerning this letter, please contact me or Lisa Hull at the Commission. The Commission will keep you informed as this case develops.

Sincerely,

Bob Knadle

Bob Knadle
Director, Transportation/ Warehouse Division

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, _____, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named _____ located at _____.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

_____

_____

_____

_____

_____

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

_____
**Signature of Claimant**

_____
**Date**

_____
**Street/PO Box**

_____
**City/State/Zip**

_____
**Telephone**

Subscribed and sworn to me this _____ day of _____, 20_____.

**Notary**_____

**County of:**_____

**State of:**

1B

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

Jeff Schauer V.P. Farmers Elevator, the undersigned, do hereby submit this claim against any grain

nds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named

Discount Farm Center located at Watertown, ND

sted below are the loads delivered which were not paid for:

| cale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 570+28571 | 12-10-99 | Rye | 975.00 | | NA |
| -8524 | 12-1-99 | Rye | 636.61 | | NA |
| 473+28474 | 11-16-99 | Rye | 1276.07 | | NA |
| 483+28484 | 11-18-99 | Rye | 1274.63 | | NA |
| 479+28480 | 11-17.99 | Rye | 1275.34 | | NA |
| 503+28504 | 11-23.99 | Rye | 1293.75 | | |
| | | | 6731.40 | | |

xplanation of Claim:

We delivered 6 loads of Rye to Discount Farm Center and did not recieve payment for them.

ttached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim nd state that it is true under penalty of law.

RECEIVED

SEP 13 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Farmers Elevator Inc JJSchauer

Signature of Claimant

9-10-01

Date

310 6th St. N. Box 276

Street/PO Box

Wishek, ND 58495

City/State/Zip

701-452-2516.

Telephone

Subscribed and sworn to me this 11 day of September, 2001.

Notary Pat Meidinger

PAT MEIDINGER
Notary Public
State of North Dakota
My Commission Expires Oct. 4, 2006

County of: McIntosh

State of: North Dakota

Commission Expires: 10-4-06

FARMERS ELEVATOR INC
PO BOX 276
WISHEK, ND 58495

September 13, 2001

Attn: Bob Knudle
SD Public Utilities Commission

Our claim is for 6647.92 bushels of Rye after dockage at $1.90 per bushel for $12,631.05.

Thank you,

Jeff Scheuer
Farmers Elevator
Vice President

ARROWHEAD BRAND

28570

Name Wishek Farmers Elev.

Address

12-10-99
Date

75 33[illegible] GROSS

27 5[illegible] TARE

48 130 NET

859.46 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.8#

Dockage 2%

Moisture 8%

Remarks

Driver his

Weigher MC

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

ARROWHEAD BRAND

28571

Name Wishek Farmers Elev.

Address

12-10-99
Date

[illegible] GROSS

6 5[illegible] TARE

6470 NET

115.54 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.5#

Dockage 2%

Moisture 8.2%

Remarks

Driver his

Weigher MC

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

VICTOR Red-Set FORM

287445 Victor Lundeen Co. Printers Fergus Falls, Minnesota

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

~~P.O. BOX 37~~
FREDONIA, ND 58440

TRUCK LICENSE NO.

TRAILER LICENSE NO.

DATE 12-10-99

LADING NO. 794

FREIGHT BILL

DATE

CONSIGNED TO: Discount Farm Center
Watertown SD

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

• SHIPPER'S WEIGHT •

GROSS POUNDS 80570

TARE POUNDS 27530

NET POUNDS 53040

GROSS BUSHELS

NET BUSHELS

SCALE TICKET NO.

DESTINATION WGHT.

FREIGHT CHARGES

GRAIN Rye

GRADE & FACTORS 8 1

DESTINATION ELEVATOR

LOCATION (CITY & STATE)

FREIGHT TO BE PAID BY
☐ SHIPPER ☐ BUYER

COMMENTS:

**CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.**

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.*

SHIPPER FARMERS ELEVATOR, INC.

LOADED BY BDS

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER FEDEX

ADDRESS Wishek N.D.

BY Ryan Gall

CHAUFFEUR LICENSE NO.

215 Victor Lundeen Co. Printers Fergus Falls MN • Phone 1 800-346-4870

ARROWHEAD BRAND

28524

Name Wishek Farmers Elev.

Address

Date 8-1-99

GROSS 47 [illegible]

TARE 6 [illegible]

NET 35650

BUSHELS 636.61

Commodity Rye

Truck No.

Protein

Test Wt. 57#

Dockage 2%

Moisture 9.6%

Remarks Oats [redacted] + Barley

Driver his

Weigher MC

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

VICTOR Redi-Set FORM
281445 · Victor Lundeen Co. Printers Fergus Falls Minnesota

TRUCK LICENSE NO.
11954 NA

TRAILER LICENSE NO.
T-85586 T-85587 NP

DATE
12-1-99

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

LADING NO.
766

CONSIGNED TO:
Farm Discount Center

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRAIN
Rye

GRADE & FACTORS

DESTINATION ELEVATOR

LOCATION (CITY & STATE)
Watertown SD

FREIGHT TO BE PAID BY
☐ SHIPPER ☐ BUYER

COMMENTS:

• SHIPPER'S WEIGHT •

| | |
|---|---|
| GROSS POUNDS | 42130 |
| TARE POUNDS | 6390 |
| NET POUNDS | 35740 |
| GROSS BUSHELS | 638 21 |
| NET BUSHELS | |

FREIGHT BILL

DATE

SCALE TICKET NO.

DESTINATION WGHT.

FREIGHT CHARGES

*CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.*
*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.*

SHIPPER FARMERS ELEVATOR, INC.

LOADED BY Fox

CARRIER FET

ADDRESS Wishek ND

BY Rayden L Goodall

CHAUFFEUR LICENSE NO.

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

445 Victor Lundeen Co. Printers Fergus Falls MN · Phone 1 800-346-4870

ARROWHEAD BRAND

28473

Name Wishek Farms

Address

11-16-99
Date

76 540 GROSS
27 420 TARE
49120 NET
877.14 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt. 54.9
Dockage 10%
Moisture 9.8

Remarks oats in

Driver
Weigher

234,568 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28474

Name Wishek Farms

Address

11-16-99
Date

22 940 GROSS
6 600 TARE
22340 NET
398.93 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt. 56.1
Dockage 10%
Moisture 9.9

Remarks

Driver
Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

VICTOR Red-Set FORM

27445 Victor Lundeen Co. Printers Fergus Falls Minnesota

TRUCK LICENSE NO. 11954 ND

TRAILER LICENSE NO. T-85586 T-85587 N

DATE

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

LADING NO 711

FREIGHT BILL

DATE

CONSIGNED TO: FARM Discount Center

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRAIN Rye

GRADE & FACTORS

DESTINATION ELEVATOR

LOCATION (CITY & STATE) Watertown SD

FREIGHT TO BE PAID BY ☐ SHIPPER ☐ BUYER

COMMENTS:

• SHIPPER'S WEIGHT •

GROSS POUNDS 105570

TARE POUNDS 33780

NET POUNDS 71790

GROSS BUSHELS 1281 | 96

NET BUSHELS

SCALE TICKET NO.

DESTINATION WGHT

FREIGHT CHARGES

*CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.*

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.*

SHIPPER FARMERS ELEVATOR, INC.

LOADED BY

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER FEF

ADDRESS Wishek ND 58495

BY Rodney Roell

CHAUFFEUR LICENSE NO.

27445 Victor Lundeen Co. Printers Fergus Falls MN • Phone 1-800-346-4870

ARROWHEAD BRAND

28483

Name Farmers Elev. Wishek

Address

11-18-99
Date

75 241 GROSS

27 190 TARE

48050 NET

858.03 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.1

Dockage 1%

Moisture 10.0

Remarks

Driver

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28484

Name Wishek Farms

Address

11-18-99
Date

2[illegible]915 GROSS

6[illegible]585 TARE

23330 NET

416.60 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.1

Dockage 1%

Moisture 10.8

Remarks

Driver

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

VICTOR Red-Set FORM

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

TRUCK LICENSE NO: 11954 ND
TRAILER LICENSE NO: [illegible] TRAILER ND
DATE: 11-16-99

LADING NO: 720
FREIGHT BILL:
DATE:
SCALE TICKET NO:
DESTINATION WGHT:
FREIGHT CHARGES:

CONSIGNED TO: Farm Diversity Co.

APPLY ON CONTRACT NO.:

SCALE TICKET NO.:

☐ SELL ON ARRIVAL
☐ STORAGE

• SHIPPER'S WEIGHT •

GROSS POUNDS: 105690
TARE POUNDS: 34910
NET POUNDS: 70780
GROSS BUSHELS: 1263.92
NET BUSHELS:

GRAIN: Ice
GRADE & FACTORS:

DESTINATION ELEVATOR:

LOCATION (CITY & STATE): Lisbon ND

FREIGHT TO BE PAID BY ☐ SHIPPER ☐ BUYER

COMMENTS:

CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.
The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.

SHIPPER: FARMERS ELEVATOR, INC.

LOADED BY: _____

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER: FEH

ADDRESS: Lisbon ND

BY: Kenneth K Cook

CHAUFFEUR LICENSE NO.: _____

[illegible] Victor Lundeen Co. Printers Fergus Falls MN • Phone 1 800-346-4870

ARROWHEAD BRAND

28479

Name Fms Elev.

Address Wishek 11-17-99 Date

74 66[illegible] GROSS

27 0[illegible] TARE

47890 NET

855.17 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 56.5

Dockage 1%

Moisture 9.9

Remarks

Driver H.

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28480

Name Wishek Fms Elev.

Address 11-17-99 Date

1 0[illegible] GROSS

6 [illegible] TARE

23530 NET

420.17 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 56 4

Dockage 1%

Moisture 9.8

Remarks

Driver H.

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

VICTOR Red-Set FORM

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

TRUCK LICENSE NO. 11954 ND
TRAILER LICENSE NO. T-45586 T-45587 N
DATE 11-17-99

LADING NO 718

CONSIGNED TO: FARM Discount center

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRAIN Rye

GRADE & FACTORS

DESTINATION ELEVATOR

LOCATION (CITY & STATE) Watertown SD

FREIGHT TO BE PAID BY ☐ SHIPPER ☐ BUYER

COMMENTS:

• SHIPPER'S WEIGHT •

GROSS POUNDS 105590

TARE POUNDS 33720

NET POUNDS 71870

GROSS BUSHELS

NET BUSHELS

FREIGHT BILL

DATE

SCALE TICKET NO

DESTINATION WGHT

FREIGHT CHARGES

CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.
The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown

SHIPPER FARMERS ELEVATOR, INC.

LOADED BY

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER FET

ADDRESS Lisbon ND 58054

BY Kaydon R. Gaa

CHAUFFEUR LICENSE NO.

445 Victor Lundeen Co Printers Fergus Falls MN • Phone 1 800 346-4870

VICTOR Red-Set FORM
287445 Victor Lundeen Co Printers Fergus Falls Minnesota

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

TRUCK LICENSE NO. 11954 ND
TRAILER LICENSE NO. T-85586 T-85587
DATE 11-23-99

LADING NO 739
FREIGHT BILL
DATE
SCALE TICKET NO
DESTINATION WGHT
FREIGHT CHARGES

CONSIGNED TO: Farm Discount Center

APPLY ON CONTRACT NO.

SCALE TICKET NO

☐ SELL ON ARRIVAL
☐ STORAGE

GRAIN: Rye
GRADE & FACTORS

DESTINATION ELEVATOR

LOCATION (CITY & STATE): Watertown SD

FREIGHT TO BE PAID BY ☐ SHIPPER ☐ BUYER

COMMENTS:

• SHIPPER'S WEIGHT •

| | |
|---|---|
| GROSS POUNDS | 105520 |
| TARE POUNDS | 33750 |
| NET POUNDS | 71820 |
| GROSS BUSHELS | 1282 50 |
| NET BUSHELS | |

*CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.*

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.*

SHIPPER FARMERS ELEVATOR, INC.

LOADED BY Ray

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER FEE

ADDRESS Wishek N DAK

BY Royden L Gall

CHAUFFEUR LICENSE NO.

287445 Victor Lundeen Co Printers Fergus Falls MN • Phone 1 800-346-4870

ARROWHEAD BRAND

28503

Name Wishek Farmers Elev

Address

11-23-99
Date

76 8[illegible] GROSS

27 1[illegible] TARE

49 700 NET

887.5 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.1 lb

Dockage 1%

Moisture 10%

Remarks

Driver his Weigher MC

234.569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28504

Name Wishek Farmers Elev.

Address

11-23-99
Date

29 3[illegible] GROSS

6 5[illegible] TARE

22 750 NET

406.25 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57 lb

Dockage 1%

Moisture 10.1%

Remarks

Driver his Weigher MC

234.569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

1 C.

# BENSON-QUINN COMPANY

301 South Fourth Avenue • Suite 1075 • P.O. Box 15226 • Minneapolis, MN 55415-0226
Telephone 612-340-5900 • Fax 612-335-2999

September 4, 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION
Attn: Lisa Hull
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

**Sent via Fax (605) 773-3225 – (5 pages)**
**Original to Follow by Mail**

Dear Lisa:

We are submitting a formal request for payment, a Proof of Claim form describing the amount due Farmland-Atwood from AgriBio Tech, Inc. Copies of the scale tickets and contracts were on file at your office prior to August 10, 2001. We are submitting this form to complete the claim file.

If you have any questions, please call me at (612) 340-5920.

Sincerely,

BENSON-QUINN COMPANY

Ronald Dinga
Vice President - Country Services

RAD:sm

Attachments

RECEIVED
SEP 0 6 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Paul D. Savre, Farmland-Atwood, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named

Agri Bio Tech, Inc. located at Watertown, South Dakota

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 2393 | 1-4-00 | Red Millet | 43,807# | $5.55/cwt | N/A |
| 2406 | 1-6-00 | Red Millet | 44,883# | $5.55/cwt | N/A |
| | | | | | |
| | | | | | |
| | | | | | RECEIVED |
| | | | | | |
| | | Total Amount Due: | $4,922.30 | | SEP 0 6 2001 |
| | | | | | |
| | | | | | SOUTH DAKOTA PUBLIC UTILITIES COMMISSION |

**Explanation of Claim:**

Two loads of Red Millet were delivered to AgriBio Tech, Inc. at Watertown, South Dakota. Copies of the scale tickets that we received from ABT are attached, as well as a copy of our contract. These two loads remain unpaid.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

FARMLAND-ATWOOD

Paul D. Savre, V.P.

**Signature of Claimant**

8-30-01

**Date**

P.O. Box 15226

**Street/PO Box**

Minneapolis, Minnesota 55415-0226

**City/State/Zip**

(612) 340-5916

**Telephone**

Subscribed and sworn to me this 30th day of August, 20 01.

STACEY J. MEYER
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2005

**Notary** Stacey J. Meyer

**County of:** Washington

**State of:** Minnesota

**Commission Expires:** 1/31/05

AUG-27-2001 13:23 FROM:SD PUC/TRANS/WHS 605 773 3225 TO:6123352948 P.002/005

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

R # 43823

2393

Received from Farmland-Atwood #1 Kind of Seed Red Millet

Address PO Box 2905 NW#7503 PO Box 1450 Date 1-4-00

Town Minneapolis State MN Zip 55402 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price / Cwt. | Total |
| L No. | | N.O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28635 | 127316 | 12.10 | 56.2 | | 48,140 | 9% | 4338 | 43,807 | 5.55 | 243129 |

2393

New Address
17310

PO # 6316
R # 44025
2406 ✓

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Farmland - Atwood Kind of Seed Red Millet

Address NW # 7503 PO Box 1450 Date 1-16-00

Town Minneapolis State MN Zip 55485 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| I No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ cwt. | Total |
| L No. | | N.O | T.W. | Tares | Weight | % Dock. | Dockage | | | |
| 28656 | 127316 | 12.3 | 52 | | 49870 | 10% | 4987 | 44883 | 5.55 | 249101 |
| | | | | | | | | | | |
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2406

PAGE ORIGINAL

Service for Customer Value

**Farmland-Atwood Company, L.L.C.**

601 SECOND AVE SOUTH STE 3100
MINNEAPOLIS, MN 55402-4340

1-612-339-9771
1-800-269-6633

CONFIRMATION/OF SALE CONTRACT DATE: 12-27-99 TIME: 3:45 PM

BOUGHT FROM: FARMLAND-ATWOOD CO, LLC

FARMLAND-ATWOOD GRAIN CONTRACT NO: 355412

SOLD TO: INDEPENDENT SEED
PO BOX 84, WATERTOWN, SD 57201

CUSTOMER CONTRACT NO:

CONTRACT TYPE: SHIPPING

FARMLAND-ATWOOD CUSTOMER SELLER GARY R. BUIRGE
BUYER don

REFER TO CONTRACT:

| COMMODITY | GRADE/CLASS |
|---|---|
| MILLET | 1 mill |

DELIVERY BASIS: DELIVERED WATERTOWN

| QUANTITY | DELIVERY PERIOD | PRICE | BASIS |
|---|---|---|---|
| 1,000.00 CWT<br>1,923.08 BU | 12-27-99 THRU 10-31-00 | $05.5500000 PER CWT | 5.5500 |

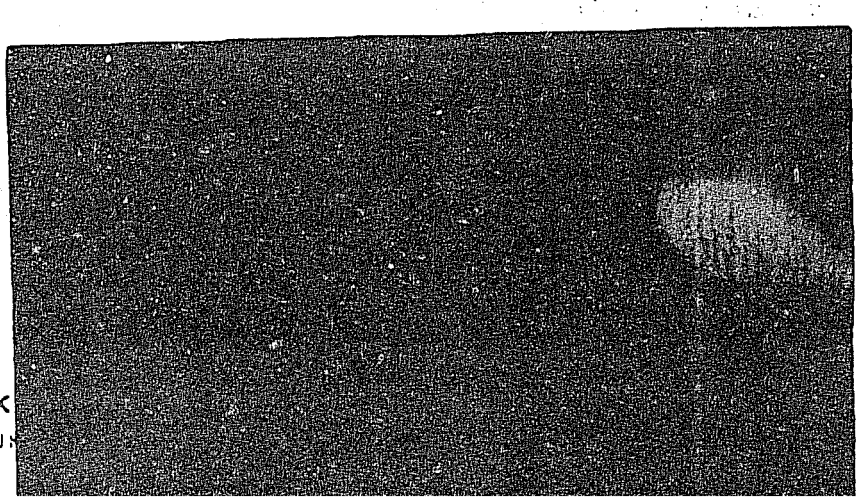
| XCFO | COMMODITY | QUANTITY | FUTURES | LEVEL |
|---|---|---|---|---|
| | | | 00 0 CH | 0.0000000 |

SHIP TO:

SPECIAL TERMS:
STORE: NET DUE UPON RECEIPT OF INVOICE
WEIGHTS:
GRADES: DESTINATION
ORIGIN: DESTINATION
RAILROADS:
DISCOUNTS IN EFFECT
PREMIUMS IN EFFECT

---

REMARKS-recleaned red millet
contents of 2 trucks
98% pure
521bs
12% mt max



TERMS AND CONDITIONS PRINTED ON BACK
PLEASE SIGN DUPLICATE AND RETURN
DATE BY

1 D

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, LAWRENCE CARR, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named AGRIBIOTECH located at WATERTOWN SD.

Listed below are the loads delivered which were not paid for:

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | 12-14-99 | NYGER SEED | 42,500LBS | 59.40/CWT | N/A |
| | | | | | |
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Explanation of Claim:

WE SHIPPED MATERIAL TO CUSTOMER AND WE DID NOT RECEIVE PAYMENT.

CUSTOMER FILED BANKRUPTCY

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Lawrence O.
Signature of Claimant

8-29-01
Date

815 N E DAVIS STREET
Street/PO Box

PORTLAND OR 97232
City/State/Zip

503-872-3714
Telephone

RECEIVED
AUG 30 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Subscribed and sworn to me this 29 day of August, 2001.

Notary Deatta Olson

County of: Multnomah

State of: Oregon

Commission Expires: 1-20-02

OFFICIAL SEAL
DEATTA OLSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 307545
MY COMMISSION EXPIRES JANUARY 20, 2002

THIS IS YOUR ORIGINAL INVOICE AND THE ONLY COPY YOU WILL RECEIVE.

A Division of North Pacific Lumber Co.

# NORTH PACIFIC TRADING

P.O. Box 3968 / Portland, Oregon 97208-3968, U.S.A.
Phone (503) 231-1166 / 1-800-547-8440 / FAX (503) 238-2867

ORIGINAL INVOICE

| DATE | INVOICE NO. |
|---|---|
| 12/14/1999 | 124932 |

CUST # 2063934

PLEASE REMIT TO: P O Box 930678
Atlanta, GA 31193

SOLD TO: AgriBiotech Inc
1200 David St
Nashville, TN 37206

SHIP TO: WATERTOWN SD

ROUTING: ANDERSON TRUCK BROKERS

| YOUR ORDER | SALES ORDER | CARRIER | |
|---|---|---|---|
| 5224 | | TRUCK | 1122/1116 |

TERMS: NET 30 DAYS AFTER DATE OF INVOICE.

TO ENSURE PROPER CREDIT, PLEASE INCLUDE INVOICE NUMBER WITH YOUR PAYMENT - A SERVICE CHARGE OF 1 1/2% PER MONTH WILL BE ASSESSED ON PAST DUE ACCOUNTS. IF THIS EXCEEDS LEGAL LIMITS IN YOUR PROVINCE/STATE, THEN THE MAXIMUM LEGAL RATE FOR YOUR PROVINCE/STATE WILL BE ASSESSED.

NYJER SEED

| | LBS | CWT | |
|---|---|---|---|
| 850/50 LB BAGS | 42,500 | 59.40CWT | $25,245.00 |
| | | TOTAL DUE: | $25,245.00 |

E. & O.E. ALL FUNDS TO BE IN U.S. DOLLARS UNLESS OTHERWISE NOTED NPT-10c

ANY CLAIM WILL BE REJECTED UNLESS APPROVED BY OUR OFFICE BEFORE YOUR DEDUCTION IS MADE. NO AUTHORIZATION FOR A DEDUCTION WILL BE MADE BY OUR OFFICE UNLESS A COMPLAINT IS REGISTERED WITHIN FIVE DAYS AFTER ARRIVAL OF SHIPMENT.

124932

$21,266.23

**STRAIGHT BILL OF LADING--SHORT FORM**

DATE 12/7/99 SHIPPER S/L # 190

I.S.I. North Pacific Trading
2000 HALETHORPE AVE
BALTIMORE, MARYLAND 21227
(410) 247-8404

CONSIGNEE ABT
Watertown, S.D.

BILLING ADDRESS:
TCI WAREHOUSING
1000 EDWARDS AVE.
HARAHAN, LA 70123
PHONE (594) 734-0561

FREIGHT CHARGES ARE PREPAID TO TCI UNLESS OTHERWISE INDICATED

| NO. SHIPPING UNITS | KIND OF PACKAGE | HM | DESCRIPTION | WEIGHT (SUBJECT TO CORR.) | CLASS OR RATE |
|---|---|---|---|---|---|
| 30 Bags | | | Mixed seed @ 50 lbs each | 42500 | |
| | | | Lot # 32 | | |
| | | | TOTAL SEED WEIGHT | 42,500 lbs | |

Loaded on trailer # Conrace # 124931

Seal on Trailer #

pieces/pallet Pallets; Even Exchange

I.S.I. [signature]

CARRIER FTD [signature] Trans.

PER DATE

PIECES 17 PLTS.

MARK "X" IN "HM" COLUMN FOR HAZARDOUS MATERIALS

DEC-07-99 12:10P I.S.I. Baltimore 410 247 8442 P.01

1E


FOLEY LAW OFFICE, P.C.

124 SOUTH MAPLE
P.O. Box 845
WATERTOWN, SOUTH DAKOTA 57201-0845

ANDREW E. FOLEY (1889-1975)
JOHN L. FOLEY
VINCENT A. FOLEY

KEVIN J. KRULL

TELEPHONE
605-886-7883
TELEFAX
605-886-8219


August 22, 2001


RECEIVED
AUG 23 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION


Public Utilities Commission
500 East Capitol
Pierre, SD 57501-5070

Re: Vince Ries' claim against AgriBioTech

Dear Sir or Madam:

Enclosed please find a completed PROOF OF CLAIM FOR CASH GRAIN form signed by Vince Ries. Attached to the form is a photocopy of a returned check from AgriBioTech and a copy of a statement from Mr. Ries' bank. Also enclosed is a copy of the Proof of Claim filed with the bankruptcy court.

Please keep me updated on any developments in this matter. Please call if you have any questions. Thank you.

Sincerely,

FOLEY LAW OFFICE, P.C.

Kevin J. Krull

Kevin J. Krull

cc: Vince Ries

# PROOF OF CLAIM FOR CASH GRAIN

## (GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

Vincent Ries, the undersigned, do hereby submit this claim against any grain
·ds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named
griBioTech located at Watertown, SD.

**sted below are the loads delivered which were not paid for:**

| ale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | 12/20/99 | Rye | | | N/A |
| | 12/21/99 | Rye | | | N/A |
| | | | | | |
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RECEIVED
AUG 2 8 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

**Explanation of Claim:**

delivered two loads of rye to AgriBioTech-one load on 12/20/00 and the other on 12/21/99.
received a check for $1,443.37 from AgriBioTech which was returned to me for insufficient
·nds. The amount of my loss is $1,443.37, plus a $5.00 bank handling fee, plus attorney's
ees.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Vincent Ries
**Signature of Claimant**

August 21, 2001
**Date**

46119 - 175th Street
**Street/PO Box**

Watertwon, SD 57201
**City/State/Zip**

(605) 886-6656
**Telephone**

Subscribed and sworn to me this 21st day of August, 2001.

Carma Brandsrud
**Notary** Carma Brandsrud

**County of:** Codington

**State of:** South Dakota

**Commission Expires:** October 1, 2005

ABT
AgriBioTech, Inc.

AGRIBIOTECH, INC.
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2440

Bank of America
North Carolina

88-788
531

**No. 161796**

| CHECK DATE | CHECK NUMBER | CHECK AMOUNT |
|---|---|---|
| 14-JAN-00 | 161796 | ******1,443.37 |

PAY One Thousand Four Hundred Forty-Three Dollars And 37 Cents********

TO THE ORDER OF
RIES, VINCE
46119 175TH ST
WATERTOWN, SD 57201

080210432 0[illegible] 04

REFER TO MAKER

020362969 02-08-00 808 8726 18

"161796" :053107989:0004801153791" "0000144337"

2:0914085981: "0000144337"

518 05 536 ACCOUNT 500328014 DATE: 02/11/00

THE FOLLOWING ITEMS ARE BEING CHARGED BACK TO YOUR ACCOUNT:

| .....PAYOR..... | .....REASON..... | AMOUNT |
|---|---|---|
| AGRIBIOTECH INC | REFER TO MAKER | 1,443.37 |

| | |
|---|---|
| TOTAL ITEMS CHARGED BACK TO YOUR ACCOUNT | 1,443.37 |
| PLEASE DEDUCT A HANDLING FEE OF: | 5.00 |
| YOUR ACCOUNT BALANCE AFTER THIS ACTIVITY IS: | 36,239.30 |

FORM B10 (Official Form 10) (Rev. 4/98)

United States Bankruptcy Court — District Of Nevada

# PROOF OF CLAIM

Name of Debtor: AgriBioTech, Inc., a Nevada corporation

Case Number: 00-10533-BLR

Creditor Number: F-322741

Name of Creditor:
RIES, VINCE

☐ Check box if you are aware that anyone else has filed a proof of clai relating to your claim. Attach copy statement giving particulars.

Name and address where notices should be sent
RIES, VINCE
46119 175TH ST
WATERTOWN, SD 57201

Telephone Number: (605) 886-6656

☐ Check box if you have never receiv any notices from the bankruptcy cc in this case.

☐ Check box if the address differs fro the address on the envelope sent to by the court.

This space is for Court use only

Account or other number by which creditor identifies debtor:

Check here if this claim ☐ replaces ☐ amends a previously filed claim dated: _____

## 1. Basis for Claim

☒ Goods Sold
☐ Services Performed
☐ Money Loaned
☐ Personal Injury/wrongful death
☐ Taxes
☐ Other _____

☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
☐ Wages, salaries, and compensation (Fill out below)

Your SS#: _____ - _____ - _____

Unpaid compensation for services performed
from _____ (Date) to _____ (Date)

## 2. Date debt was incurred: 12/20/99 & 12/21/99

## 3. If court judgment, date obtained:

## 4. Total Amount of Claim at time Case Filed $ 1443.37

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach an itemized statement of all i additional charges.

## 5. Secured Claim

☐ Check this box if claim is secured by collateral (including a right of setc

Brief description of Collateral:

☐ Real Estate ☐ Motor Vehicle
☐ Other: _____

Value of Collateral: $ _____

Amount of arrearage and other charges at time case filed included in sec claim, if any $ _____

## 6. Unsecured Priority Claim

☒ Check this box if you have an unsecured priority claim
Amount entitled to priority $ 1443.37
Specify the priority of the claim: Fifth (11 USC 507(a)(5)) A)

☐ Wages, salaries, or commissions (up to $4,300), earned within 90 days before the filing of t bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. 507(a)(3).
☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
☐ Up to $1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.( § 507(a)(7).
☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)
☐ Other - Specify applicable paragraph of U.S.C. § 507(a-__).

*Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to ca commenced on or after the date of adjustment.

**7. CREDITS:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. SUPPORTING DOCUMENT** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain. If documents are voluminous, attach summary

**9. DATE-STAMPED COP** To receive an acknowledgement of the filing of your claim, enclose a self-addressed envelope and copy of this proof of claim.

This Space is for Court Use Onl

Date

Sign and print the name and title, if any, of the the creditor or the person authorized to file this claim(attach c of power of attorney, if any):
Vince Ries

1 F

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Rust E Hirl, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Discount Feed located at Watertown, S.D.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28472 | 11-16-99 | Rye | 1,028.75 | 1.80 | N A |
| 28476 | 11-17-99 | Rye | 1,008.92 | 1.80 | N A |
| 28501 | 11-23-99 | Rye | 985.21 | 1.80 | N A |
| | | | | | |
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| | | | | | |
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**Explanation of Claim:**

We received $1,198.16 in the 1st settlement ~~for this~~ June 4, 1999 53 due.

RECEIVED
AUG 2 4 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Rust E Hirl
Signature of Claimant

20 Aug 2001
Date

44354-415th Ave.
Street/PO Box

Sauk Centre, Mn. 56378
City/State/Zip

320-352-2547
Telephone

Subscribed and sworn to me this 20th day of August, 2001.

CAROL A. DOUBRAVA
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2005

Notary Carol A. Doubrava

County of: Stearns

State of: Minnesota

Commission Expires: 1-31-05

?-2-247

ARROWHEAD BRAND

28476

Name Robert Hittle

Address

11-17-99 Date

GROSS

TARE

NET 56500

BUSHELS 1008.92

Commodity Ryl

Truck No.

Protein

Test Wt. 56.6

Dockage 1%

Moisture 8.8

Remarks few weevils

Driver

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28472

Name Robert Hittle

Address

11-16-99 Date

GROSS

TARE 26 750

NET 57610

BUSHELS 1028.75

Commodity Ryl

Truck No.

Protein

Test Wt. 57

Dockage 1%

Moisture 10.9

Remarks few weevils

Driver

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28501

Name Robert Hittle Trucking

Address

11-23-99 Date

GROSS

TARE 27 190

NET 55200

BUSHELS 985.71

Commodity Ryl

Truck No.

Protein

Test Wt. 55.4

Dockage 1%

9.0

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

1 G

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Dean Monnieath (Monnieath Farms), the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named A.B.T. INC. located at Watertown, S.D.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| You Have) | | Rye | | $83,074.09 | N.A. |
| | | | | | |
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**Explanation of Claim:**

This claim is for Rye I hauled to ABT. INC. Watertown, S.D. in the fall of 1999. You have all my scale tickets for this.
Thank You.!
Dean Monnieath

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

RECEIVED
AUG 17 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Dean Monnieath
Signature of Claimant

8-13-01
Date

272 South Lake Dr.
Street/PO Box

Watertown, S.D. 57201
City/State/Zip

605-884-1021
Telephone

Subscribed and sworn to me this 13th day of August, 2001.

HEIDI A. FIECHTNER NOTARY SEAL STATE OF SOUTH DAKOTA

Notary Heidi A. Fiechtner

County of: Codington

State of: South Dakota

Commission Expires: December 13, 2005



# South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

July 25, 2001

TO ALL PATRONS OF AGRIBIOTECH, INC. WITH UNSETTLED OR UNPAID GRAIN TRANSACTIONS INCLUDING:

PRICED BUT NOT PAID GRAIN SALES; OUTSTANDING CHECKS; VOLUNTARY CREDIT SALES CONTRACTS AND HOLDERS OF DISHONORED CHECKS

On January 25, 2000, AgriBioTech, Inc. filed a petition for Reorganization pursuant to Chapter 11 of the U.S. Bankruptcy Code in the U.S. Bankruptcy Court in Las Vegas, Nevada. On June 18, 2001, the United States Bankruptcy Court, District Of Nevada, granted the South Dakota Public Utilities Commission limited relief from the automatic stay of 11 U.S.C. Section 362 for the sole purpose of administering claims against the grain dealer's bond of AgriBioTech, Inc.. AgriBioTech, Inc. was licensed as a grain dealer pursuant to SDCL Chapter § 49-45, which is under the jurisdiction of the Commission. The purpose of this letter is to inform you of your potential rights under South Dakota law.

SDCL § 49-45-9 states in part: "Before any grain dealer license is issued by the commission, the applicant shall file with the commission a bond conditioned to secure the faithful performance of the applicant's obligations as a grain dealer and full and unreserved compliance with the laws of this state and the rules of the commission, relating to the purchase of grain by the grain dealer. The bond is for the specific purpose of protecting persons selling grain to the grain dealer. However, the bond may not benefit any person entering into a voluntary credit sale with a grain dealer." Also excluded are any purchases for the buyer's own use or consumption.

A voluntary credit sale (VCS) is defined in SDCL § 49-45-1.1 as "a sale of grain or seed pursuant to which the sale price is to be paid more than thirty days after the delivery or release of the grain for sale, including those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts and price-

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Lucy Fossen
Mary Giddings
Lewis Hammond
Leni Healy
Mary Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest

later contracts." SDCL § 49-45-11 also states that VCS contracts shall be in writing.

If you have not received payment for grain which you have sold to AgriBioTech, Inc.; or if you were issued a check that will no longer be honored, any loss sustained may be covered in whole or in part by the grain dealer bond, except for those sales involving a VCS contract as defined above. For the licensing year which ended June 30, 2000, AgriBioTech, Inc. had a grain dealer bond in the amount of $50,000. At this time it has not been determined if the bond will be sufficient to cover 100% of the anticipated claims. If there is not sufficient coverage, claims may be paid on a pro rata basis.

The comments below, for each class of claimant against the bond, are suggestions on how you should proceed and how claims in each class will be generally treated:

CREDITORS WHO SOLD GRAIN THAT WAS PRICED BUT NOT PAID FOR

Any producer who sold grain to AgriBioTech, Inc. for resale but has not received payment may have a valid claim against the grain dealer's bond unless the sale involves a voluntary credit sale.

CREDITORS WHO HOLD OUTSTANDING OR DISHONORED CHECKS

All such checks that are for the sale of grain to AgriBioTech, Inc. for resale may be valid claims against the grain dealer's bond unless the sale involves a voluntary credit sale.

CREDITORS WHO ENTERED INTO VCS CONTRACTS

As described by SDCL § 49-45-9, VCS contracts are not covered by the bond.

The above comments are preliminary and may change as the case unfolds. You may wish to consult with an attorney.

In order to verify the total dollar amount of potential claims against the bond, the Commission must receive a written verification of the amount AgriBioTech, Inc. owes you. Enclosed is a claim form that you must fill out, have notarized and return to the Commission. Copies of scale tickets, settlement sheets, checks, contracts or any other evidence you possess which establishes that you sold grain to AgriBioTech, Inc. for resale **must be provided to substantiate your claim.** Please forward this information to the Commission as soon as possible, **but no later than August 10, 2001.** If you do not have a claim against AgriBioTech, Inc., please contact the Commission at 1-800-332-1782 and inform us of this. Thank you for your attention to this matter.

If you have any questions concerning this letter, please contact me or Lisa Hull at the Commission. The Commission will keep you informed as this case develops.

Sincerely,

Bob Knadle

Bob Knadle
Director, Transportation/ Warehouse Division

1 H

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Douglas Bandemer, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Discount Farm Center Inc. located at Watertown S.D.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28671 | 1-11-00 | Rye | 82.5 | 1.90 Bu | None |
| | | | | | |
| 28669 | 1-11-00 | Rye | 134.32 | 1.90 Bu. | None |
| | | | | | |
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| | | | | | |
| | | | | | |

**Explanation of Claim:**

Flew West Broke

RECEIVED
AUG 13 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Douglas Bandemer
Signature of Claimant

8-9-01
Date

31250-300TH Ave
Street/PO Box

MORGAN, MN. 56266
City/State/Zip

507-249-3994
Telephone

Subscribed and sworn to me this 9th day of August, 2001.

Notary Rhonda J Kerkhoff

County of: Redwood

State of: MN

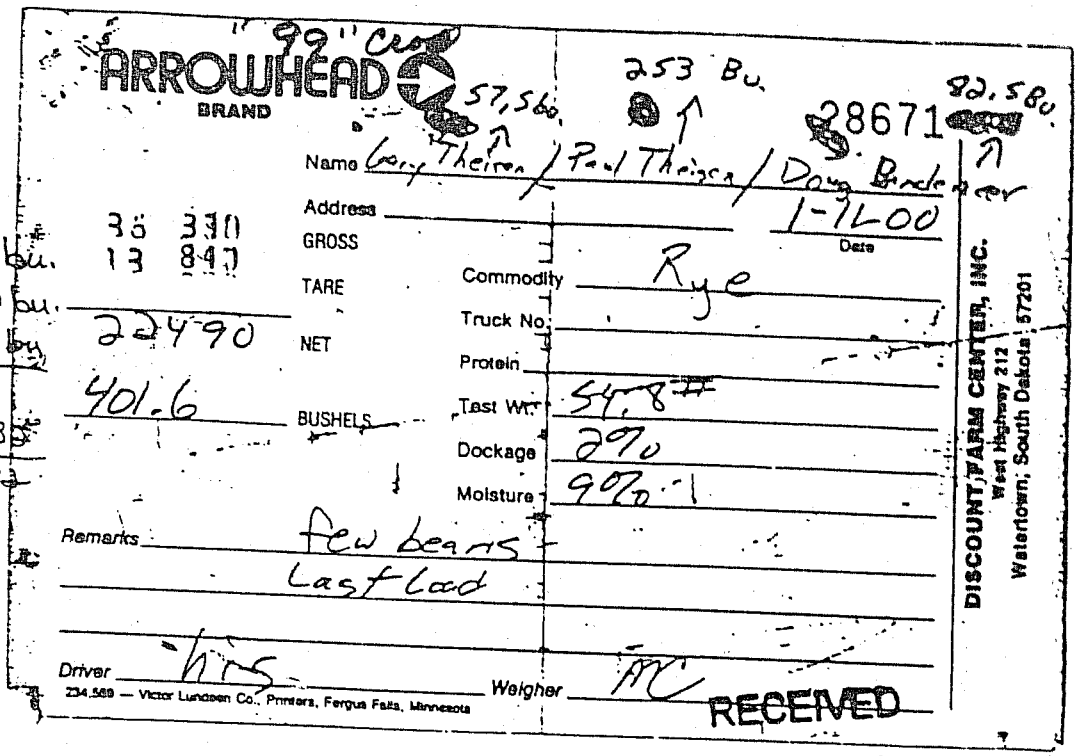
Commission Expires: RHONDA M KERKHOFF NOTARY PUBLIC MINNESOTA COMMISSION EXPIRES JAN. 31, 2005

Walk In Kets

"99" Crop

253 Bu.

82.5 Bu.

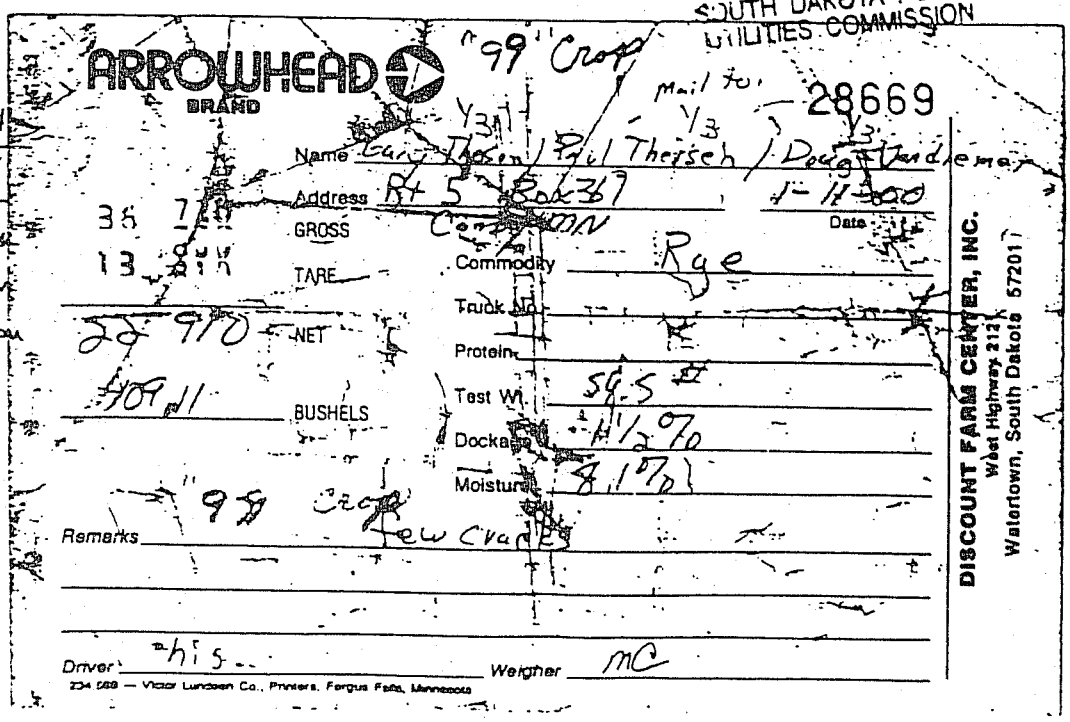



RECEIVED

AUG 17

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Theisen 57.5 bu.
Theisen 253.0 bu.
Bandemer 82.5 bu.
Net bushels: 393
Average 8.03%
Total bushels 401.03




Bushels 409.11
Average @ 16% = 6.14
3 | 409.97
Theisen = 134.32 bu
Bandemer = 134.32 bu
Theisen = 134.32 bu

Amount due
Amount

Theisen: 57.5 bu + 134.32 bu. = 191.82 bu @ $1.90 = $364.46 owed
Theisen: 253.0 bu + 134.32 bu = 387.32 bu @ $1.90 = $735.91 owed
Bandemer: 82.5 bu + 134.32 bu = 216.82 bu @ $1.90 = $411.96 owed

Returned envelope

Sent 8/7

South Dakota
**Public Utilities Commission**
500 East Capitol Avenue
Pierre, SD 57501-5070

RETURN SERVICE REQUESTED

RECEIVED
AUG 17 2001
SOUTH DAKOTA PUBLIC



Doug Bandemer
31250 300th Ave
Morgan MN 56266-3011

RETURNED TO SENDER

- ☐ MOVED, LEFT NO ADDRESS
- ☐ NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD
- ☐ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER
- ☐ DO NOT REMAIL IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEPTACLE
- ☐ BOX CLOSED NO ORDER

Doug Bandemer
~~RR1 Box 172~~
Morgan MN 56266

1 I

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, ROGER BAUMGARTNER (TBS BAUMGARTNER), the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named DICOMAT FARM CREDITOR ~~MONTREAL, CAN~~ located at WATERTOWN, SD.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28531 | 12/15/99 | RYA | 922.86 | 1.85 | N/A |
| 28611 | 12/22/99 | RYA | 931.61 | 1.85 | N/A |
| 28612 | 12/22/99 | RYA | 947.32 | 1.85 | N/A |
| 28647 | 1/6/00 | RYA | 921.78 | 1.85 | N/A |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

DELIVERED GRAIN — NOT PAID FOR.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

RECEIVED
AUG 09 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Signature of Claimant TBS BAUMGARTNER

Date 8/6/2001

Street/PO Box P.O. BOX 45

City/State/Zip PEMBINA, N.D. 58271

Telephone 1-800-256-7434

Subscribed and sworn to me this 7 day of August, 2001.

ERIK MYHRE
Notary Public, State of North Dakota
My Commission Expires 1-29-2005
STATE OF NORTH DAKOTA
NOTARY PUBLIC SEAL

Notary

County of: Pembina

State of: ND

Commission Expires: 1-29-2005

**TBS Brokers**
**P.O. BOX # 45**
**Pembina, ND**
**58271**

**We confirm the following sale to your entity**

1-800-258-7434
FX 1-800-454-8069

Discount Farm Center 1-605-886-5888
PO Box 84 1-605-886-3623
Watertown, SD
57201

| SCREENS | Booking | GMO # | Invoice |
|---|---|---|---|
| TBSCR | 99-14001 | | 99-14001 |
| Date | 12/3/99 | | 12/28/99 |

| Contact | Appx Shipped Date | Shipped Via | F.O.B. Point | Terms |
|---|---|---|---|---|
| Don | 8-Dec-99 | truck | Watertown,SD | On Receipt |

| Quantity | | Net | Contact | Town | GMO# | Confirm. # | Pick-Up | Unit Price | Amount |
|---|---|---|---|---|---|---|---|---|---|
| **Booked** | **Shipped** | | | | | | | | |
| 3800.00 | 2,773.77 | 1026.23 | Rye | Watertown | | 99-17001 | | $ 1.85 | $ 1,898.53 |
| **Shipped** | | | | | | | | | |
| 922.500 | 1% | 913.63 | Rye | | 99T12-005 | 99-17001 | 11/14/99 | $ 1.85 | $ 1,690.22 |
| 934.290 | 1% | 922.29 | Rye | | 99T12-007 | 99-17001 | 11/21/99 | $ 1.85 | $ 1,706.24 |
| 948.930 | 1% | 937.85 | Rye | | 99T12-008 | 99-17001 | 11/21/99 | $ 1.85 | $ 1,735.02 |
| | | 2773.77 | | | | | | | |
| | | | | | | | | Sub Total | $ 5,131.47 |
| | | | | | | | | Taxes | |
| | | | | | | | | Freight | |
| | | | | | | | | Deposit | |
| | | | | | | | | Total | $ 5,131.47 |

**TBS Brokers**
**P.O. BOX # 45**
**Pembina, ND**
**58271**

**1-800-258-7434**
**FX 1-800-454-8069**

**We confirm the following sale to your entity**

Discount Farm Center
PO Box 84
Watertown, SD
57201

1-605-886-5888
1-605-886-3623

| SCREENS | Booking | GMO # | Invoice |
|---|---|---|---|
| TBSCR | 99-14001B | | |
| Date | 12/3/99 | | |

| Contact | Appx Shipped Date | Shipped Via | F.O.B. Point | Terms |
|---|---|---|---|---|
| Don | 8-Dec-99 | truck | Watertown,SD | On Receipt |

| Quantity Booked | Shipped | Net | Contact | Town | GMO# | Confirm. # | Pick-Up | Unit Price | Amount |
|---|---|---|---|---|---|---|---|---|---|
| 3800.00 | 3,699.92 | 100.08 | Rye | Watertown | | 99-17001 | | $ 1.85 | $ 185.15 |
| **Shipped** | | | | | | | | | |
| 923.57 | 3% | 894.20 | Rye | | 00T01-001 | 99-17001 | 01/05/00 | $ 1.85 | $1,654.27 |
| | | 894.20 | | | | | | | |
| | | | | | | | | Sub Total | $1,654.27 |
| | | | | | | | | Taxes | |
| | | | | | | | | Freight | |
| | | | | | | | | Deposit | |
| | | | | | | | | Total | $1,654.27 |

ARROWHEAD BRAND

28611

Name TBS Brokers

Address

12-22-99
Date

79 500 GROSS
27 310 TARE
52 190 NET
931.61 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt. 56.2 #
Dockage 1% 2% wheat + 1% sprouts
Moisture 9.1%

Remarks

Driver his Weigher mc

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28647

Name TBS Brokers

Address

1-6-00
Date

79 680 GROSS
28 060 TARE
51620 NET
921.78 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt. 57.0
Dockage 1% 3% sprouts 2% wheat
Moisture 8

Remarks

Driver his Weigher mc

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28581

Name Plaza-Mokoti Equity Elev

Address

12-15-99
Date

79 520 GROSS
27 840 TARE
51 680 NET
922.86 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt. 55.9#
Dockage 1% 2% Sprouts 1% Wheat
Moisture 9.1%

Remarks

Driver kis Weigher MC

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28612

Name TBS Broker

Address

12-22-99
Date

79 540 GROSS
26 490 TARE
53050 NET
947.32 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt. 56.2#
Dockage 1% 2% Wheat 2% Sprouts
Moisture 8.6%

Remarks

Driver kis Weigher MC

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

1 J

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, RANDY HAUSVIK, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named DISCOUNT FARM CENTER located at WATERTOWN S.D.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 29539 | 12-6-99 | Rye | 876.43 | 1.9[illegible] | F.S.A. SPINK County Farmers STATE Bank Tuttle SD |
| 29572 | 12-13-99 | Rye | 943.93 | 1.92 | " " |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

I Delivered 2 loads of Rye to Discount Farm Center, and received a check for $3227.66 which was returned N.S.F.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

RECEIVED
AUG 0 8 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Randy Hausvik
Signature of Claimant

8-6-2001
Date

16049 416th Ave
Street/PO Box

Conde SD 57434
City/State/Zip

605-897-6521
Telephone

Subscribed and sworn to me this 6th day of August, 2001.

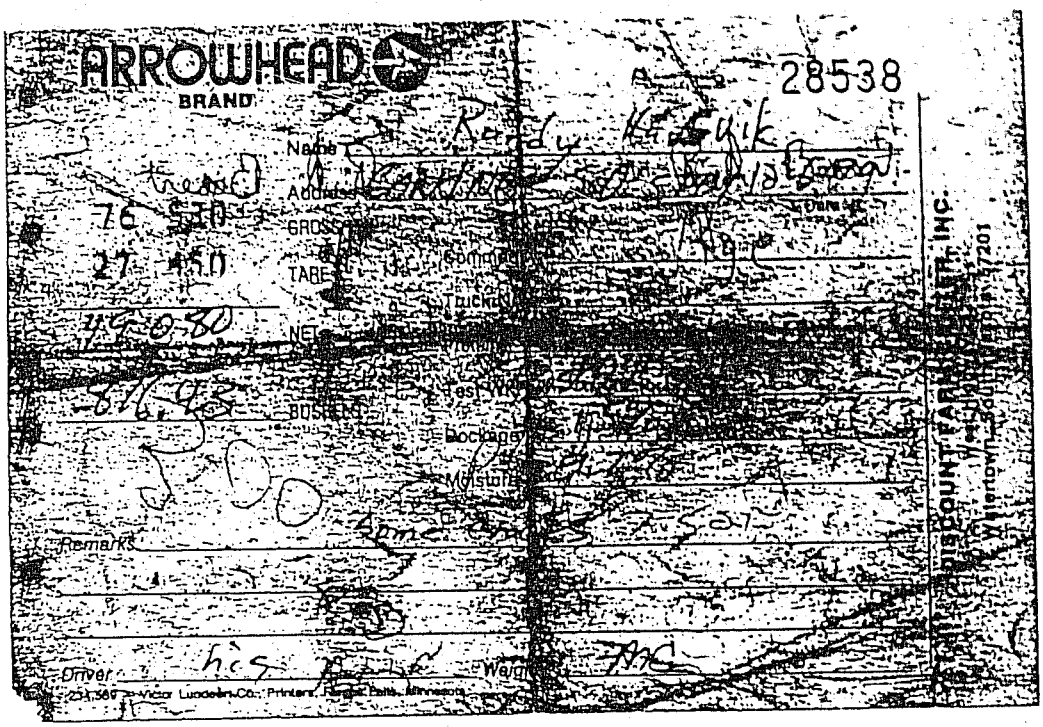
Notary Jayne P. Arthurs

County of: Spink

State of: South Dakota

Commission Expires: 4-01-04

JAYNE P. ARTHURS
NOTARY PUBLIC SEAL SOUTH DAKOTA


ARROWHEAD BRAND

28538

Name

Address

GROSS

TARE

NET

BUSHELS

Dockage

Moisture

Remarks

Driver

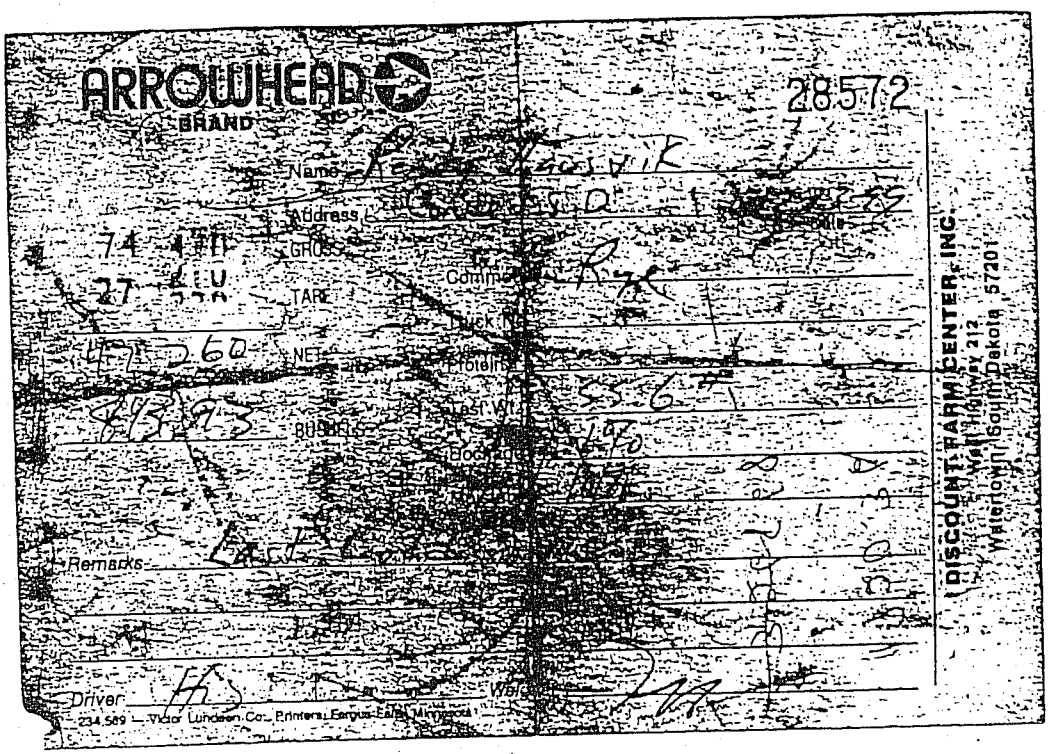
234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.

Wahpeton, North Dakota 58075

Wheaton, Minnesota 56296

Wilmot, South Dakota 57201


ARROWHEAD BRAND

28572

Name

Address

GROSS

TARE

NET

BUSHELS

Dockage

Moisture

Remarks

Driver

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.

Wahpeton, North Dakota 58075

Wheaton, Minnesota 56296

Wilmot, South Dakota 57201

ABT
AgriBioTech, Inc.

AGRIBIOTECH, INC.
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2440

Bank of America
North Carolina

66-798
531

No. 161793

| CHECK DATE | CHECK NUMBER | CHECK AMOUNT |
|---|---|---|
| 14-JAN-00 | 161793 | ******3,227.66 |

PAY Three Thousand Two Hundred Twenty-Seven Dollars And 66 Cents*****

TO THE ORDER OF
HAUSVIK, RANDY
FARMERS ST BANK, FARM SERV AGENCY
COMMODITY CREDIT CORP
RR
CONDE, SD 57434

0000078990 01

NSF

020046762 01-26-00 806 8753 18

"161793" "053107989:0004801153791" "0000322766"

ENDORSE SPINK COUNTY FSA OFFICE (CCC) CED

X

ENDORSED WITHOUT RECOURSE
FSA

PAY TO THE ORDER OF ANY BANK, BANKER OR TRUST COMPANY
WITHOUT RECOURSE
FARMERS STATE BANK
FLORENCE, S. DAK.

BY

TITLE

Randy Hausvik

FEDERAL RESERVE BOARD OF GOVERNORS REG CC

69310000 0530-0020-6

01/24/99

39434 01/26/00 0002

1K

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, VANDERGEEN COMMODITY SERVICE LTD., the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named A.B.T WATERTOWN located at WATERTOWN S.D.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28618 | DEC 23/99 | RYE | 907.10 | 1.90 | N/A. |
| 28622 | JAN 3/00 | RYE | 897.41 | 1.90 | N/A |
| 28623 | " 3/00 | RYE | 913.36 | 1.90 | N/A |
| 28624 | " 3/00 | RYE | 936.56 | 1.90 | N/A. |
| 28639 | " 5/00 | RYE | 1027.07 | 1.90 | N/A. |
| 28640 | " 5/00 | RYE | 1120 88 | 1.90 | N/A |
| 28678 | " 13/00 | RYE | 783.65 | 1.90 | N/A. |
| 28679 | " 13/00 | RYE | 408.62 | 1.90 | N/A. |
| 28706 | " 20/00 | RYE | 915.77 | 1.90 | N/A. |
| 28716 | JAN 21/00 | RYE | 861.10 | 190 | NA. |

Explanation of Claim:

GRAIN IS CASH!
GRAIN DELIVERED. - TICKETS NOT SETTLED. IMMEDIATLEY!
NOTE DATE OF DELIVERY IS PRIOR TO JAN 25/00

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above clair and state that it is true under penalty of law.

RECEIVED
AUG 0 6 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

VANDERGEEN COMMODITY SERVICE LTD
per [signature]
Signature of Claimant JOHN PENNER
July 30/01
Date
P.O. BOX 1071
Street/PO Box
CARMAN MANITOBA CANADA.
City/State/Zip
204 745-6260.
Telephone

Subscribed and sworn to me this 30th day of July, 2001.
RICHARD DYCK.
Notary
County of:
State of: MANITOBA CA.
Commission Expires: Dec 4 2001

ARROWHEAD BRAND

287.16

Name Vanderveen

Address

1-21-00
Date

79 370 GROSS
28 610 TARE
50760 NET
906.42 BUSHELS
861.10 MT

Commodity Rye
Truck No.
Protein
Test Wt. 54.1
Dockage 5%
Moisture 10.1

Remarks

Driver

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234,500 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

V 1635

TRIPLE O TRANSPORT LTD.

DATE: JAN 19/00

1247 Redonda Street, P.O. Box 43, Grp. 525, R.R. #5
Winnipeg, Manitoba, R2C 2Z2
Telephone (204) 224-1358

COSIGNED TO: DISCOUNT FARM SUPPLIES SHIPPER: VAN DEAVEEN SHILO FARMS, SHILO MB

SOLD TO: _____ DELIVERED TO: WATERTOWN, SD

CONTRACT/LOAD#: 3479 SHIPPING NET WEIGHT: Approx 51000 lb

DRIVER: Bruce Cole TRK LIC./UNIT#: MB PAA 874 TRL LIC./UNIT#: MD SD 4074

SIGNATURE: Bruce Cole

SHILO FARMS (1979) LTD.
DOUGLAS - MAN.

DATE JAN 19 19 00

OWNER Triple O

FROM: SEC# _____

PRODUCT: RYE

GROSS: 12250
TARE: 33630
NET: 34300
TRUCK: 17480 lbs

WEIGHMASTER: _____

Nº 3479

UP 9190 #30706

ARROWHEAD BRAND 28706

Name Van Deveen

Address _____ 1-20-00 Date

GROSS 80 340
TARE 22 050
NET 52330

Commodity Rye
Truck No. _____
Protein _____
Test Wt. 56.2
Dockage 270
Moisture 11.1

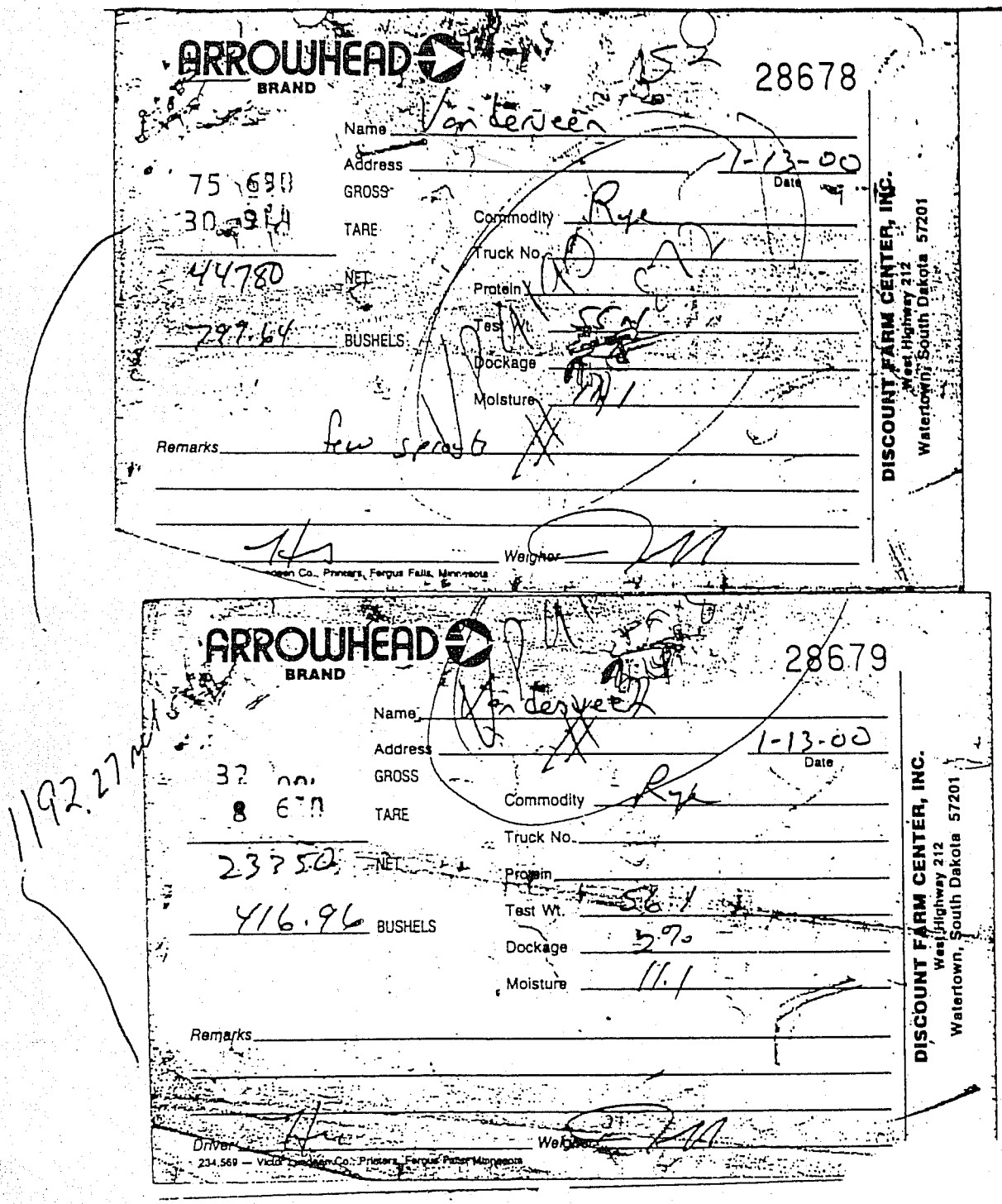
BUSHELS 934.46
915.77 net

Remarks Lot of ergot + w Buckthorn
V1634

Driver _____ Weigher _____

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

V-1634



ARROWHEAD BRAND

28678

Name Van Deveer

Address

1-13-00
Date

75 680 GROSS
30 960 TARE
44780 NET
799.64 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt.
Dockage
Moisture 11.1

Remarks few sprouts

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

Johnson Co., Printers, Fergus Falls, Minnesota

ARROWHEAD BRAND

28679

Name Van Deveer

Address

1-13-00
Date

1192.27

32 000 GROSS
8 610 TARE
23750 NET
416.96 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt. 58.1
Dockage 3.0%
Moisture 11.1

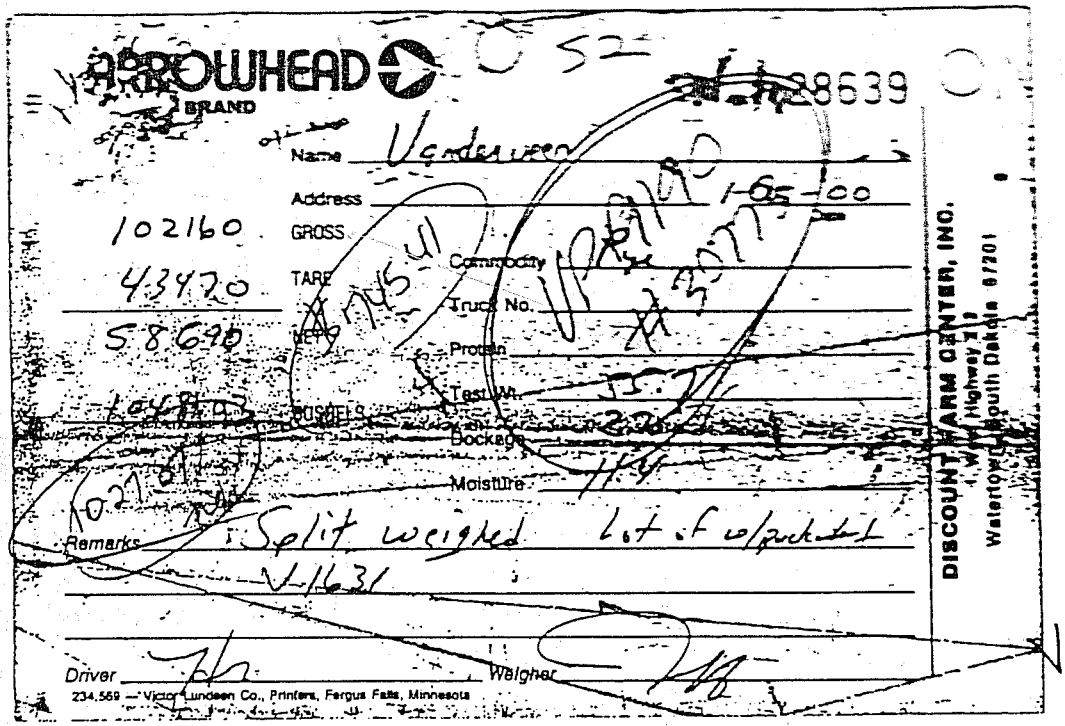
Remarks

Driver

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234.569 — Vicki Johnson Co., Printers, Fergus Falls, Minnesota



ARROWHEAD BRAND

28639

Name Vanderveen

Address

102160 GROSS

43470 TARE

58690 NET

1048.0 BUSHELS

Commodity

Truck No.

Protein

Test Wt.

Dockage

Moisture

Remarks Split weighed Lot of w/packet

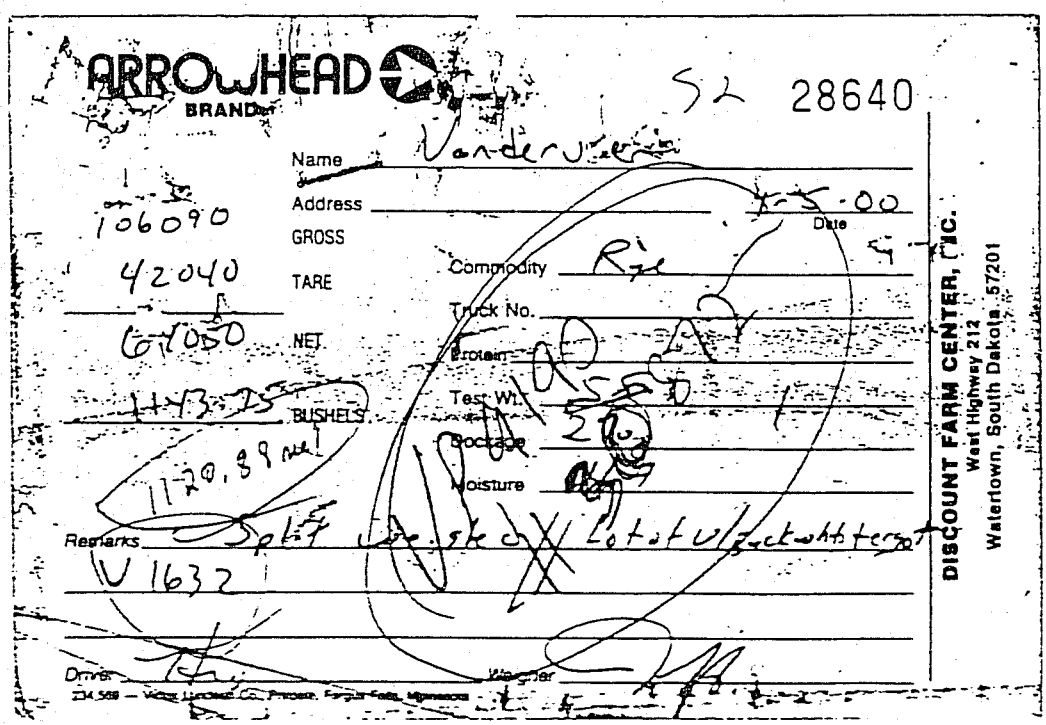
V-1631

Driver Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

1631



ARROWHEAD BRAND

28640

Name Vanderveen

Address

106090 GROSS

42040 TARE

64050 NET

1143.75 BUSHELS

1120.89 net

Commodity

Truck No.

Protein

Test Wt.

Dockage

Moisture

Remarks Split weight Lot of w/packet

V 1632

Driver Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28624

Name Vanderveen Comm.

Address

Date

81 65M
27 55M

GROSS

TARE

54,020 NET

965.53 BUSHELS

936.36 net

Commodity Rye

Truck No.

Protein

Test Wt. 57.0

Dockage 3%

Moisture 11.9%

Remarks lot of w.l. Buckwheat

Driver

Weigher Travis

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234.560 — Victor Jamieson Co., Printers, Fergus Falls, Minnesota

GHT BILL OF LADING - EX
FREIGHT AND EXPRESS CAR

CANADIAN TRANSPORT COMMISS

Carriage of Express and Non-Carload Fre
except as noted (contents and conditions
y at said destination, if on its road, otherwise to
said route to destination, and as to each party at
hereby incorporated by reference and have the

cation and also available at all Railway agency

en said goods are carried by a motor carrier; or
en said goods originating in Quebec are to be

arload Freight Traffic and also available at all
eed to by the shipper and accepted for himself

E CARRIER'S NO.

TY SERVICE LTD.

OF DELIVERY)

IF CHARGES ARE TO BE PREPAID WRITE OR STAMP HERE. "TO BE PREPAID"

Watertown, South Dakota 57201

ROUTE

CAR INITIAL

CAR NO.
TRAILER NO.
CONTAINER NO.

| PIECES/PACKAGES | DESCRIPTION OF ARTICLES AND SPECIAL MARKS | WEIGHT | RATE |
|---|---|---|---|
| 1 B/L | bulk rye | 900 bush. | |
| | (for processing) | approx. | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

RECEIVED $ _____ TO APPLY IN PREPAYMENT OF THE CHARGES ON THE PROPERTY DESCRIBED HEREON

AGENT OR CASHIER

FOR CARRIER'S USE CHARGES

| | | |
|---|---|---|
| ADVANCE AND/OR BEYOND | $ | |
| MISC. | $ | |
| BASIC | $ | |
| PIECE | $ | |
| VALUE | $ | |
| TOTAL | $ | |

SHIPPER SHOW AMOUNT OF C.O

C AMOUNT $

O FEE $

D TOTAL $

VALUATION

$ 50 or $ 0.50 lb. ☐ $ 1 00 lb. ☐ $ 1 50 lb ☐ $ 2 00 lb.

DECLARED VALUE OF SHIPMENT $

SHIPPER'S NO. No V 1529

WHERE REQUIRED BY THE TARIFF, SHIPPER MUST SHOW DIMENSIONS OF SHIPMENT

| TOTAL NUMBER OF PACKAGES | DIM. OF SHIPMENT | TOTAL CUBAGE | DIMENSIONAL WEIGHT | TOTAL WEIGHT | NO. X L PCS/PKGS |
|---|---|---|---|---|---|
| | | | | | |

SHIPPER

VANDERVEEN COMMODITY SERVICE LTD.

PER

PERMANENT POST OFFICE ADDRESS OF SHIPPER

AGENT

PER

2

SHIPPING ORDER (AGENT MUST DETACH AND RETAIN THIS SHIPPING ORDER AND MUST SIGN THE ORIGINAL BILL OF LADING - EXPRESS SHIPPING CONTRACT)

MISC $0.00

GRAND TOTAL $2041.30

Please Pay [illegible] Collector Purchase within [illegible] Days

ARROWHEAD BRAND

28623

Name Vanderveen Comm

Address

Date

GROSS 80 650

TARE 28 190

NET 52 460

BUSHELS 936.78

9,336 net

Commodity Rye

Truck No.

Protein

Test Wt 57.6#

Dockage 2%

Moisture 11.7%

Remarks lot of wild Buckwheat

Driver His

Weigher Travis

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

...IGHT BILL OF LADING - E...
...L FREIGHT AND EXPRESS C...

CANADIAN TRANSPORT COMM...

...e Carriage of Express and Non-Carload F...
...er, except as noted (contents and condition...
...ery at said destination, if on its road. Otherwise...
...said route to destination, and as to each party t...
...e hereby incorporated by reference and have the...

...ication and also available at all Railway agency...

...hen said goods are carried by a motor carrier, or...
...hen said goods originating in Quebec are to be...

...-Carload Freight Traffic and also available at all...
...greed to by the shipper and accepted for himself...

...TE CARRIER'S NO

...ITY SERVICE LTD.

...S OF DELIVERY)

IF CHARGES ARE TO BE PREPAID WRITE OR STAMP HERE "TO BE PREPAID"

Watertown, South Dakota 57201

ROUTE | CAR INITIAL | CAR NO. TRAILER NO. CONTAINER NO.

| PIECES/PACKAGES | DESCRIPTION OF ARTICLES AND SPECIAL MARKS | WEIGHT | RATE |
|---|---|---|---|
| 1 T/L | bulk rye (for processing) | 900 bush. approx. | |

RECEIVED $ ... TO APPLY IN PREPAYMENT OF THE CHARGES ON THE PROPERTY DESCRIBED HEREON

AGENT OR CASHIER

FOR CARRIER'S USE CHARGES

| | |
|---|---|
| ADVANCE AND/OR BEYOND | $ |
| MISC. | $ |
| BASIC | $ |
| PIECE | $ |
| VALUE | $ |
| TOTAL | $ |

SHIPPER SHOW AMOUNT OF C...

C AMOUNT $
O FEE $
D TOTAL $

VALUATION

$ 50 or $ 0 50 lb | $ 1 00 lb | $ 1 50 lb | $ 2...

DECLARED VALUE OF SHIPMENT $

SHIPPER'S NO

Nº V 1628

WHERE REQUIRED BY THE TARIFF, SHIPPER MUST SHOW DIMENSIONS OF SHIPMENT

| TOTAL NUMBER OF PACKAGES | DIM OF SHIPMENT | TOTAL CUBAGE | DIMENSIONAL WEIGHT | TOTAL WEIGHT | NO. X L PCS/PKGS |
|---|---|---|---|---|---|
| | | | | | |

SHIPPER

VANDERVEEN COMMODITY SERVICE LTD.

PER

PERMANENT POST OFFICE ADDRESS OF SHIPPER

AGENT

PER

1 ORIGINAL - NOT NEGOTIABLE (THIS BILL OF LADING - EXPRESS SHIPPING CONTRACT IS TO BE SIGNED BY SHIPPER AND CARRIER

ORIGINAL - NOT NEGOTIABLE (THIS BILL OF LADING - EXPRESS SHIPPING CONTRACT IS TO BE SIGNED BY SHIPPER AND CARRIER

Commodity Services Inc
65 Wagner Drive
Fairmont, MN 56031

Please Pay in US or Canadian Funds Within 7 Days

GRAND TOTAL $2011.00

ARROWHEAD BRAND

28622 52

Name Vanderveen Comm.

Address

Date

GROSS 51 810

TARE 28 200

NET 925.17

BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.3 *

Dockage 3%

Moisture 11.8%

Remarks 897.41 net lot of wild Buckwheat

Driver hjs Weigher

234.569 — Victor Lindeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212 - 57201
Watertown, South Dakota

GHT BILL OF LADING - EXPR
FREIGHT AND EXPRESS CARR

CANADIAN TRANSPORT COMMISSIO

Carriage of Express and Non-Carload Freight
, except as noted (contents and conditions of
ry at said destination, if on its road, otherwise to
said route to destination, and as to each party at
hereby incorporated by reference and have the

ication and also available at all Railway agency

hen said goods are carried by a motor carrier, or
hen said goods originating in Quebec are to be

Carload Freight Traffic and also available at all
greed to by the shipper and accepted for himself

ATE CARRIER'S NO

DITY SERVICE LTD.

ES OF DELIVERY)

IF CHARGES ARE TO BE PREPAID WRITE OR STAMP HERE, "TO BE PREPAID"

D.
ER NO.
AINER NO.

| PIECES/PACKAGES | DESCRIPTION OF ARTICLES AND SPECIAL MARKS | WEIGHT | RATE |
|---|---|---|---|
| 1 T/L | bulk rye (for processing) | 900 bush. approx. | |

RECEIVED $ TO APPLY IN PREPAYMENT OF THE CHARGES ON THE PROPERTY DESCRIBED HEREON.

AGENT OR CASHIER

FOR CARRIER'S USE CHARGES

| | |
|---|---|
| ADVANCE AND/OR BEYOND | $ |
| MISC | $ |
| BASIC | $ |
| PIECE | $ |
| VALUE | $ |
| TOTAL | $ |

SHIPPER SHOW AMOUNT OF C O D

| | |
|---|---|
| C AMOUNT | $ |
| O FEE | $ |
| D TOTAL | $ |

VALUATION

$ 50 or $ 0.50 lb ☐ $ 1.00 lb ☐ $ 1.50 lb ☐ $ 2.00 lb

DECLARED VALUE OF SHIPMENT $

SHIPPER'S NO

Nº V 1630

WHERE REQUIRED BY THE TARIFF SHIPPER MUST SHOW DIMENSIONS OF SHIPMENT

| TOTAL NUMBER OF PACKAGES | DIM. OF SHIPMENT | TOTAL CUBAGE | DIMENSIONAL WEIGHT | TOTAL WEIGHT | NO. X L PCS/PKGS |
|---|---|---|---|---|---|
| | | | | | |

SHIPPER VANDERVEEN COMMODITY SERVICE LTD.

PER

AGENT

PER

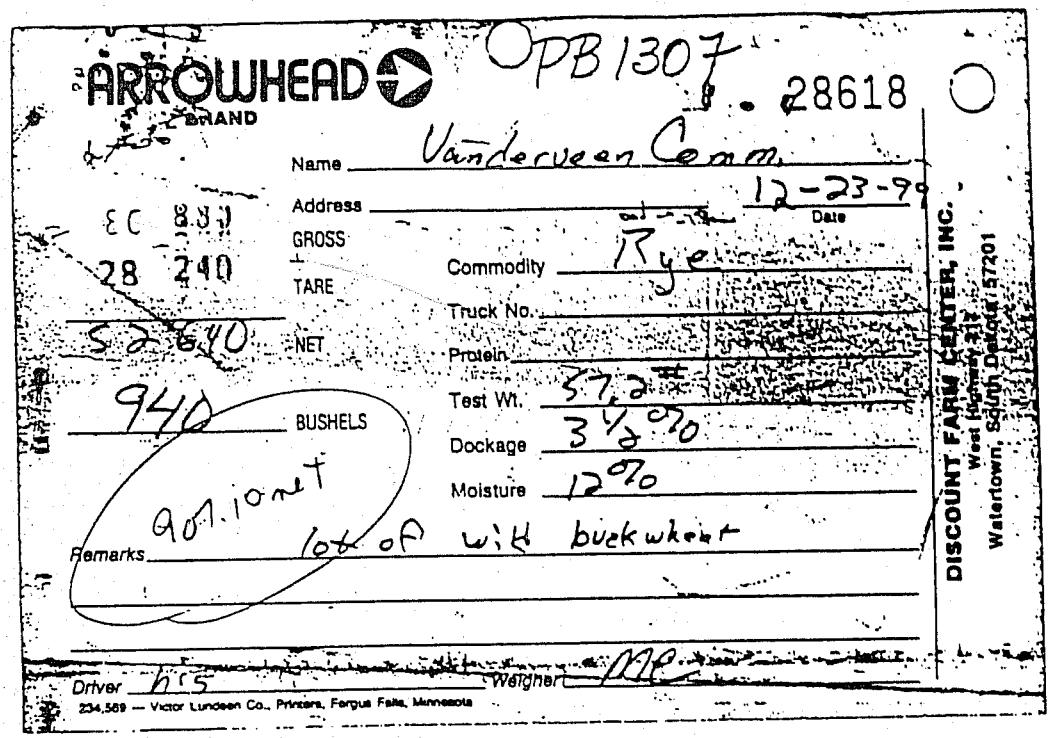
PERMANENT POST OFFICE ADDRESS OF SHIPPER

1 ORIGINAL - NOT NEGOTIABLE (THIS BILL OF LADING - EXPRESS SHIPPING CONTRACT IS TO BE SIGNED BY SHIPPER AND CARRIER

GRAND TOTAL $

Commodity Services Inc
[illegible] Drive
[illegible] MN [illegible]

Please Pay in US or Canadian Funds Within 7 Days



ARROWHEAD BRAND

OPB 1307 28618

Name Vandervaan Comm.

Address 12-23-99
Date

EC 8.5.1

GROSS 28 240

TARE 50 640

NET 940 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.2 #

Dockage 3½%

Moisture 12%

907.10 net

Remarks lot of wild buckwheat

Driver hrs Weigher MP

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

# Independent Seeds

West Highway 212
P.O. Box 84
Watertown, SD 57201
605-886-5888 phone
605-886-3623 fax

## PURCHASE AGREEMENT

Purchased From Vandervoort Comm
John Penner
204-745-6535

Date 11-30-99

10 Loads
Approx 10,000 bushels of new crop rye @ $ 1.90 per bushel; delivered to Discount Farm Center, Inc, Watertown, South Dakota.

Market Dockage and discounts to apply.

Test weight discount: 2¢ per lb. discount from 54 to 52 lbs.
4¢ per lb discount from 52 to 50 lbs.

Moisture discount: 2% for each percent of moisture over 13½%.

Sprout discount: 5¢ per bushel for 2% sprout, and 4¢ for each additional percent from 2% to 10%.

Thank you very much!

Don LaVake
Discount Farm Center, Inc

Seller

ABT Agrigenetech, Inc.

Global turf and forage wholesale unit

FORM B10 (Official Form 10) (Rev. 4/98)

United States Bankruptcy Court — District Of Nevada

**PROOF OF CLAIM**

| Name of Debtor: AgriBioTech, Inc., a Nevada corporation | Case Number: 00-10533-BLR |
|---|---|

Note: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

RECEIVED AND FILED
MAR 3 1 32 PM '00
UNITED STATES BANKRUPTCY COURT
PATRICIA GRAY
CLERK

Creditor Number: F-325030

Name of Creditor:
VANDERVEEN COMMODITIES

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check box if you have never received any notices from the bankruptcy court in this case.

☐ Check box if the address differs from the address on the envelope sent to you by the court.

Name and address where notices should be sent:
VANDERVEEN COMMODITIES
BOX 1071
CARMAN, ROG-OJO

Telephone Number: 204-745-6260

This space is for Court use only

Account or other number by which creditor identifies debtor:

Check here if this claim ☐ replaces ☐ amends a previously filed claim dated: _____

**1. Basis for Claim**

☑ Goods Sold
☐ Services Performed
☐ Money Loaned
☐ Personal Injury/wrongful death
☐ Taxes
☐ Other _____

☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
☐ Wages, salaries, and compensation (Fill out below)

Your SS#: _____ - _____ - _____

Unpaid compensation for services performed
from _____ (Date) to _____ (Date)

**2. Date debt was incurred:**

**3. If court judgment, date obtained:**

**4. Total Amount of Claim at time Case Filed** $ 16,665.98

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach an itemized statement of all interest or additional charges.

**5. Secured Claim**

☐ Check this box if claim is secured by collateral (including a right of setoff)

Brief description of Collateral:

☐ Real Estate ☐ Motor Vehicle
☐ Other _____

Value of Collateral: $ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any $ _____

**6. Unsecured Priority Claim**

☐ Check this box if you have an unsecured priority claim

Amount entitled to priority $ _____

Specify the priority of the claim:

☐ Wages, salaries, or commissions (up to $4,300), earned within 90 days before the filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. 507(a)(3)

☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).

☐ Up to $1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6):

☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)

☐ Other - Specify applicable paragraph of U.S.C. § 507(a-__).

*Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7. CREDITS:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. SUPPORTING DOCUMENT** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain. If documents are voluminous, attach summary

**9. DATE-STAMPED COPY** To receive an acknowledgement of the filing of your claim, enclose a self-addressed envelope and copy of this proof of claim.

This Space is for Court Use Only

Date _____ Sign at & print the name and title, if any, of the creditor or the person authorized to file this claim (attach c

1 L

# PROOF OF CLAIM FOR CASH GRAIN

Linus Eykamp, President

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

1. Green Thumb Commodities Inc., the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Northern Plains Seed located at Sioux Falls, SD.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 68441 | 9-18-99 | Pika Triticale | 80-50# bags @ 12.50/cwt | 500.00 | NA |
| 68441 | 9-18-99 | Pallets | 200 ea | 14.00 | NA |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

RECEIVED

AUG 0 6 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Signature of Claimant

Linus Eykamp 8-2-01

Date

PO Box J

Street/PO Box

Oldham, SD 57051

City/State/Zip

605-482-8295

Telephone

Subscribed and sworn to me this 2 day of August, 2001.

Notary

County of: Kingsbury

State of: South Dakota

Commission Expires: Dec 15, 2001

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

Linus Eykamp, President

I, Green Thumb Commodities, Inc., the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Discount Farm Center located at Watertown, SD.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 68795 | 11-18-99 | Large Striped Sunflowers | 40 50# bags @ 16¢/lb | 320.00 | NA |
| 68795 | 11-18-99 | Striped Sunflowers | 40 50# bags @ 14¢/lb | 280.00 | NA |
| 68795 | 11-18-99 | Pallets | 2 @ 7.00 | 14.00 | NA |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Linus Eykamp
Signature of Claimant

8-2-01
Date

PO Box J
Street/PO Box

Oldham, SD 57051
City/State/Zip

605-482-8295
Telephone

Subscribed and sworn to me this 2 day of August, 2001.

Notary

County of: Kingsbury

State of: South Dakota

Commission Expires: Dec 15, 2001

## GREEN THUMB COMMODITIES, INC.

ESTABLISHED 1955
Phone 605 482-8295
OLDHAM, SOUTH DAKOTA 57051

№ 68441

TERMS: 30 Days Net. 1.67% FINANCE CHARGE Per Month on all Accounts over 30 Days. ANNUAL PERCENTAGE RATE 20%. All accounts due on or before 25th of Month.

DATE 9-18 1999

Name Northrn Plains Seed

Address

| SOLD BY | CASH | C.O.D. | CHARGE | ON ACCT. | MDSE. RETD. | PAID OUT | Order No. |
|---|---|---|---|---|---|---|---|
| JC | | | X | | | | |

| QUAN. | DESCRIPTION | PRICE | AMOUNT |
|---|---|---|---|
| 40-50# | Pika Triticale<br>lot 9315 | 12.50 | 500 00 |
| 2 | Pallets - Shrink Wrapped | 7.00 | 14 00 |
| | | | 514 00 |
| | DR# 17207 | | |

RECD BY

TOTAL

## GREEN THUMB COMMODITIES, INC.

ESTABLISHED 1955
Phone 605 482-8295
OLDHAM, SOUTH DAKOTA 57051

№ 68795

TERMS: 30 Days Net. 1.67% FINANCE CHARGE Per Month on all Accounts over 30 Days. ANNUAL PERCENTAGE RATE 20%. All accounts due on or before 25th of Month.

DATE 11-18 1999

Name Discount Farm Center

Address Watertown, SD

| SOLD BY | CASH | C.O.D. | CHARGE | ON ACCT. | MDSE. RETD. | PAID OUT | Order No. |
|---|---|---|---|---|---|---|---|
| JC | | | X | | | | |

| QUAN. | DESCRIPTION | PRICE | AMOUNT |
|---|---|---|---|
| 40-50# | Large Striped Sunflowers | 8.00 | 320 00 |
| 40-50# | Stripe Sunflowers | 14.00 | 280 00 |
| 2 | Pallets - Shrink Wrapped | 7.00 | 14 00 |
| | | | 614 00 |
| | DR# 14538 | | |

RECD BY

TOTAL

# GREEN THUMB COMMODITIES, INC.

DELIVERY RECEIPT

POST OFFICE BOX J
OLDHAM, SOUTH DAKOTA 57051-0018
PHONE: 1-800-843-3327

SEEDS

Delivered to: Northern Plains Seed

DELIVERY RECEIPT NO. № 17207

DATE 9-18-99

| SHIPPED VIA | CARTONS-PKGS. | TOTAL WEIGHT | YOUR ORDER NO. | OUR ORDER NO. | PPD OR COLL |
|---|---|---|---|---|---|
| Cust. | | | PO# 220-B383 | | |

| QUANTITY ORDERED | QUANTITY SHIPPED | ITEMS |
|---|---|---|
| | 80 | 50# Bags Pika Triticale |
| | | Lot # 9315 |
| | 2 | Pallets SW |
| | | |
| | | |
| | | |
| | | |
| | | Invoice # 68441 |

Received in good order by Jay Anderson

Per _____ Date _____

Green Thumb
SEEDS

# GREEN THUMB COMMODITIES, INC.

POST OFFICE BOX J
OLDHAM, SOUTH DAKOTA 57051-0018
PHONE: 1-800-843-3327

DELIVERY RECEIPT

Delivered to: Discount Farm Center
Watertown, S.D.

DELIVERY RECEIPT NO. 14588

DATE 11-18-99

| SHIPPED VIA | CARTONS-PKGS. | TOTAL WEIGHT | YOUR ORDER NO | OUR ORDER NO | PPD OR COLL. |
|---|---|---|---|---|---|
| Cust. | | | | | |

| QUANTITY ORDERED | QUANTITY SHIPPED | ITEMS |
|---|---|---|
| | 40 | 50# Bags Large Stripes |
| | 40 | 50# Bags Stripe SW Flowers |
| | 2 | Pallets SW |

Invoice # 6895

Received in good condition

1 M

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, David G. Hutcher, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named AgriBid Tech TVC located at Watertown SDakota.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28685 | 1-13-00 | Oat. | 501.88. | 1.40 | N A. |
| 28687 | 1-14-00 | Oat. | 545. | 1.40 | N/A |
| 28689. | 1-14-00. | Oat. | 550.63. | 1.40 | N/A |
| 28690 | 1-14-00 | Oat. | 533.13 | 1.40 | N/A |
| 28697. | 1-17-00 | Oat. | 556.25 | 1.40 | N/A |
| 28698 | 1-18-00 | Oat. | 551.87 | 1.40 | N/A |
| 28700. | 1-18-00 | Oat. | 520.31 | 1.40 | |
| 28701 | 1-18-00 | Oat. | 525.00 | 1.40 | N/A. |
| 28712 | 1-20-00 | Oat. | 1776.56. | 1.40. | |

**Explanation of Claim:**

6060.63 Bushel at $1.40
total 7878.88.
the Oat. I Never got Pay for.
Because of the Bankrupcy

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

David G. Hutcher
Signature of Claimant

8-2-01
Date

Box 137
Street/PO Box

Goodwin SD. 57238
City/State/Zip

605-795-3181
Telephone

RECEIVED
AUG 03 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Subscribed and sworn to me this 2nd day of August, 2001.

Notary Carol A Rau

County of: Codington

State of: South Dakota

Commission Expires: 7-11-06

ARROWHEAD BRAND

28700

Name Dave Hilscher

Address

GROSS 28 520

TARE 11 870

NET 16 650

BUSHELS 520.31

Commodity Spring Oats

Truck No.

Protein

Test Wt.

Dockage

Moisture

Date 1-18-00

Driver

Weigher

Remarks

234.568 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28701

Name Dave Hilscher

Address

GROSS 28 630

TARE 11 830

NET 16 800

BUSHELS 520.31

Commodity Spring Oats

Truck No. 20 W 0

Protein 13.7

Test Wt. 37.3

Dockage

Moisture 10.3%

Date 1-18-00

Driver

Weigher

Remarks

234.568 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28712

Name Dave Hilscher

Address

GROSS 26 [illegible]

TARE

NET 56 850

BUSHELS 1776.56

Commodity Spring Oats

Truck No.

Protein 13.1

Test Wt. 37.9

Dockage

Moisture 11.1

Date 1-20-00

Remarks

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28690

Name David Hulscher

Address

1/14-00 Date

GROSS 28 350

TARE 11 870

NET 17 060

BUSHELS 533.13

Commodity Terry Oats

Truck No.

Protein

Test Wt. 38.2#

Dockage

Moisture 11.4%

Remarks

Driver

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28697

Name Dave Hulscher

Address

1-17-00 Date

GROSS 29 610

TARE 11 810

NET 17800

BUSHELS 556.25

Commodity Terry Oats

Truck No.

Protein

Test Wt. 38#

Dockage

Moisture

Remarks

Driver

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28698

Name Dave Hulscher

Address

1-18-00 Date

GROSS 28 310

TARE 11 730

NET 17640

BUSHELS 551.25

Commodity Terry Oats

Truck No.

Protein

Test Wt. 38#

Dockage

Moisture

Remarks

Driver

Weigher

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28685

Name David Hulscher

Address

1-13-00 Date

GROSS 27 870

TARE 11 770

NET 16 060

BUSHELS 501.88

Commodity Terry Oats

Truck No.

Protein

Test Wt. 37.5 lbs

Dockage

Moisture 11.4%

Remarks

Driver bjs

Weigher MC

234,565 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28687

Name David Hulscher

Address

1-14-00 Date

GROSS 29 250

TARE 11 810

NET 17 440

BUSHELS 1545

Commodity Oats

Truck No.

Protein

Test Wt. 38.2 #

Dockage

Moisture 11.4%

Remarks

Driver bjs

Weigher MC

234,565 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

28689

Name David Hulscher

Address

1-14-00 Date

GROSS 29 580

TARE 11 960

NET 17 620

BUSHELS 550.63

Commodity Oats

Truck No.

Protein

Test Wt. 38

Dockage

Moisture 11.5%

Remarks

Driver bjs

Weigher MC

234,565 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

1 N

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, GARY Thiesen, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Discount Farm Center Inc located at Crest Hy 212 Watertown South Dakota 57201
AgriBio Tech. Inc

Listed below are the loads delivered which were not paid for:

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28671 | 1-11-00 | Rye | 57.5 | 1.90 | Farm Credit Services Mid-Am |
| 28669 | 1-11-00 | Rye | 134.32 | 1.90 | Farm Credit Services Mid-Am |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Explanation of Claim:

This is Rye That I sold which I had Part Interest in & never got Paid for

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Gary G. Thiesen
Signature of Claimant

7-30-01
Date

RR 5 Box 370
Street/PO Box

Canby MN 56220
City/State/Zip

507-223-5711
Telephone

RECEIVED
AUG 0 2 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Subscribed and sworn to me this 31st day of July, 2001

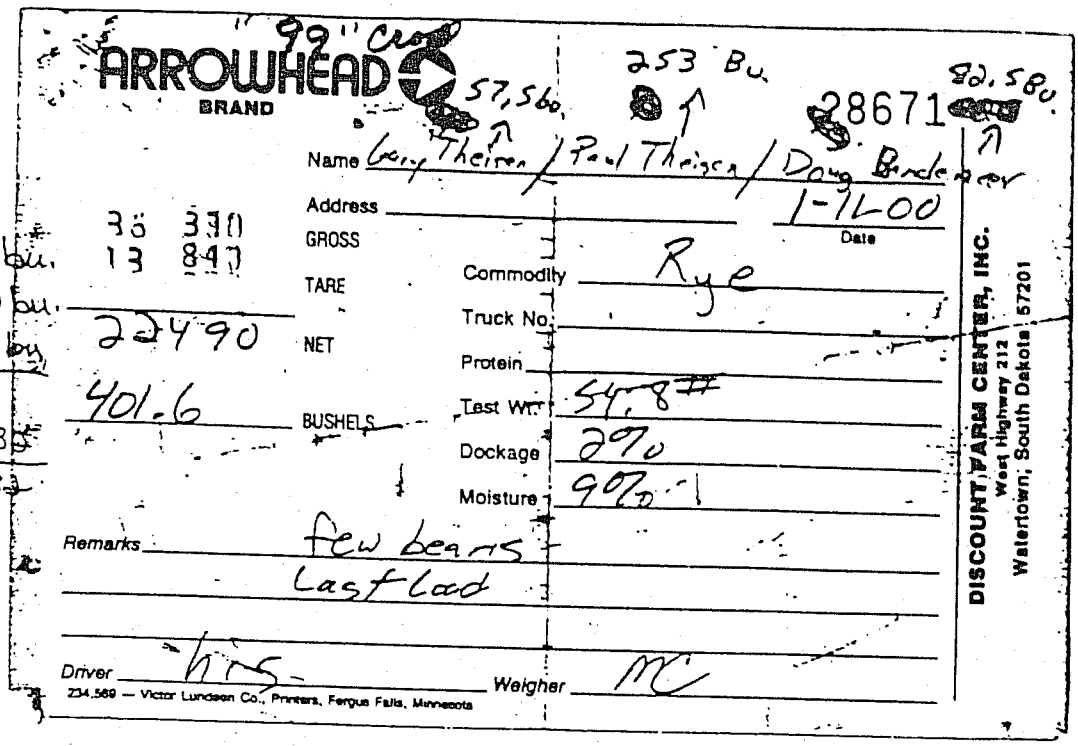
Notary

County of: Deuel

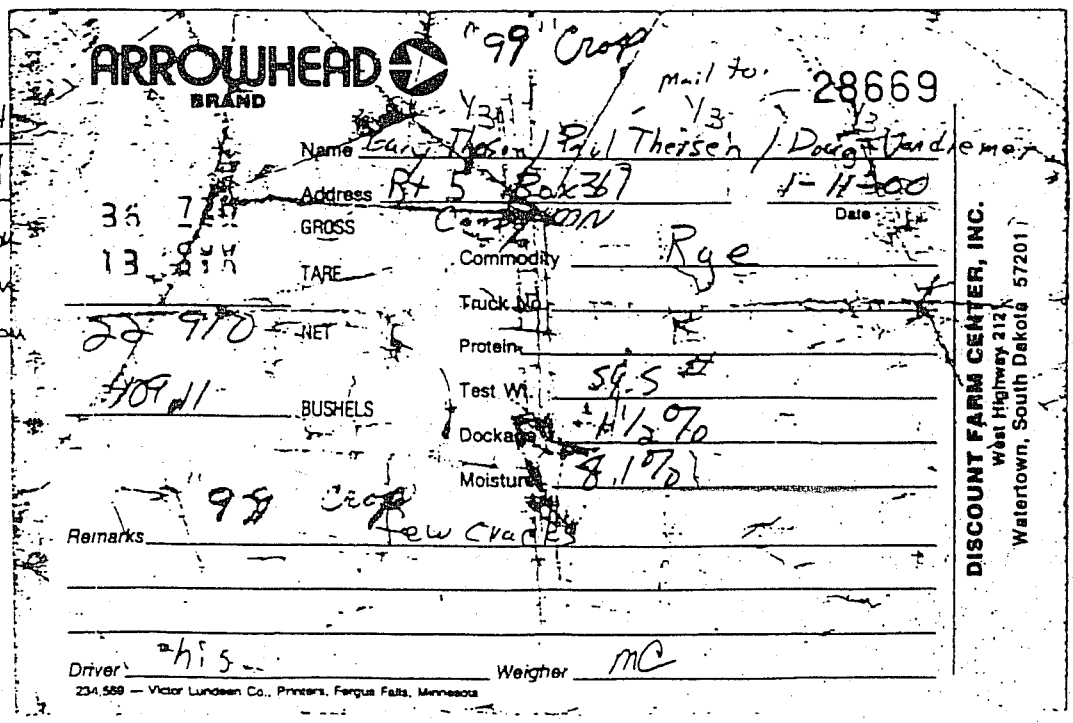
State of: South Dakota

Commission Expires: October 11 2006

Scale tickets




Gy Theisen 57.5 bu.
Theisen 253.0 bu.
Bandemer 82.5 bu
Net bushels: 393
xkage 2% 8.03
Total bushels 401.033




Bushels 409.11
Dockage @ 1½% = 6.14
3 | 402.97
Gy Theisen = 134.32 bu
Theisen = 134.32 bu
Bandemer = 134.32 bu

Amount due
Elevator.

Gy Theisen: 57.5 bu + 134.32 bu. = 191.82 bu @ $1.90 = $364.46 owed
Theisen: 253.0 bu + 134.32 bu = 387.32 bu @ $1.90 = $735.91 owed
Bandemer: 82.5 bu + 134.32 bu = 216.82 bu @ $1.90 = $411.96 owed

10

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Paul D Thiesen, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Agri Biotech, Inc. Discount Farm Center, Inc. located at west Highway 212 watertown, South Dakota 57201

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 29671 | 1-11-00 | rye | 253 | 1.90 | Farm Credit Service Madison SD |
| 28669 | 1-11-00 | rye | 134.32 | 1.90 | " " |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

Rye I sold that I had part interest in and didn't get paid for.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

RECEIVED

AUG 0 2 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Paul D Thiesen
Signature of Claimant

7-31-01
Date

RR 5 Box 367
Street/PO Box

Conby Minn 56220
City/State/Zip

507-277-5315
Telephone

Subscribed and sworn to me this 31st day of July, 2001.

Notary

County of: Deuel

State of: South Dakota

Scale tickets

"99" Crop

ARROWHEAD BRAND

28671

Name Gary Theisen / Paul Theisen / Doug Bandemer

Address

1-11-00 Date

| | | | |
|---|---|---|---|
| 57,560 | GROSS | 35 33(1) | |
| | TARE | 13 84(7) | |
| | NET | 22490 | |
| | BUSHELS | 401.6 | |

Commodity Rye

Truck No.

Protein

Test Wt. 54.8#

Dockage 2%

Moisture 9%

Remarks few beans
Last load

Driver his

Weigher MC

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

253 Bu

82.58u.

Gary Theisen 57.5 bu.
Paul Theisen 253.0 bu.
Doug Bandemer 82.5 bu.

Net bushels: 393
Dockage 2% 8.03
Total bushels 401.03

"99" Crop

ARROWHEAD BRAND

Mail to: 1/3 1/3 1/3

28669

Name Gary Theisen / Paul Theisen / Doug Bandemer

Address Rt 5 Box 367 Watertown SD

1-18-00 Date

| | | | |
|---|---|---|---|
| 35 7(1) | GROSS | | |
| 13 8(1)(7) | TARE | | |
| 22 970 | NET | | |
| 409.11 | BUSHELS | | |

Commodity Rye

Truck No.

Protein

Test Wt. 56.5#

Dockage 1½%

Moisture 8.1%

Remarks "99" Crop Few Cracks

Driver his

Weigher MC

234,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

Total Bushels 409.11
- dockage @ 1½% = 6.14

3 | 402.97

Gary Theisen = 134.32 bu
Paul Theisen = 134.32 bu
Doug Bandemer = 134.32 bu

Total Amount due Claimant:

Gary Theisen: 57.5 bu + 134.32 bu = 191.82 bu @ $1.90 = $364.46 owed
Paul Theisen: 253.0 bu + 134.32 bu = 387.32 bu @ $1.90 = $735.91 owed
Doug Bandemer: 82.5 bu + 134.32 bu = 216.82 bu @ $1.90 = $411.96 owed

1 P

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Berlin Farmers Elevator, Richard Byer, Mgr. the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Agrobiotech located at Watertown, SD

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28579 | 12/14/99 | Rye | 921.58 | $1.90 | N/A |
| 28588 | 12/16/99 | Rye | 919.11 | $1.81 | N/A |
| 28594 | 12/17/99 | Rye | 908.86 | $1.85 | N/A |
| 28633 | 1/3/00 | Rye | 903.91 | $1.85 | N/A |
| 28636 | 1/4/00 | Rye | 904.08 | $1.90 | N/A |
| 28642 | 1/5/00 | Rye | 904.43 | $1.90 | N/A |
| 28653 | 1/6/00 | Rye | 908.67 | $1.85 | N/A |
| 28660 | 1/7/00 | Rye | 918.05 | $1.85 | N/A |
| | | | | | |

Total $ -$13,585.81

**Explanation of Claim:**

For Rye Sold & Delivered but not paid for.

RECEIVED

AUG 0 1 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Berlin Farmers Elv
Richard Byer

Signature of Claimant

7-27-01

Date

Box 28

Street/PO Box

Berlin ND 58415

City/State/Zip

701-883-5347

Telephone

Subscribed and sworn to me this 27 day of July, 20 01

Notary Michelle M. Sandness

County of: LaMoure

State of: North Dakota

MICHELLE M. SANDNESS
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires July 9, 2004

Commission Expires:

# SALES CONFIRMATION

Independent Seeds/ABT
West Highway 212- PO Box 84
Watertown, SD 57201
Phone: (605) 886-5888
Fax: (605) 886-3823

Date: 12-6-99 No:

Purchased From: Berlin Farmers Elev
Berlin, N. D.

| Quantity | Kind/Variety | Specifications / Packaging | Price |
|---|---|---|---|
| Apprx 7500 | ONE rye | Bulk, bin run | 1.90 |

Origin: North Dakota

FOB: Watertown

Routing: Selken

Terms: net 30

Delivery Date: December

Any claims due to shortages, quality or damage must be filed immediately upon receipt of product.
IF ABOVE CONFIRMATIONS IS NOT IN ACCORD WITH YOUR UNDERSTANDING, WIRE OR
EDIATELY. THIS CONTRACT WILL BE CONSIDERED ACCEPTED IF WE HAVE NOT HEARD FROM YOU
(Please sign and return copy)

Accepted By: Carter Boyer

Independent Seeds/ABT
Don LaVake
Don LaVake

Comments:

SHIPPER'S NO.

TRUCK LICENSE NO. 157 ND

TRAILER LICENSE NO. 20078 ND

DATE 12-13-99

# BERLIN FARMERS ELEVATOR

200 ELEVATOR AVENUE
P.O. BOX 28
BERLIN, NORTH DAKOTA 58415-0028

LADING NO. № 000322

CONSIGNED TO:

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRADE: Rye

GRADE & FACTORS

DESTINATION ELEVATOR: Discount Farm Center

LOCATION (CITY & STATE): Watertown, SD

DELIVER ON OR BEFORE

FREIGHT TO BE PAID BY ☑ SHIPPER ☐ BUYER

COMMENTS:

FREIGHT RATE ____ BU. ____ CWT.

• SHIPPER'S WEIGHT •

GROSS POUNDS

TARE POUNDS

NET POUNDS 52240

GROSS BUSHELS

NET BUSHELS

FREIGHT BILL

DATE

SCALE TICKET NO

DESTINATION WGHT

FREIGHT CHARGES

**CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.**

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown*

SHIPPER BERLIN FARMERS ELEVATOR

BY Richard Bayer

CARRIER SAME

ADDRESS

BY Willie Kassmon

CHAUFFEUR LICENSE NO.

V10028 • 221,754 • Victor Landeen Co., Printers, Fergus Falls, Minn. • 1-800-346-4870 285,847

ARROWHEAD BRAND

28579

Name Berlin Farmers Elev

Address

12-14-99 Date

GROSS 8C 831
TARE 28 731
NET 52130
BUSHELS 930.89

Commodity Rye
Truck No.
Protein
Test Wt. 57.2 #
Dockage 1.7%
Moisture 10.1%

Remarks

Driver his Weigher mc

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

V14,559 — Victor Landeen Co., Printers, Fergus Falls, Minnesota

PO # 5077
RR # 42062
2367

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

11440-

Producer Berlin Farmers Elevator Kind of Seed Rye

Address PO Box 28 Date 12-14-99

Town Berlin State ND Zip 58415 Truck his

| SHIPPER RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price / bu. | Total |
| Bill No. | | Bin | Bin | Tares | Weight | % Dock | Dockage | | | |
| 23509 | 117793 | 107 | 512 | | 52,130 | 1% | 521 | 921.59 bu 51,609 | 1.90 | 1751.02 |
| | | | | | | | | 033286 | | |

2367

Contracted?

If yes, to whom?

Marketing Recommendations & Other Information: We still have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but Farmers might need to empty a bin to put corn & Beans in it will need to sell Rye at that time

Agent [signature] 9/21/99 Date

Producer Date

SHIPPER'S NO.

TRUCK LICENSE NO. 157 ND

TRAILER LICENSE NO. 20018 ND

DATE 12-15-99

# BERLIN FARMERS ELEVATOR

200 ELEVATOR AVENUE
P.O. BOX 28
BERLIN, NORTH DAKOTA 58415-0028

LADING NO. № 000324

CONSIGNED TO:

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRADE: Rye

GRADES & FACTORS

DESTINATION OR ELEVATOR: Discount Farm Ctr

DELIVER ON OR BEFORE

LOCATION (CITY & STATE): Watertown, SD

FREIGHT TO BE PAID BY ☑ SHIPPER ☐ BUYER

COMMENTS:

FREIGHT RATE

BU.

CWT.

• SHIPPER'S WEIGHT •

GROSS POUNDS

TARE POUNDS

NET POUNDS 52060

GROSS BUSHELS

NET BUSHELS

FREIGHT BILL

DATE

SCALE TICKET NO.

DESTINATION WGHT

FREIGHT CHARGES

***CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.***

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown*

SHIPPER **BERLIN FARMERS ELEVATOR**

BY Richard Bayer

CARRIER SAME

ADDRESS

BY Willie Kassman

CHAUFFEUR LICENSE NO.

V10025 • 234,834 • Victor Lundeen Co., Printers, Fergus Falls, MN • 1-800-346-4870 285,847

ARROWHEAD GRAIN

2858

Name Berlin Farms Elev.

Address

12-16-99
Date

81 110 GROSS
29 120 TARE
51 990 NET
928,39 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.3901

Dockage 1% ~ 378 pounds 1% wb

Moisture 9.70%

Remarks

Driver

Weigher

DISCOUNT FARMS CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234,833 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

PO# 5987
Z# 49254
2371

RECEIVING REPORT
ABT of Watertown
AgriBio Tech, Inc.

11440

Received from: Berlin Farmers Elevator Kind of Seed: Rye
Address: PO Box 28 Date: 12-16-99
Town: Berlin State: ND Zip: 58415 Truck: his

| SHIPPER RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu | Total |
| Bill No. | | P.O. | Inv. | Tares | Weight | % Dock | Damage | | | |
| 28588 | 11783 | 97 | 573 | | 51,990 | 3,600 | | 49,390 | 1.81 | 1594.35 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | |

# BERLIN FARMERS ELEVATOR

200 ELEVATOR AVENUE
P.O. BOX 28
BERLIN, NORTH DAKOTA 58415-0028

SHIPPER'S NO.

TRUCK LICENSE NO. 157 ND

TRAILER LICENSE NO. 20048 ND

DATE 12-16-99

LADING NO. № 000325

FREIGHT BILL

DATE

SCALE TICKET NO.

DESTINATION WGHT.

FREIGHT CHARGES

CONSIGNED TO:

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRADE: Rye

GRADE & FACTORS

DESTINATION ELEVATOR: Discount Farm Ctr

LOCATION (CITY & STATE): Watertown SD

DELIVER ON OR BEFORE

FREIGHT TO BE PAID BY ☒ SHIPPER ☐ BUYER

FREIGHT RATE ____ BU.

____ CWT.

COMMENTS:

• SHIPPER'S WEIGHT •

GROSS POUNDS

TARE POUNDS

NET POUNDS 51460

GROSS BUSHELS

NET BUSHELS

CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.
The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.

SHIPPER BERLIN FARMERS ELEVATOR

CARRIER SAME

ADDRESS

BY Willie Kassmon

BY Richard Bayer

CHAUFFEUR LICENSE NO.

V10025 — 285,847

ARROWHEAD BRAND

28594

Name Berlin Farm Elev.

Address

12-17-99
Date

EC 3211 GROSS

28 915 TARE

51 410 NET

918.09 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.6

Dockage 1% 3% Part 1% Wheat

Moisture 9.5%

Remarks

Driver Tim

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

234,888 — Valley Landscape Co., Printers, Fergus Falls, Minnesota

PO #5990
L #43256
2373 ✓

RECEIVING REPORT

ABT™ of Watertown
AgriTillo Tech, Inc.

11440

Received from Berlin Farmers Elevator Kind of Seed Rye

Address PO Box 28 Date 12-17-99

Town Berlin State ND Zip 58415 Truck bis

| SHIPPING RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| Bill No. | | P.O | Tag | Tare | Weight | % Dock | Dockage | | | |
| 28594 | 11793 | 95 | 536 | | 51,410 | 1% bushel 2% check | 2056 | 881.32 49,354 | 1.85 | 1,630.44 |
| | | | | | | | | | | |
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| | | | | | | | | | | 2373 |

Acceptance of Grain

SHIPPER'S NO.

TRUCK LICENSE NO. 157 ND

TRAILER LICENSE NO. 2004 ND

DATE 1-3-2000

# BERLIN FARMERS ELEVATOR

200 ELEVATOR AVENUE
P.O. BOX 28
BERLIN, NORTH DAKOTA 58415-0028

LADING NO. № 000326

CONSIGNED TO:

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRADE: Rye

GRADE & FACTORS

DELIVER ON OR BEFORE

DELIVERY ELEVATOR: Discount Farm Center

LOCATION (CITY & STATE): Watertown, SD

* FREIGHT TO BE PAID BY ☒ SHIPPER ☐ BUYER

FREIGHT RATE

BU.

CWT.

COMMENTS:

* SHIPPER'S WEIGHT

GROSS POUNDS

TARE POUNDS

NET POUNDS 51280

GROSS BUSHELS

NET BUSHELS

FREIGHT BILL

DATE

SCALE TICKET NO.

DESTINATION WGHT.

FREIGHT CHARGES

**CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.**

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown*

SHIPPER BERLIN FARMERS ELEVATOR

BY Richard Bayer

CARRIER SAME

ADDRESS

BY Willis Kassmon

CHAUFFEUR LICENSE NO.

V19023 • 231,200 • Weber Landmark Co., Princeton, Peoples Nat. Intl • 1-800-346-4870 225,847

ARROWHEAD BRAND

28633

Name Berlin Farmers Elev

Address

Date 1-3-2000

79,980 GROSS

28,850 TARE

51130 Net

913.04 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 57.6

Dockage 1.7 1.0% 1% wet

Moisture 9.0%

Remarks

Driver

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

LADIN

FREIC

NO.

DATE

UNDS

SCALE

NDS

DEST

OS 80

SHELS

PO# 6207
RI# 43676
2391

ABT

RECEIVING REPORT

ABT of Watertown
Agritillo Tech, Inc.

Purchased from Berlin Farmers Elev. Kind of Seed Rape
Address PO Box 28 Date 1-3-00
Town Berlin State ND Zip 58415 Truck his

| SHIPPING RECORD Lot No. | Bag Count | OUR RECORD Lot No. Up | Lot No. Tag | Bag Count Tare | Commodity Weight | % Dock | Discharge | Net Bu. | Price | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| 28633 | 11793 | 9.6 | 5716 | 54130 | 1% bulk 1% | 1023 | 50.07 | 849.19 bu | 1.85 | 1655.32 |
| | | | | | | | | | 0330387 | |
| | | | | | 2% sprouts discount | | | | | |

2655

SHIPPER'S NO.

TRUCK LICENSE NO. 157 ND

TRAILER LICENSE NO. 20048ND

DATE 1-4-2000

# BERLIN FARMERS ELEVATOR

200 ELEVATOR AVENUE
P.O. BOX 28
BERLIN, NORTH DAKOTA 58415-0028

LADING NO. № 000327

FREIGHT BILL

DATE

SCALE TICKET NO.

DESTINATION WGHT.

FREIGHT CHARGES

CONSIGNED TO:

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRADE: Rye

GRADE & FACTORS

DESTINATION ELEVATOR: Discount Farm Ctr

LOCATION (CITY & STATE): Watertown, SD

DELIVER ON OR BEFORE

FREIGHT TO BE PAID BY ☑ SHIPPER ☐ BUYER

COMMENTS:

FREIGHT RATE

BU.

CWT.

• SHIPPER'S WEIGHT •

GROSS POUNDS

TARE POUNDS

NET POUNDS 51200

GROSS BUSHELS

NET BUSHELS

***CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.***

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown*

SHIPPER BERLIN FARMERS ELEVATOR

BY Richard Bayer

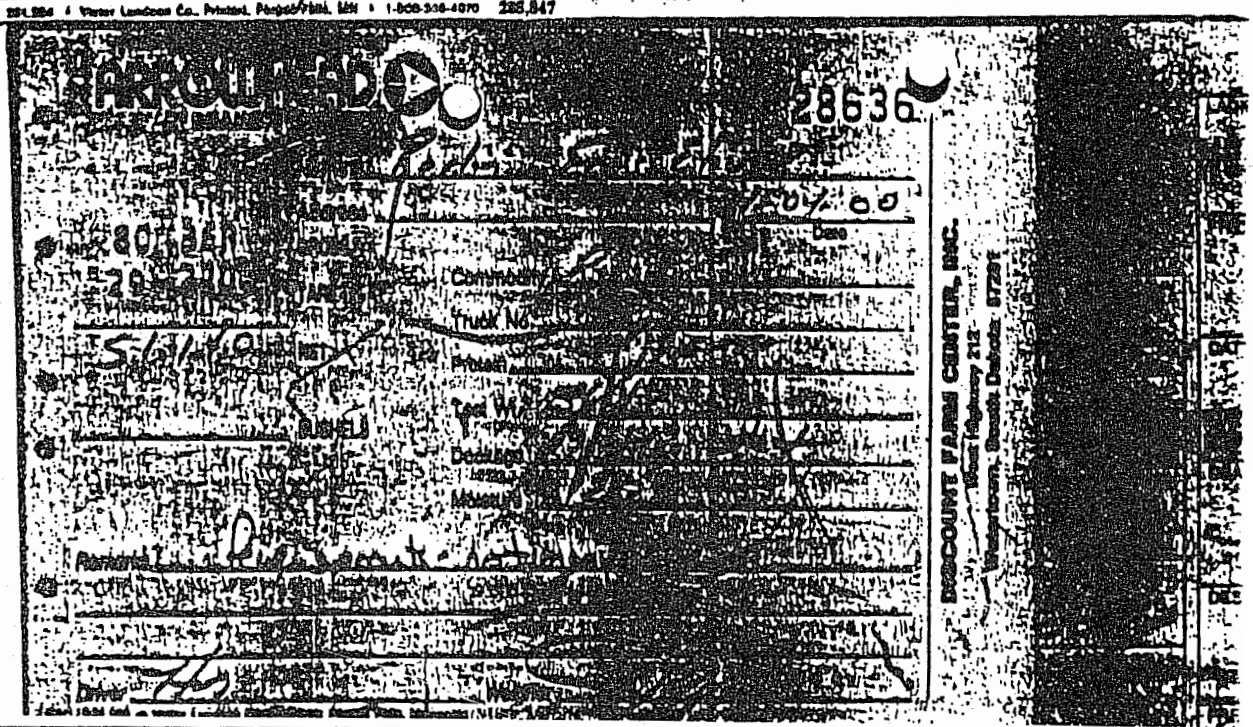
CARRIER SAME

ADDRESS

BY Willie Kassmon

CHAUFFEUR LICENSE NO.

V10028 • 251,264 • Voyer Landcore Co., Printed, Fergus Falls, Minn. • 1-800-346-4870 235,847



PO#6235
2394

RECEIVING REPORT

ABT of Watertown
AgriliteTech, Inc.

Kind of Seed Rye

Receipted from Berlin Farmers Elevator Date 1-4-00

Address PO Box 38 Truck his

Town Berlin State ND Zip 58415

| SHIPPER RECORD | | CUST. RECORD | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ bu. | Total |
| Bill No. | | K,O | Cat. | Tares | Weight | % Dock | Dockage | | | |
| 78636 | 117793 | K52 | Shell | | 51140 | 1% (Doubt) | 1023 | 50117 | 1.97 | 1700.41 |

SHIPPER'S NO.

STATE/LICENSE NO. 157 ND

TRAILER LICENSE NO. 20048 ND

DATE 1-5-2000

# BERLIN FARMERS ELEVATOR

200 ELEVATOR AVENUE
P.O. BOX 28
BERLIN, NORTH DAKOTA 58415-0028

LADING NO. № 000328

CONSIGNED TO:

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☒ STORAGE

GRADE: Rye

GRADE & FACTORS

DELIVERY ELEVATOR: Discount Farm Center

DELIVER ON OR BEFORE

LOCATION (CITY & STATE): Watertown, SD

• FREIGHT TO BE PAID BY ☐ SHIPPER ☐ BUYER

COMMENTS:

FREIGHT RATE ____ BU.

____ CWT.

• SHIPPER'S WEIGHT •

GROSS POUNDS

TARE POUNDS

NET POUNDS 51220

GROSS BUSHELS

NET BUSHELS

FREIGHT BILL

DATE

SCALE TICKET NO.

DESTINATION WGHT

FREIGHT CHARGES

**CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.**

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown*

SHIPPER **BERLIN FARMERS ELEVATOR**

CARRIER SAME

ADDRESS

BY Willie Kassmann

BY Richard Bayer

CHAUFFEUR LICENSE NO.

V10928 • 594,594 • Valley Lundeen Co., Printers, Fergus Falls, Minn. • 1-800-346-4870 285,847

ARROWHEAD BRAND

28642

Name Berlin Farmers Elev

Address

1-05-00 Date

80 21M GROSS

29 03M TARE

51 160 NET

918.57 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 56

Dockage 1%

Moisture 11.7

Remarks

Driver

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

NO.

GROS

OS

0

HELS

594,593 — Valley Lundeen Co., Printers, Fergus Falls, Minnesota

PO # 6283
ID # 43908
2397

RECEIVING REPORT

ABT™ of Watertown
AgriBiotech, Inc.

11-4-99

Kind of Seed Rye

Purchased from Berlin Farmers Elevator Date 1-5-00

Address PO Box 38

Town Berlin State ND Zip 58415 Truck bin

| THEIR RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ | Total |
| Del. No. | | M.P. | Del. | Tare | Weight | % Dock | Discharge | | | |
| 28642 | 71793 | 113 | 56 | | 51160 | 1% | 512 | 50648 | 1.90 | 1718.42 |

8399

SHIPPER'S NO.

TRUCK LICENSE NO. 157 ND

TRAILER LICENSE NO. 20048 ND

DATE 1-6-2000

# BERLIN FARMERS ELEVATOR

200 ELEVATOR AVENUE
P.O. BOX 28
BERLIN, NORTH DAKOTA 58415-0028

LADING NO. № 000330

FREIGHT BILL

DATE

SCALE TICKET NO.

DESTINATION WGHT

FREIGHT CHARGES

CONSIGNED TO:

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

GRADE: Rye

GRADE & FACTORS: #2

DESTINATION ELEVATOR: Viscount Farm Center

LOCATION (CITY & STATE): Watertown SD

DELIVER ON OR BEFORE

FREIGHT TO BE PAID BY ☑ SHIPPER ☐ BUYER

COMMENTS:

FREIGHT RATE ____ BU. ____ CWT.

• SHIPPER'S WEIGHT •

GROSS POUNDS

TARE POUNDS

NET POUNDS 52020

GROSS BUSHELS

NET BUSHELS

**CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.**

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown*

SHIPPER **BERLIN FARMERS ELEVATOR**

BY Richard Boyer

CARRIER Berlin Farmers Elev

ADDRESS Berlin ND

BY Willis Kassman

CHAUFFEUR LICENSE NO.

V10025 · BN 284 · Weber Lankton Co., Printers, Fargo Falls, MN · 1-800-346-Print · 285,847

ARROWHEAD BRAND

28660

Name Berlin Farmers Elev

Address

Date 1-7-00

80 770 Gross

28 840 Tare

51930 Net

Commodity Rye

Truck No.

Protein

Test Wt. 52

Dockage

Moisture 10.2

92.32 BUSHELS

Remarks Last Load

Driver

Weigher MC

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

NO.

PUNDS

NDS

IDS 020

BUSHELS

PO #6335
R #44087
2408

RECEIVING REPORT

ABT of Watertown
AgriBio Tech, Inc.

11440

Received from Berlin Farmers Elev. Kind of Seed Rye

Address PO Box 28 Date 1-7-00

Town Berlin State ND Zip 58415 Truck his

| SHIPPER'S RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ Bu. | Total |
| Bill No. | | M.O | Ctr. | Tares | Weight | % Dock | Dockage | | | |
| 28460 | 11793 | 10 | 57 | | 51,930 | 1% | 1039 | 50,891 | 1.35 | 1681.22 |
| | | | | | | | | | .030867 | |
| | | | | | Discount for Sprouts | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | |

Rye  Base Price $1.90

| B/L | Gross Bushels | Dockage Bu. | Net Bushels | Discounts | $'s |
|---|---|---|---|---|---|
| #322 | 930.89 | 9.31 | 921.58 | — | $1751.00 |
| 12-14-99 | | | | | |
| #324 | 928.39 | 9.28 | 919.11 | 9¢ | $1663.59 |
| 12-14-99 | | | | | |
| #325 | 918.04 | 9.18 | 908.86 | 5¢ | $1681.39 |
| 12-12-99 | | | | | |
| #326 | 913.04 | 9.13 | 903.91 | 5¢ | $1672.23 |
| -3-00 | | | | | |
| #327 | 913.21 | 9.13 | 904.08 | — | $1717.75 |
| -4-00 | | | | | |
| #328 | 913.57 | 9.14 | 904.43 | — | $1718.42 |
| 1-5-00 | | | | | |
| #329 | 917.85 | 9.18 | 908.67 | 5¢ | $1681.04 |
| 1-6-00 | | | | | |
| #330 | 927.32 | 9.27 | 918.05 | 5¢ | $1698.39 |
| 1-7-00 | | | | | |
| Totals | 7362.31 | 73.62 | 7288.69 | | $13,583.81 |

1 Q

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Clarie Ortbaus, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Cenex Farm Center / AST located at Wian, SD.

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | Fall 99 | Soybeans | | 5.50 est | N/A |
| | | | | | |
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RECEIVED
AUG 0 1 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

**Explanation of Claim:**

This is an agreement for buying seed which was delivered for everybushel I soybeans I got in the Spring - I would deliver 2 1/4 bushels soybeans back in the fall. My claim is the over-run dollar amt of soybeans after the contract was fulfilled

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Clarie Ortbaus
**Signature of Claimant**

7-27-01
**Date**

44446 158th St
**Street/PO Box**

Florence SD 57235
**City/State/Zip**

605 778 2567
**Telephone**

Subscribed and sworn to me this 31st day of July, 20 01.

**Notary** Georgia Kahnke

**County of:** Codington

**State of:** South Dakota

**Commission Expires:** 1-9-07

B10 (Official Form 10) (Rev. 4/98)

| United States Bankruptcy Court | District Of Nevada | PROOF OF CLAIM |
|---|---|---|
| Name of Debtor: AgriBioTech, Inc., a Nevada corporation | Case Number: 00-10533-BLR | Creditor Number: F-320744 |

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

RECEIVED AND FILED

2000 JUL -7 A 11:24

U.S. BANKRUPTCY COURT
PATRICIA GRAY, CLERK

Name of Creditor:
ORTHAUS, CLAIRE

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Name and address where notices should be sent:
ORTHAUS, CLAIRE
44236 159TH ST
LAWRENCE, SD 57235

☐ Check box if you have never received any notices from the bankruptcy court in this case.

☐ Check box if the address differs from the address on the envelope sent to you by the court.

Telephone Number:

This space is for Court use only

Account or other number by which creditor identifies debtor:

Check here if ☐ replaces this claim ☐ amends a previously filed claim dated: _____

**1. Basis for Claim**

☑ Goods Sold
☐ Services Performed
☐ Money Loaned
☐ Personal Injury/wrongful death
☐ Taxes
☐ Other _____

☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
☐ Wages, salaries, and compensation (Fill out below)

Your SS#: _____ - _____ - _____

Unpaid compensation for services performed
from _____ (Date) to _____ (Date)

**2. Date debt was incurred:** Fall '99

**3. If court judgment, date obtained:**

**4. Total Amount of Claim at time Case Filed** $ 14850 ⁰⁰

If any part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach an itemized statement of all interest or additional charges.

**5. Secured Claim**

☐ Check this box if claim is secured by collateral (including a right of setoff).

Brief description of Collateral:

☐ Real Estate ☐ Motor Vehicle
☐ Other _____

Value of Collateral: $ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any $ _____

**6. Unsecured Priority Claim**

☑ Check this box if you have an unsecured priority claim

Amount entitled to priority $ 7425 ⁰⁰

Specify the priority of the claim:

☐ Wages, salaries, or commissions (up to $4,300), earned within 90 days before the filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. 507(a)(3)

☑ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).

☐ Up to $1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).

☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)

☑ Other - Specify applicable paragraph of U.S.C. § 507(a-__). See attached

*Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7. CREDITS:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. SUPPORTING DOCUMENTS** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain. If documents are voluminous, attach summary.

**9. DATE-STAMPED COPY:** To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

This Space is for Court Use Only

Date 7/5/00

Sign and print the name and title, if any, of the the creditor or the person authorized to file this claim (attach copy of power of attorney, if any): Claire T. Orthaus

1 R

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

MARK E. STEICHEN for Ankota the undersigned, do hereby submit this claim against any grain

ds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named

Agri-Bio Tech dba Discount Farm Center located at Watertown, SD

:ted below are the loads delivered which were not paid for:

| ale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | SEE ATTACHMENTS | | | RECEIVED |
| | | | | | AUG 0 1 2001 |
| | | | | | SOUTH DAKOTA PUBLIC UTILITIES COMMISSION |

xplanation of Claim:

Ankota delivered sunflowers @ with a total value of $87,875.83 and milo with a value of $2905.42 to Agri Bio Tech. We have not been paid, and are making this claim for $90,781.25

ttached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim nd state that it is true under penalty of law.

Mark E Steichen for Ankota
Signature of Claimant

7-31-01
Date

513 Dakota Ave. S., P.O. Box Q
Street/PO Box

Wessington Springs, SD 57382
City/State/Zip

(605) 539-1666
Telephone

Subscribed and sworn to me this 31st day of July, 2001.

CONNIE NESS NOTARY Seal PUBLIC

Notary Connie Ness

County of: Jerauld

State of: South Dakota

Commission Expires: 03-03

/

3F434 — AMERITGRAIN OPT — 08/22/94

20372 DISCOUNT FARM CENTER — COMMODITY: SUNFLOWER

| TICKET # | GROSS | DKT BARN | NET | TEST | WEIGHT | MOISTURE | | DOCKAGE | | RED. DAMAGE | | HEAT DAMAGE | | TOTAL DISC |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 6030.01 | 494.60 | 46.61 | 448.99 | 31.0 | 0.000 | 7.7 | 0.000 | 9.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6034.01 | 513.30 | 46.27 | 467.13 | 31.7 | 0.000 | 8.5 | 0.000 | 8.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6035.01 | 497.70 | 38.53 | 459.17 | 31.9 | 0.000 | 7.6 | 0.000 | 7.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6046.01 | 503.20 | 40.50 | 462.50 | 31.8 | 0.000 | 7.1 | 0.000 | 7.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6063.01 | 507.20 | 56.67 | 450.53 | 32.4 | 0.000 | 7.1 | 0.000 | 10.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6081.01 | 508.80 | 57.75 | 432.24 | 33.0 | 0.000 | 7.5 | 0.000 | 14.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6107.01 | 512.50 | 66.39 | 445.61 | 32.3 | 0.000 | 7.6 | 0.000 | 13.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6132.01 | 416.20 | 58.80 | 357.20 | 33.0 | 0.000 | 7.5 | 0.000 | 15.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6136.01 | 511.20 | 63.20 | 448.00 | 32.2 | 0.000 | 7.5 | 0.000 | 12.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6139.01 | 495.20 | 50.19 | 444.31 | 32.0 | 0.000 | 7.7 | 0.000 | 10.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6201.01 | 441.70 | 62.65 | 378.35 | 33.0 | 0.000 | 8.5 | 0.000 | 12.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6207.01 | 403.20 | 61.87 | 341.33 | 31.5 | 0.000 | 9.7 | 0.000 | 14.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6212.01 | 426.20 | 54.30 | 372.50 | 32.5 | 0.000 | 7.5 | 0.000 | 13.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6218.01 | 516.40 | 73.31 | 443.09 | 33.5 | 0.000 | 7.5 | 0.000 | 13.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6220.01 | 504.30 | 39.14 | 465.16 | 31.9 | 0.000 | 6.5 | 0.000 | 5.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6222.01 | 503.10 | 55.35 | 447.75 | 30.6 | 0.000 | 6.5 | 0.000 | 10.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6225.01 | 423.10 | 43.54 | 379.56 | 32.2 | 0.000 | 7.4 | 0.000 | 9.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6227.01 | 511.10 | 39.99 | 471.11 | 33.0 | 0.000 | 8.7 | 0.000 | 5.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6228.01 | 423.10 | 46.01 | 377.09 | 33.0 | 0.000 | 7.5 | 0.000 | 10.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6229.01 | 485.60 | 68.67 | 416.73 | 31.0 | 0.000 | 6.5 | 0.000 | 13.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6231.01 | 390.40 | 45.82 | 344.38 | 31.0 | 0.000 | 8.4 | 0.000 | 12.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6232.01 | 284.20 | 33.40 | 250.80 | 30.9 | 0.000 | 6.0 | 0.000 | 8.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6234.01 | 469.90 | 54.32 | 415.58 | 30.0 | 0.000 | 6.9 | 0.000 | 9.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6241.01 | 401.20 | 38.39 | 362.81 | 32.5 | 0.000 | 6.9 | 0.000 | 9.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6245.01 | 506.20 | 39.58 | 466.72 | 31.4 | 0.000 | 6.1 | 0.000 | 6.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6246.01 | 517.10 | 42.99 | 474.11 | 34.5 | 0.000 | 5.0 | 0.000 | 7.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6248.01 | 580.70 | 74.86 | 423.84 | 32.5 | 0.000 | 8.0 | 0.000 | 15.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6251.01 | 508.30 | 47.53 | 461.47 | 31.5 | 0.000 | 7.2 | 0.000 | 8.5 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| 6253.01 | 449.30 | 64.26 | 385.34 | 30.8 | 0.000 | 8.2 | 0.000 | 16.0 | 0.000 | 0.0 | 0.000 | 0.0 | 0.000 | |
| | | | AVERAGE | 32.1 | | 7.3 | | 10.3 | | 0.0 | | 0.0 | | |

| DIV. | SPT | TICKET# | GROSS | CONT# | PRICE | DIS/CM | DEL. DATE | SALE/AT CHECK# | FREIGHT | MKT. DUE |
|---|---|---|---|---|---|---|---|---|---|---|
| 3 | 0 | 6030.01 | 446.9900 | 7.00 | 0.0000 | 0.0000 | 08/15/00 | 3142.93 | 0.00 | 0.00 |
| 3 | 0 | 6034.01 | 460.1300 | 7.00 | 0.0000 | 0.0000 | 08/15/00 | 3241.91 | 0.00 | 0.00 |
| 3 | 0 | 6035.01 | 455.1700 | 7.00 | 0.0000 | 0.0000 | 08/15/00 | 3214.19 | 0.00 | 0.00 |
| 3 | 0 | 6046.01 | 462.5000 | 7.00 | 0.0000 | 0.0000 | 08/15/00 | 3237.50 | 0.00 | 0.00 |
| 3 | 0 | 6063.01 | 450.5300 | 7.00 | 0.0000 | 0.0000 | 08/15/00 | 315444 | 0.00 | 0.00 |
| 3 | 0 | 6081.01 | 432.2400 | | 0.0000 | 0.0000 | 08/15/00 | 3088.62 | 0.00 | 0.00 |
| 3 | 0 | 6107.01 | 445.6100 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3230.67 | 0.00 | 0.00 |
| 3 | 0 | 6132.01 | 357.2000 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2591.88 | 0.00 | 0.00 |
| 3 | 0 | 6136.01 | 448.0000 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3248.00 | 0.00 | 0.00 |
| 3 | 0 | 6139.01 | 444.3100 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3224.87 | 0.00 | 0.00 |
| 3 | 0 | 6201.01 | 378.3500 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2740.86 | 0.00 | 0.00 |
| 3 | 0 | 6207.01 | 341.3300 | 7.25 | 0.0000 | 0.0000 | 08/16/00 | 2474.64 | 0.00 | 0.00 |
| 3 | 0 | 6212.01 | 372.5000 | 7.25 | 0.0000 | 0.0000 | 08/16/00 | 2700.63 | 0.00 | 0.00 |
| 3 | 0 | 6218.01 | 443.0900 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3212.40 | 0.00 | 0.00 |
| 3 | 0 | 6220.01 | 465.1600 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3372.41 | 0.00 | 0.00 |
| 3 | 0 | 6222.01 | 447.7500 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 3246.19 | 0.00 | 0.00 |
| 3 | 0 | 6225.01 | 379.5600 | 7.25 | 0.0000 | 0.0000 | 08/15/00 | 2751.81 | 0.00 | 0.00 |

split
30 48 @ 7.00 ← = 1263.36
25 17 6 @ 7.25 = 1825.26
3088.62

AMKOTA CO-OP
OPEN GRAIN-OUT

:R434

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 3 | D | 6227.01 | 473.1100 | 7.25 | 0.3000 | 0.3000 | 02/16/00 | 3430.05 | 0 | 0.00 | 0.00 |
| 3 | D | 6228.01 | 387.0900 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 2806.40 | 0 | 0.00 | 0.00 |
| 3 | D | 6236.01 | 416.7300 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 3021.29 | 0 | 0.00 | 0.00 |
| 3 | D | 6239.01 | 344.9800 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 2500.38 | 0 | 0.00 | 0.00 |
| 3 | D | 6250.01 | 350.8000 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 2543.30 | 0 | 0.00 | 0.00 |
| 3 | D | 6264.01 | 415.5800 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 3012.96 | 0 | 0.00 | 0.00 |
| 3 | D | 6256.01 | 362.8100 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 2630.37 | 0 | 0.00 | 0.00 |
| 3 | D | 6326.01 | 468.7200 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 3398.22 | 0 | 0.00 | 0.00 |
| 3 | D | 6336.01 | 474.1100 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 3437.30 | 0 | 0.00 | 0.00 |
| 3 | D | 6342.01 | 433.8400 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 3145.34 | 0 | 0.00 | 0.00 |
| 3 | D | 6381.01 | 452.4700 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 3280.41 | 0 | 0.00 | 0.00 |
| 3 | D | 6383.01 | 385.6400 | 7.25 | 0.0000 | 0.0000 | 02/16/00 | 2795.89 | 0 | 0.00 | 0.00 |
| TOTAL | | | 12205.8000 | | | 0.00 | | | | 0.00 | 0.00 |

$ 87875.83

13870 DISCOUNT FARM CENTER  COMMODITY: MILO

| TICKET # | BUSHEL GROSS | BUSHEL SHRINK | BUSHEL NET | TEST WEIGHT | MOISTURE | F.M. | REG. DAMAGE | HEAT DAMAGE | TOTAL DISC |
|---|---|---|---|---|---|---|---|---|---|
| 6134.01 | 867.86 | 17.36 | 850.50 | 59.0 0.000 | 12.0 0.000 | 0.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| 6294.01 | 865.00 | 26.30 | 838.70 | 55.0 0.000 | 12.0 0.000 | 0.0 0.000 | 0.0 0.000 | 0.0 0.000 | |
| | | | AVERAGE | 57.5 | 12.0 | 0.0 | 0.0 | 0.0 | |

| | DIV. | OPT | TICKET# | BUSHEL | CONT# | PRICE | DIS/UM | DEL.DATE | SALEDATE | CHECK# | HANDLE | AMT. DUE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 3 | D | 6134.01 | 850.5000 | | 0.0000 | 0.0000 | 02/16/00 | | 0 | 0.00 | 0.00 |
| | 3 | D | 6294.01 | 838.7000 | | 0.0000 | 0.0000 | 02/16/00 | | 0 | 0.00 | 0.00 |
| TOTAL | | | | 1689.2000 | | | 0.00 | | | | 0.00 | 0.00 |

all 2 / 72 = $ 2905.42

| ---COMMODITY--- | ------OPTION------ | DIV. | ----BUSHEL---- |
|---|---|---|---|
| SUNFLOWER | DELAYED PRICE | 3 | 12,205.8000 |
| MILO | DELAYED PRICE | 3 | 1,689.2000 |

RECEIVING REPORT

**ABT** of Watertown
AgriBioTech, Inc.

2387

6703

Received from Amasta Coop Kind of Seed Mix

Address PO Box Q Date 12-23-99 1-3-00

Town Watertown Springs State SD Zip 57367 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. H₂O | Lot No. T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price/ bu. | Total |
| 28626 | 6294 | 13.8 | 59.7 | | 48,420 | 3% | 1453 | 856,70 lbs. 46967 | 1 1/2 | 1442.56 |
| | | | | | | | | | | |
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Rec'd 1/3/00

Jurgens Printing Form #1361

2387

2405.42

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

2348

Received from [illegible] Kind of Seed IN-16

Address [illegible] Date 12-7-99

Town Watertown Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28548 | 6184 | 12.2 | 59 | | 48,600 | 2% | 972 | 850.50bu. 47,628 | 1.72 | 146,286 |
| | | | | | | | | | | |
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Jurgens Printing Form #1281

2348

6703

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Ansata Kind of Seed Corn

Address PO Box 9 Date 11-16 & 17-99

Town Wessington Springs State SD Zip 57382 Truck

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 284715 | 6030 | 7.7 | 31 | | 493,410 | 9% | 4,441 | 44,899 | 7.00cwt | 3147.75 |
| 284772 | 6034 | 8.5 | 31.7 | | 503,410 | 8% | 4027 | 46,383 | 7.00cwt | 3247.81 |
| | | | | | 996,820 | | | 91,282 | | 6394.56 |

Jurgens Printing Form #1381

87875.83

6703

RECEIVING REPORT

**ABT™ of Watertown**
AgriBioTech, Inc.

2317

Received from Ankota — Kind of Seed Oils

Address PO Box 9 — Date 11-18-99

Town Wessington Springs — State SD — Zip 57382 — Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 258482 | 6035 | 7.6 | 31.9 | | 49,640 | 7½% | 3,723 | 45,917 | 7.00 | 3214.19 ✓ |
| | | | | | Don't | | | | | |
| | | | | | 11-19 | | | | | |

Argone Printing Form # 1281

2317

RECEIVING REPORT

# ABT of Watertown
AgriBioTech, Inc.

6703

2324

Received from Amity Co-op Kind of Seed Oils

Address PO Box 9 Date 11/23/99

Town Watertown State SD Zip 57201 Truck hrs

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28496 | 6046 | 7.1 | 31.8 | | 50,000 | 7½ | 3750 | 46,250 | 7⁰⁰ | 3237.50 |
| | | | | | | | | | | |
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DM 11/23

2324

Jargons Printing Form #1281

RECEIVING REPORT

ABT™ of Watertown

AgriBioTech, Inc.

2328

6703

Received from Ankota Kind of Seed Oils

Address Po Box Q Date 11-23-99

Town Watertown State SD Zip 57382 Truck h.s

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 79502 | 60163 | 7.1 | 32.4 | | 50,070 | 10% | 5007 | 45,063 | Trucut | 31,54.41 |

2328

Jurgens Printing Form #1201

RECEIVING REPORT

**ABT** of Watertown
AgriBioTech, Inc.

2332

6703

Received from Ankota — Kind of Seed Oils

Address PO Box 80 — Date 11-22-99

Town Wessington Springs — State SD — Zip 57382 — Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 29506 | 6081 | 75 | 332 | | 50,260 | 14% | 7036 | 43,224 | | |
| | | | | | | | | 18,044 | 7.00cwt | 1263.36 |
| | | | | | | | | 25,176 | 7.25cwt | 1825.26 |
| | | | | | | | | | | 3088.62 |
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Don Z 11-29

2332

Jurgens Printing Form #1281

6703

# RECEIVING REPORT

**ABT™ of Watertown**
AgriBioTech, Inc.

2349

Received from Ames Kind of Seed Oils

Address 26 Bixby Date 12-7-99

Town Wessington Springs State SD Zip 57382 Truck Ins

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ cwt. | Total |
| BOL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28549 | 6187 | 7.8 | 32 | | 51220 | 13% | 6658 | 44562 | 7.25 | 3,230.67 |
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Jargons Printing Form #1281

2349

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

2353

6703

Received from Ankota Coop Kind of Seed Oils

Address PO Box Q Date 12-8-99

Town Wessington Springs State SD Zip 57382 Truck Hills

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. H₂O | T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price / Cwt. | Total |
| 28555 | 6192 | 7.5 | 33 | | 41330 | 13½% | 5580 | 35750 | 7.25 | 2591.88 |
| 28558 | ~~6197~~ | 7.6 | 33.2 | | 51200 | 12½% | 6400 | 44800 | 7.25 | 3248.00 |
| | 6193 | | | | | | | 80,550 | | 5839.88 |
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12-9-99

Argus Printing Form #1301

2353

RECEIVING REPORT

# ABT of Watertown

AgriBioTech, Inc.

2356

6703

Received from AMES Coop Kind of Seed Corn

Address PO Box 9 Date 12-9-99

Town Watertown State SD Zip 57201 Truck 115

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ Cwt | Total |
| | | H2O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 285631 | 620 | 8.2 | 33 | | 42960 | 12% | 5155 | 37805 | 7.25 | 2740.86 |
| 285651 | 699.69 | 7.7 | 32 | | 49700 | 10½% | 5219 | 44481 | 7.25 | 3224.87 |
| | | | | | | | | 82,286 | | 5965.73 |
| | | | | | | | | | | |
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12-10-99

2356

Argus Printing Form #138

RECEIVING REPORT

# ABT of Watertown

AgriBioTech, Inc.

2362

Received from Anstutz — Kind of Seed Oats

Address [illegible] — Date 12-10-99

Town Watertown — State SD — Zip 57201 — Truck HS

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. H₂O | Lot No. T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price/ Cwt | Total |
| 285666 | 6207 | 9.7 | 31.5 | | 39,690 | 14% | 5557 | 34,133 | 7.25 | 247464 |
| | | | | | | | | | | |
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2362

Augens Printing Form #1281

6703

RECEIVING REPORT

**ABT™ of Watertown**
AgriBioTech, Inc.

2368

Received from Ankeny

Address 1200 8th S.E.

Town Watertown Station SD Zip 57201 Truck his

Kind of Seed Oils

Date 12-15-99

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. $H_2O$ | Lot No. T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price | Total |
| 28583 | 6218 | 7.8 | 32.5 | | 50930 | 13% | 6621 | 44309 | 7.25 | 3212.40 |
| | | | | | Don't 12/16 | | | | | |

Jurgens Printing Form # 1281

2368

RECEIVING REPORT

**ABT** of Watertown
AgriBioTech, Inc.

2370

6703

Received from Ankeny Coop — Kind of Seed Oils

Address PO Box 8 — Date 12-16-99

Town Wessington Springs — State SD — Zip 57382 — Truck 12

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ Cwt | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 295866 | 6220 | 6.6 | 31.9 | | 149750 | 6½ | 3234 | 146516 | 1.25 | 3372.41 |
| 295547 | 6212 | 7.3 | 32.5 | | 141620 | 10½ | 14370 | 37250 | 1.25 | 3700.63 |
| | | | | | | | | 33766 | | 6073.04 |
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12/13/99

Jurgens Printing Form #1261

2370

RECEIVING REPORT

**ABT™ of Watertown**
AgriBioTech, Inc.

6703 2372

Received from Ambition Kind of Seed Oils

Address PO Box 10 Date 12-21-[illegible]

Town Webster Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price / Cwt | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 38590 | 6222 | 6.8 | 30.6 | | 49750 | 10% | 4975 | 44,775 | 7.25 | 3,246.19 |
| 38593 | 6225 | 7.4 | 32.2 | | 41,710 | 9% | 3754 | 37,956 | 7.25 | 2,751.81 |
| | | | | | | | | 82,731 | | 5,998.00 |

12/20

Jurgens Printing Form #1261

2372

RECEIVING REPORT

6703

ABT™ of Watertown
AgriBioTech, Inc.

2374

Received from Ankota

Kind of Seed Oats

Address PO Box 9

Date 12-20-99

Town Wessington Springs State SD Zip 57382 Truck Ins

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. H₂O | Lot No. T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price/ Cwt | Total |
| 28595 | 6227 | 8.7 | 33 | | 50,600 | 6½ | 3289 | 47,311 | 7.25 | 3430.05 |
| 28598 | 6228 | 7.9 | 33 | | 43,010 | 10 | 4301 | 38,709 | 7.25 | 2806.10 |
| | | | | | | | | 86,020 | | 6,236.15 |
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Jurgens Printing Form #1261

2374

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

6703

2392

Received from Ambuta Coop — Kind of Seed Oils

Address PO Box Q — Date 1-4-00

Town Wessington Springs — State SD — Zip 57382 — Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28634 | 6336 | 6.1 | 31.4 | | 50.130 | 6½ | 3258 | 46872 | 7.25 | 3398.22 |
| | | | | | | | | | | |
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Jurgens Printing Form #1281

2392

RECEIVING REPORT

6703

**ABT™ of Watertown**
AgriBioTech, Inc.

2384

Received from Anaska — Kind of Seed Oils

Address PO Box Q — Date 12-22-99

Town Wessington Springs — State SD — Zip 57382 — Truck h.s

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. $H_2O$ | Lot No. T.W. | Bag Count Thins | Commodity Weight | Commodity % Dock | Commodity Dockage | Net lbs. | Price / cwt. | Total |
| 28613 | 6250 | lo | 30.9 | | 38550 | 9% | 3470 | 35080 | 7.25 | 2543.80 |
| | | | | | | | | | | |
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Jurgens Printing Form #1261

2384

RECEIVING REPORT

6703

ABT™ of Watertown
AgriBioTech, Inc.

2378

Received from [illegible] Co-op

Address PO Box 9

Town [illegible] State [illegible] Zip [illegible] Truck [illegible]

Kind of Seed Oils

Date 12-21-19

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. H₂O | T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price/ Cwt | Total |
| 286124 | 6236 | 6.8 | 31.8 | | 417,900 | 13% | 62.77 | 41,673 | 1.25 | 3,021.29 |
| 286115 | 6239 | 5.4 | 31 | | 383,320 | 10% | 38.32 | 345,188 | 1.25 | 250.38 |
| | | | | | | | | 76,161 | | 552.17 |
| | | | | | Non Z | | | | | |
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Jurgens Printing Form #1281

2378

RECEIVING REPORT

6703

ABT™ of Watertown
AgriBioTech, Inc.

2386

Received from Ahlers

Kind of Seed Oats

Address PO Box 9

Date 12-27-99 1-3-00

Town Watertown Region State SD Zip 57201 Truck

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. H₂O | Lot No. T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price/ Cwt. | Total |
| 28615 | 6260 | 59 | 303 | | 459220 | 9½% | 4362 | 41558 | 7.25 | 3012.96 |
| 28616 | 6266 | 6.9 | 323 | | 40090 | 9½% | 3809 | 36281 | 7.25 | 2630.34 |
| | | | | | | | | 77839 | | 5643.30 |
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Jargens Printing Form #1261

2386

RECEIVING REPORT

# ABT of Watertown
AgriBiotech, Inc.

6703 2396

Received from Andover Co-op Kind of Seed Oils

Address PO Box 9 Date 1-5-00

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ Cwt. | Total |
| BOL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28641 | 6336 | 5.0 | 31.5 | | 5098.0 | 7% | 356.9 | 4741.1 | 7.25 | 3437.30 |
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| | 12 bags | 1 | | | | | | | | |
| | 1-6-00 | | | | | | | | | |

2396

Jurgens Printing Form #1291

6703

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2402

Received from Ankrum Const. Kind of Seed Oats

Address PO Box 9 Date 1-16-00

Town Watertown State SD Zip 57201-2 Truck Miss

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ Cwt. | Total |
| BOL No. | | H,O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28648 | 6342 | 8 | 32.5 | | 51,040 | 15% | 7656 | 43,384 | 7.25 | 3145.34 |
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2402

Jurgens Printing Form #1201

RECEIVING REPORT

# ABT of Watertown

AgriBioTech, Inc.

6703 2413

Received from Ambuja Coop

Address PO Box 8

Town Wessington Springs State SD Zip 57382 Truck WS

Kind of Seed Oils

Date 1-12-06

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. / $H_2O$ | T.W. | Bag Count / Thins | Commodity / Weight | % Dock | Dockage | Net lbs. | Price / Cwt | Total |
| 28673 | 6381 | 7.2 | 31.5 | | 49450 | 8.5 | 4203 | 45,247 | 7.25 | 3280.41 |
| 28674 | 6383 | 8.2 | 30.8 | | 45910 | 16 | 7346 | 38564 | 7.25 | 2795.89 |
| | | | | | | | | 83,811 | | 6076.30 |
| 1/13 | 100 | | | | | | | | | |

Argens Printing Form (12)

2413

1 8

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Burton Hoovestol, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Discount Farm Center located at Watertown, SD 58201

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | 1-13-00 | Oats | 1548.44 | 1548.44 | |
| | 1-20-00 | Oats | 2071.88 | 2071.88 | |
| | 1-21-00 | Oats | 2292.80 | 2292.80 | |
| | 1-21-00 | Oats | 2260.83 | 2260.83 | |
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RECEIVED
JUL 31 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

**Explanation of Claim:**

Discount picked up these 4 loads of oats & we have never been paid for them. We never were issued scale tickets. These loads were weighed in Watertown and all the loads previous to these four they mailed a check within a few days.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Burton Hoovestol
Signature of Claimant

7-27-01
Date

3655 Co. Rd. 139
Street/PO Box

New Salem N. Dak. 5856.
City/State/Zip

701-843-7529
Telephone

Subscribed and sworn to me this 27th day of July, 2001.

Notary Sherry Dax

County of: Morton

State of: North Dakota

SHERRY DAX

Burton Hoovestol
3655 County Road 139
New Salem, ND 58563-9020

Discount Farm Center
Watertown, SD 58201

1-13-00 1,548.44 Bushels of oats
1-20-00 2,071.88 Bushels of oats
1-21-00 2,292.80 Bushels of oats
1-21-00 2,260.63 Bushels of oats
Total 8,056.94 Bushels of oats
@ $1.00 per bushel

Total due $8,056.94

1 T

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Dakota Mill & Grain, P.O Box 2340 Rapid C.C. SD 57709, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named

Agri-biotech, Inc. located at Watertown, SD

Listed below are the loads delivered which were not paid for:

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 84273 | 11/30/99 | Soft/buer | 535.28 cwt | 9.75/cwt | N/A |
| 84293 | 12/6/99 | " | 522.91 cwt | 9.75/cwt | N/A |
| | | | | | |
| 29420 | 12/30/99 | millet | 527.23 cwt | 4.35/cwt | N/A |
| 29421 | 12/30/99 | millet | 214.46 cwt | 4.35/cwt | N/A |
| | | | | | |
| 22284 | 1/13/00 | millet | 288.51 | 4.35/cwt | N/A |
| | 1/13/00 | millet | 320.07 | 4.35/cwt | N/A |
| | | | | | |

Explanation of Claim:

Total claim on the six loads is $17,446.04

RECEIVED

JUL 30 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Ron Mittel - Dakota Mill & Grain
Signature of Claimant

7-26-2001
Date

P.O Box 2340
Street/PO Box

Rapid C.C. SD 57709
City/State/Zip

605-342-3834
Telephone

Subscribed and sworn to me this 26th day of July, 2001.

Notary Dennis Quint

County of: Pennington

State of: South Dakota

Commission Expires: 1-16-07

UNITED STATES WAREHOUSE ACT (Grain Regulations) and Weight Certificate
(Inspection and Weighing Performed by an Official State Grain Inspection Agency)

**DAKOTA MILL & GRAIN**

Date 11-15-22 22285

I hereby certify that I am employed by the United States Warehouse Act and that the facilities for grain inspection and weighing, as stated, are adequate and that the grain described below was inspected by me and weighed and loaded as stated above and that the weight and grade are correctly shown on this certificate.

DAKOTA MILL & GRAIN ELEVATOR, Rapid City, South Dakota 57709
A warehouse licensed under the said act and regulations, and that the grain described below was received in the warehouse or at the point designated above for loading, and is stored therein or loaded for shipment as stated below.

IN LOT OUTBD 1953

Authorized Agent

Driver's Name

Farmer's Name

From Place Rail Dam

Rail (Grain) 11 Car (Grain) Grade Moist %

| Vehicle and Grain | Number | Gross Wt. Lbs. | Tare Wt. Lbs. | Net Wt. Lbs. | Dock % | Net Wt. Lbs. |
|---|---|---|---|---|---|---|
| Vehicle | | | | | | BUS. |
| Gross Grain | | 136200 | 66450 | Gross | 0 | 53750 |
| Dockage | | | | Dockage | | |
| Net Grain | | | | Net | | |

Authorized Agent (Signature) Paul Hegyi/Jake

Trade or Commercial Name

Location

Grain Only

TRADE OR MARKETING AGREEMENT (Not applicable unless producer is also a warehouseman)
Producer has not signed any trade or marketing agreement.

SPOT SALE [ ] CONTRACT [X]

SHIPPED [ ] RECEIVED [ ] MIXED [ ]

# DAKOTA MILL & GRAIN

P.O. Box 1000
Rapid City, SD 57709

TRUCK SHIPMENT LADING

17823

SHIPPED TO

SHIPPER DAKOTA MILL & GRAIN

CONSIGNED Digest-Eze

ORIGIN EP

DESTINATION Eye Bee C

DATE LOADED 11-15-22

TIME

SPEC/GRADE Milled

WHSE RCPT

BUYER'S CONT NO

CARRIER'S SCALE TICKET NO 22122

UNLOADED

SCALE TICKET NO

CARRIER

| | LOADING | UNLOADING |
|---|---|---|
| DRIVER'S NAME | | |
| GROSS | 136200 | |
| TARE | 66450 | |
| NET | 69750 | |
| BUS | 1537.50 | |

DRIVER'S NAME

DRIVER'S SOC SEC NO

TRACTOR MAKE

LICENSE NO

TRAILER MAKE

SHIPPER'S SIGNATURE Jake Bell

DRIVER'S SIGNATURE

WHITE: PROOF GIVE THIS COPY TO DESTINATION
Consignee - Please attach to settlement

PINK: Mail this copy to Rapid City

GOLD: Loading Elevator Copy

DAKOTA MILL & GRAIN

TRUCK SHIPMENT LADING

17822

SHIPPED TO

SHIPPER: DAKOTA MILL & GRAIN

ORIGIN: Ellendale

DATE LOADED: 1-5-2010

CAR/TRUCK LOADED BY: Mike

LOADING WT. SCALE TICKET NO: 22107

LOADING / UNLOADING

GROSS: 51340

TARE: 21390

NET: 29950

SHIPPER'S SIGNATURE: [signature]

DESTINATION: Hazen - Dietsch

CONSIGNED TO:

FROM NAME / ADDRESS: Zinter Farms

DATE

MAKE

MAKE

DRIVER'S SIGNATURE: [signature]

STATE: DAKOTA GRAIN COPY TO ELEVATION

"Destination" Please return to Shipper

CARRIER: Dakota Grain Copy

DAKOTA MILL & GRAIN

BRAND

INITIAL

Dakota Mill & Grain

Dakota Mill & Grain

Dakota Mill & Grain

# DAKOTA MILL & GRAIN

P.O. Box 2340
Rapid City, SD 57709

TRUCK SHIPMENT LADING

12341

| | |
|---|---|
| SHIPPER FROM | SHIPPED TO |
| SHIPPER: DAKOTA MILL & GRAIN | CONSIGNEE: Agri-Biotech |
| ORIGIN: Midland | DESTINATION ELEV: |
| DATE LOADED: 12-22-99 SHIPPER'S CONT. NO.: P66934 | LOCATION: |
| GRAIN LOADED: Millet | DATE UNLOADED: BUYER'S CONT. NO.: |
| LOADING SCALE TICKET NO.: 29421 | UNLOADING SCALE TICKET NO.: |

| WEIGHTS | | CARRIER |
|---|---|---|
| | LOADING | UNLOADING |
| GROSS | 28780 | FIRM NAME: Little Denny's |
| TARE | 6440 | DRIVER'S NAME: Dan Lee |
| NET | 22340 | DRIVER'S ADDRESS: Wall SD |
| BUS | 496.86 | DRIVER'S LICENSE NO.: 333 [illegible] STATE: SD |
| | | TRACTOR MAKE: Fellows |
| SHIPPER'S SIGNATURE: Bob Olson | | TRAILER 7338 MAKE: Coulter |
| | | DRIVER'S SIGNATURE: [signature] |

WHITE: TRUCKER GIVE THIS COPY TO DESTINATION
Destination - Please retain for settlement
CANARY: Trucking Copy

PINK: Mail to DAKOTA MILL & GRAIN, Rapid City
GOLD: Shipper's Copy

---

29421

DAKOTA MILL & GRAIN
Station Midland

UNITED STATES WAREHOUSE ACT. Grain Inspection and Weighing Service
(Department of Agriculture of the United States Grain Standards Act)

I hereby certify that I am a licensee under the United States Warehouse Act and the regulations for grain warehouses thereunder, to inspect, grade and weigh the kind of grain covered by this certificate. Each of the grains stated in the grade column hereof is graded and weighed the following lot of grain received on to be stored in the

DAKOTA MILL & GRAIN ELEVATOR, Rapid City, South Dakota 5770
A warehouse business under said Act and regulations, and that the grade of each grain according the the official grain standards of the United States and the true weight thereof including dockage if any, were as stated below

IN OUTB

SIGNATURE

Account of

Owner's Name

Tenant's Name

Road

Vehicle and Grain

Gross Grain

Dockage

Net Grain

Vehicle and Grain

Gross Grain

Dockage

Net Grain

Net Wt. 60 lbs

BUS.

STORAGE TICKET NO.

ORIGINAL COPY - Mail Weights to

# DAKOTA MILL & GRAIN

P.O. Box 2340
Rapid City, SD 57709

TRUCK SHIPMENT LADING

12340

| SHIPPED FROM: | | SHIPPED TO: | |
|---|---|---|---|
| SHIPPER: | DAKOTA MILL & GRAIN | CONSIGNEE: | Agri - Biotech |
| ORIGIN: | Milbank | DESTINATION ELEV: | |
| DATE LOADED: | 12-29-99 | SHIPPER'S CONT NO: | 100934 |
| GRAIN LOADED: | Milled | LOCATION: | |
| LOADING SCALE TICKET NO: | 29430 | DATE UNLOADED: | BUYER'S CONT. NO. |
| | | UNLOADING SCALE TICKET NO: | |

| WEIGHTS | LOADING | UNLOADING |
|---|---|---|
| GROSS | 85080 | |
| TARE | 30160 | |
| NET | 54920 | |
| BUS | 1098.40 | |

CARRIER

FIRM NAME ADDRESS: Little Jenny's

DRIVER'S NAME: Don Litzen

DRIVER'S ADDRESS: Lidgerwood, ND

DRIVER'S LICENSE NO: SD 3943761 STATE: SD

DRIVER'S SOC. SEC. NO: [illegible]

LICENSE NO:

TRACTOR: MAKE: Ford

TRAILER: MAKE:

SHIPPER'S SIGNATURE:

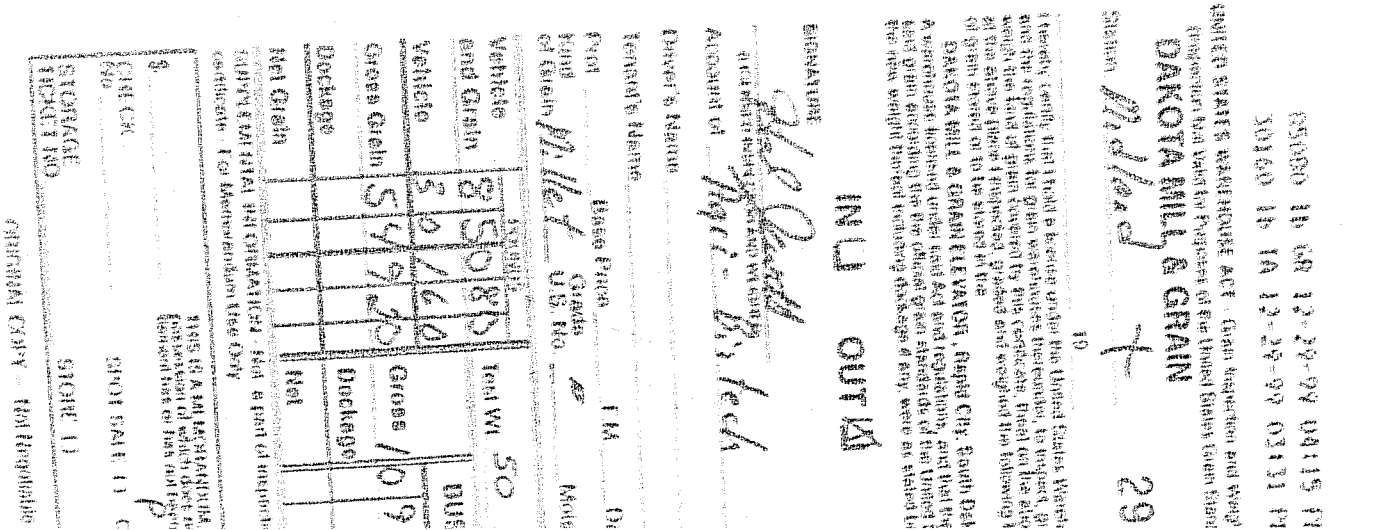
DRIVER'S SIGNATURE:

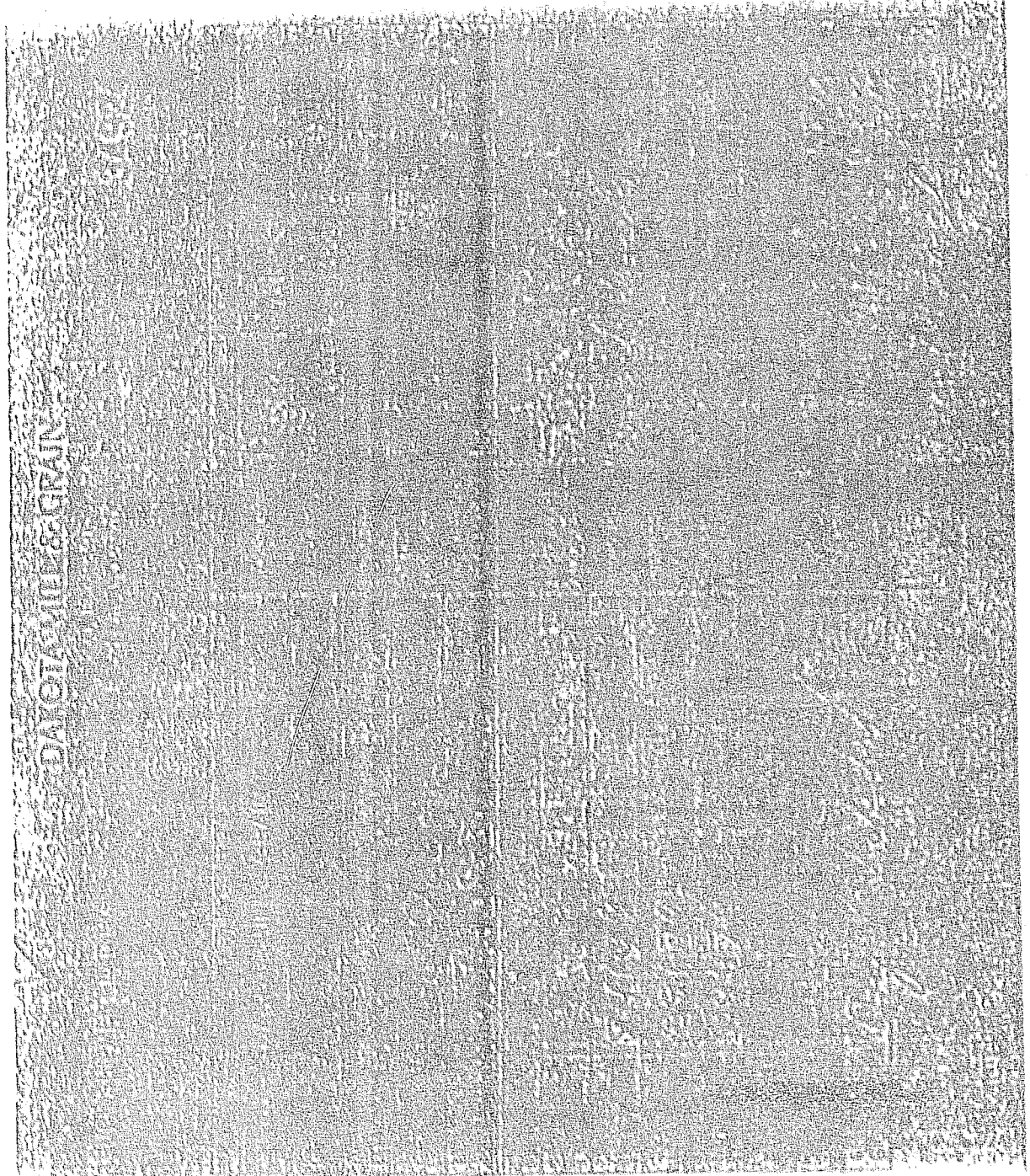
WHITE: TRACER CITE THIS COPY TO DESTINATION
Destination - Please attach to settlement

CANARY: Trucker's Copy

PINK: Mail Invoice to Rapid City

GOLD: Loading Elevator Copy





UNITED STATES WAREHOUSE ACT (Grain Inspection and Weight Certificate
(Inspection Not Valid for Purposes of the United States Grain Standards Act)

# DAKOTA MILL & GRAIN

084293

Station Sturgis

12-6 1999

I hereby certify that I hold a license under the United States Warehouse Act, and the regulations for grain warehouses thereunder, to inspect, grade and weigh the kind of grain covered by this certificate, that on the above date and at the above place I inspected, graded and weighed the following lot or parcel of grain stored or to be stored in the

DAKOTA MILL & GRAIN ELEVATOR, Rapid City, South Dakota 57709

A warehouse licensed under said Act and regulations, and that the grade of said grain according the the official grain standards of the United States, and the true weight thereof including dockage if any, were as stated below

IN ☐ OUT ☒ Pit 34924

SIGNATURE

Reb

REPRESENTATIVE (CERTIFICATE WRITER)

Account of Abrio Diabetes - Watertown

Driver's Name Zeg Trucking ON / OFF

Tenant's Name

Plat Base Price F.M. Dam. %

Kind of Grain Sunflowers Grade U.S. No. Moist. %

| | POUNDS | | | | | | |
|---|---|---|---|---|---|---|---|
| Vehicle and Grain | 8 | 4 | 1 | 4 | 0 | Test Wt | Dkg % |
| Vehicle | 2 | 3 | 6 | 7 | 0 | | BUS. |
| Gross Grain | 5 | 4 | 4 | 7 | 0 | Gross | |
| Dockage | | | | | | Dockage | |
| Net Grain | | | | | | Net | |

SUPPLEMENTAL INFORMATION - Not a part of inspection and weight certificate - For Memorandum Use Only

$ THIS IS A MEMORANDUM, non negotiable, possession of which does not signify that said farmers lien or lien has been consummated

CHECK No SPOT SALE ☐ CONTRACT ☒ 9810

STORAGE TICKET NO STORE ☐ NPE ☐

ORIGINAL COPY - Not Negotiable

# DAKOTA MILL & GRAIN

P.O. Box 2340
Rapid City, SD 57709

TRUCK SHIPMENT LADING

34921

| SHIPPED FROM | SHIPPED TO |
|---|---|
| SHIPPER: DAKOTA MILL & GRAIN | CONSIGNEE: Agribiotec - |
| ORIGIN: Sturgis | DESTINATION ELEV: Watertown S.D. |
| DATE LOADED: 11-29-99 SHIPPER'S CONT. NO.: P810 | LOCATION: |
| GRAIN LOADED: Safflower | DATE UNLOADED: BUYER'S CONT. NO.: |
| LOADING SCALE TICKET NO.: 84273 | UNLOADING SCALE TICKET NO.: |

| WEIGHTS | LOADING | UNLOADING |
|---|---|---|
| GROSS | 80800 | |
| TARE | 26180 | |
| NET | 54620 | |
| BUS | | |

CARRIER

FIRM NAME: Zieg Trucking
ADDRESS: Piedmont S.D.

DRIVER'S NAME: Vernon C McKenney

DRIVER'S ADDRESS:

DRIVER'S LICENSE NO: STATE: SD

DRIVER'S SOC. SEC. NO.:

LICENSE NO. TRACTOR: 64 MAKE: FL

TRAILER: 121, 122 MAKE: T/Tr

SHIPPER'S SIGNATURE: KS

DRIVER'S SIGNATURE: Vernon C McKenney

WHITE: TRUCKER GIVE THIS COPY TO DESTINATION
(Destination - Please attach to settlement)

PINK: "Mail this copy to Rapid City"

CANARY: "Trucker's Copy"

GOLD: "Loading Elevator Copy"

TED STATES WAREHOUSE ACT - Grain Inspection and Weight Certificate
Inspection Not Valid for Purposes of the United States Grain Standards Act

DAKOTA MILL & GRAIN

084273

tion Sturgis 19 99

hereby certify that I hold a license under the United States Warehouse Act, the regulations for grain warehouses thereunder, to inspect, grade and gh the kind of grain covered by this certificate; that on the above date and he above place I inspected, graded and weighed the following lot or parcel rain stored or to be stored in the

DAKOTA MILL & GRAIN ELEVATOR, Rapid City, South Dakota 57709

warehouse licensed under said Act and regulations; and that the grade of I grain according the the official grain standards of the United States, and new weight thereof including dockage, if any, were as stated below.

IN ☐ OUT ☒ 34921

B.I.

SNATURE

LICENSED INSPECTOR AND WEIGHER)

ON / OFF

count of Agribiotec - Watertown SD

iver's Name Zieg Tr.

nant's Name

ot. Base Price F.M. Dam. %

d Grade U.S. No. Moist. %

| | POUNDS | | | Test Wt. | Dkg. | % |
|---|---|---|---|---|---|---|
| hicle | 8 | 0 | 0 | | | |
| d Grain | 8 | 0 | 0 | | | |
| hicle | 2 | 6 | 1 | 8 | 0 | |
| oss Grain | 5 | 4 | 6 | 2 | 0 | Gross |
| ockage | | | | | | Dockage |
| t Grain | | | | | | Net |

BUS.

PPLEMENTAL INFORMATION - Not a part of Inspection and weight
rtificate - For Memorandum Use Only.

THIS IS A MEMORANDUM, non negotiable, possession of which does not signify that settlement has or has not been consummated

P810

IECK

SPOT SALE ☐ CONTRACT ☑

TORAGE
CKET NO.

STORE ☐ NPE ☐

ORIGINAL COPY — Not Negotiable

1 4

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Richard Kuecker, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Agri.biotech, Inc. located at Watertown, S.D.

Listed below are the loads delivered which were not paid for:

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28675 | 1/12/00 | Spring Wht | 870.6 | 3.90 | N/A |
| | | | | | |
| 28676 | 1/12/00 | Rye | 897.14 | 2.00 | N/A |
| 28684 | 1/13/00 | Rye | 895.18 | 2.00 | N/A |
| 28680 | 1/13/00 | Rye | 889.82 | 2.00 | N/A |
| 28686 | 1/13/00 | Rye | 891.25 | 2.00 | N/A |
| 28683 | 1/13/00 | Rye | 896.18 | 2.00 | N/A |
| 28688 | 1/14/00 | Rye | 902.50 | 2.00 | N/A |
| 28691 | 1/14/00 | Rye | 886.96 | 2.00 | N/A |

Explanation of Claim:

The above commodities were delivered to Agri.biotech, INC in Watertown S.D. Kuecker Seed Farm INC totat Claim is $15,914.60 Mike Huten was the person we delt with when selling our grain

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

RECEIVED
AUG 0 8 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Richard Kuecker
Signature of Claimant

Aug 7, 2001
Date

R3 Box 41
Street/PO Box

Webster S.D., 57274
City/State/Zip

605-345-3169
Telephone

Subscribed and sworn to me this 7th day of August, 2001.

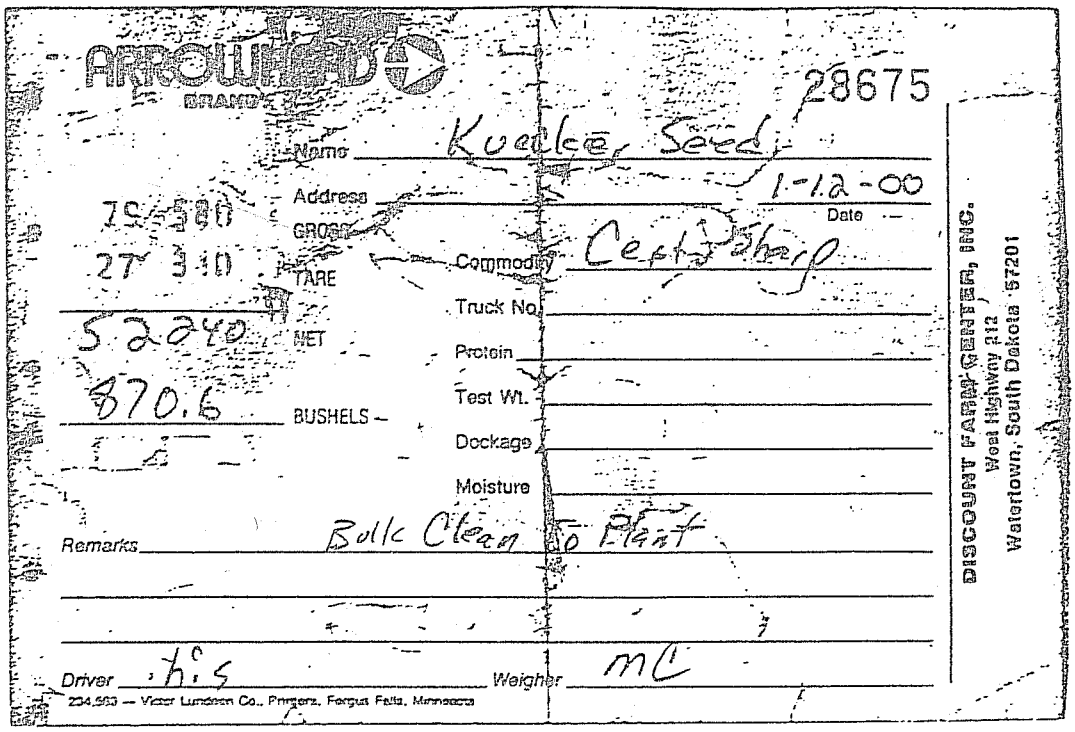
Notary Leon J. Vander Linden

County of:

State of:

LEON J. VANDER LINDEN
Notary Public – South Dakota
My Commission Expires Nov. 7, 2003

Commission Expires:



ARROWHEAD BRAND

28675

Name Kuecker Seed

Address

1-12-00
Date

GROSS 75 580

TARE 27 310

NET 52240

BUSHELS 870.6

Commodity Certified Sharp

Truck No.

Protein

Test Wt.

Dockage

Moisture

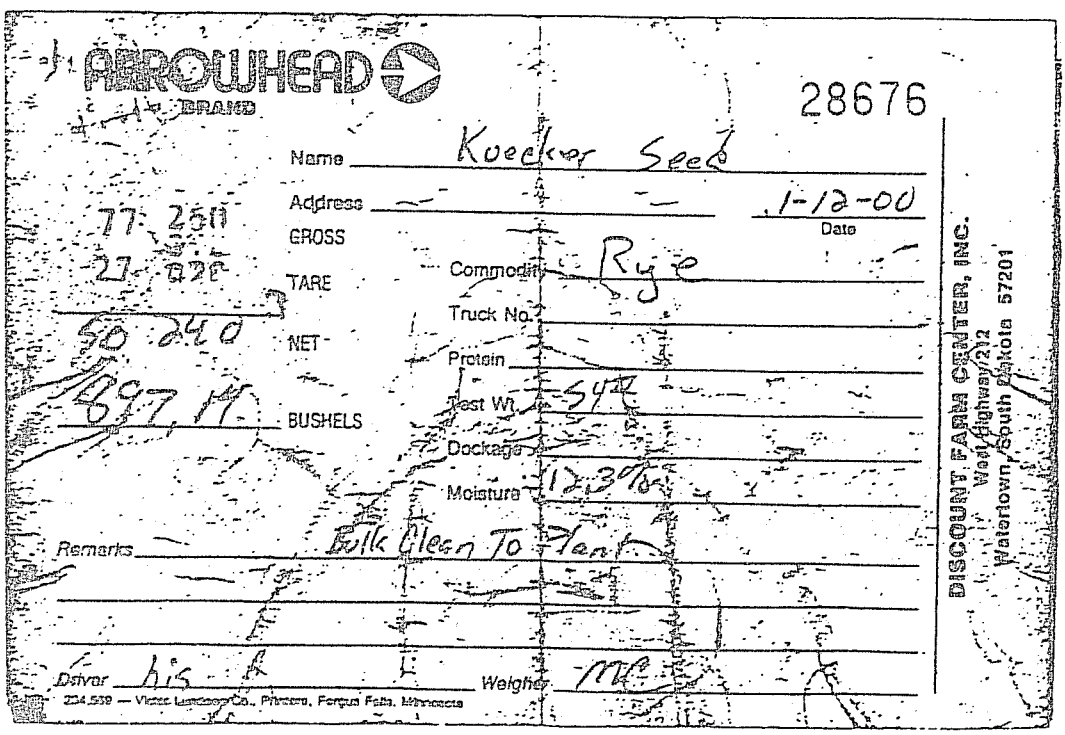
Remarks Bulk Clean To Plant

Driver T.S.

Weigher MC

234.563 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201



ARROWHEAD BRAND

28676

Name Kuecker Seed

Address

1-12-00
Date

GROSS 77 260

TARE 27 020

NET 50 240

BUSHELS 697.11

Commodity Rye

Truck No.

Protein

Test Wt. 54#

Dockage

Moisture 12.3%

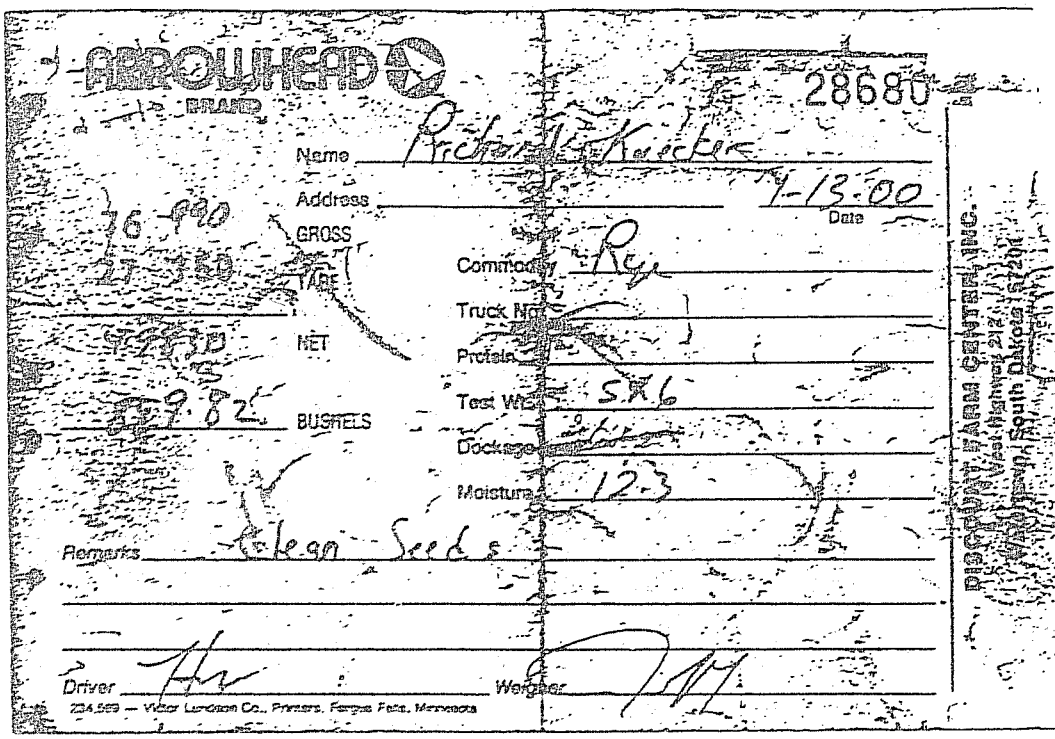
Remarks Bulk Clean To Plant

Driver T.S.

Weigher MC

234.539 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201



ARROWHEAD BRAND

28680

Name Richard Kreicker

Address

1-13-00
Date

GROSS 76 990

TARE 27 750

NET 49240

BUSHELS 898.2

Commodity Rye

Truck No.

Protein

Test Wt. 56

Dockage

Moisture 12.3

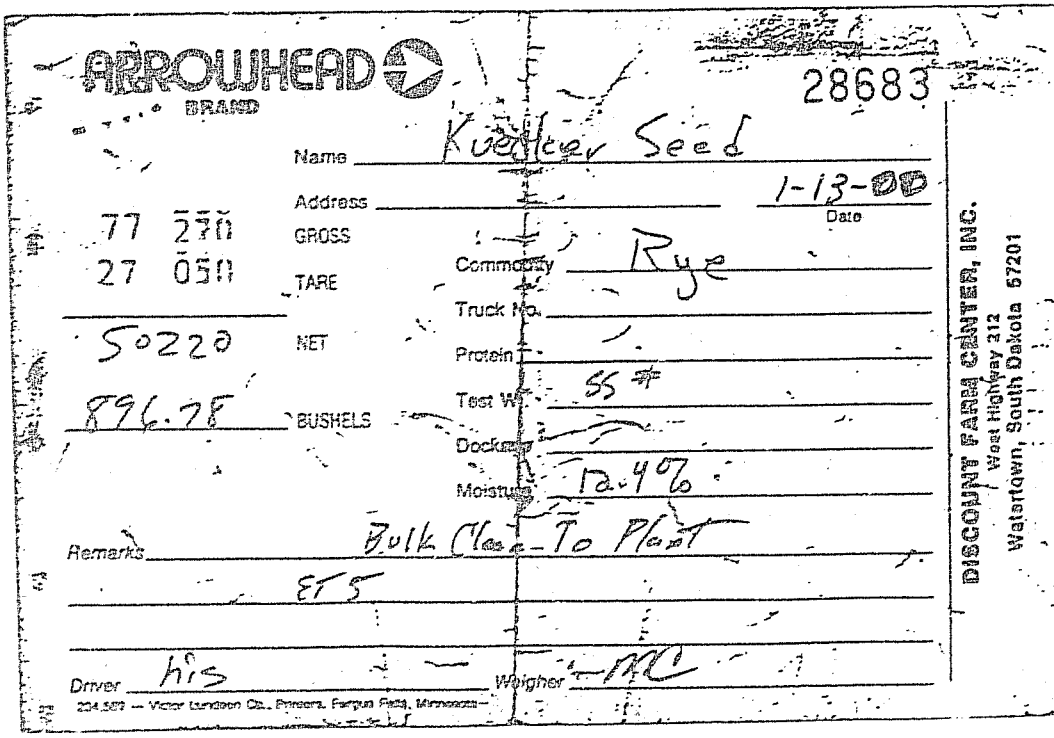
Remarks Tolgen Seeds

Driver

Weigher

204.569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201



ARROWHEAD BRAND

28683

Name Kuechler Seed

Address

1-13-00
Date

GROSS 77 270

TARE 27 050

NET 50220

BUSHELS 896.75

Commodity Rye

Truck No.

Protein

Test Wt. 55 #

Dockage

Moisture 12.4%

Remarks Bulk Clean - To Plant

ETS

Driver his

Weigher

204.569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28684

Name Kuecker

Address

1-12-00
Date

77 810 GROSS
-26 880 TARE
50 130 NET
895.18 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt.
Dockage
Moisture

Remarks ET #5

Driver [illegible] Weighed [illegible]

234.559 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28686

Name Kuecker Seeds

Address

1-13-00
Date

77 060 GROSS
27 150 TARE
49 910 NET
891.25 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt.
Dockage
Moisture

Remarks ET #5 Clean Seed

Driver Lis Weighed MC

234.559 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28688

Name Kvecker-Seed

Address

1-14-00
Date

77 520 GROSS
26 980 TARE
50540 NET
902.5 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt.
Dockage
Moisture

Remarks Clean Seed

Driver his Weigher MC

234,500 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28691

Name Kvecker Seed

Address

1-14-00
Date

76 870 GROSS
27 140 TARE
49730 NET
886.96 BUSHELS

Commodity Rye
Truck No.
Protein
Test Wt.
Dockage
Moisture

Remarks Clean Seed Last Load

Driver his Weigher MC

234,500 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

DELANEY, VANDER LINDEN & DELANEY
Attorneys at Law

P.O. Box 613 • 21 West Sixth Ave. • Webster, SD 57274
(605) 345-3321 • Fax # (605) 345-3651

Attorneys
James R. Delaney
Leon L. Vander Linden
Kyra Delaney
Thomas L. Sorrell

August 7, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

South Dakota Public Utilities Commission
ATTN: Bob Knadle, Director
Transportation/Warehouse Division
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: AgriBioTech, Inc.

Dear Mr. Knadle:

Our firm represents Kuecker Seed Farm, Inc. of Webster, South Dakota. Enclosed herewith is the original Proof of Claim for Cash Grain with attachments signed by our client.

If you need anything further, feel free to contact us.

Sincerely,

DELANEY, VANDER LINDEN & DELANEY

LLVL/esh

Enclosures

cc: Kuecker Seed Farm, Inc.

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

Kevin K [illegible], the undersigned, do hereby submit this claim against any grain

nds of applicable bond(s) for the following grain which I delivered and sold to a grain dealer named

Lutt Store & Feed Co located at Lutt Store SD

sted below are the loads delivered which were not paid for:

| cale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 25192 | 9-2-99 | Buckwheat | 30350 lbs | 9 cwt | [illegible] |
| 25196 | 9-2-99 | Buckwheat | 52040 lbs | 14 cwt | [illegible] |
| 25574 | 12-13-99 | Rye | 65 bu | 1.95 | [illegible] |
| 25606 | 12-21-99 | Rye | 9931 | 1.95 | [illegible] |
| 25596 | 12-20-99 | Rye | 10210 | 1.95 | [illegible] |
| 25527 | 12-2-99 | Canola | 21020 lbs | 5 cwt | [illegible] |
| 25528 | 12-2-99 | Canola | 3283 lbs | 5 cwt | [illegible] |
| 25602 | 12-20-99 | Rye | 561 | 1.95 | [illegible] |
| 25513 | 12-1-99 | Rye | 2665 | 1.95 | [illegible] |

xplanation of Claim:

Buckwheat was delivered in Sept 1999
was charged. This is not legal

Home # 605-756-4305 Dave Bruegger

tached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim
d state that it is true under penalty of law.

RECEIVED
AUG 0 8 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Lutt Store & Feed Co & Inc
Signature of Claimant

8-6-01
Date

Box 657
Street/PO Box

South Shore SD 57263
City/State/Zip

605-756-4305
Telephone

bscribed and sworn to me this 6 day of Aug, 2001

Notary Joseph G. Berg

County of: Grant

State of: South Dakota

Commission Expires: 8.11.2002

RECEIVING REPORT

ABT of Watertown
AgriTech Tech, Inc.

PO# 5528
Estelline

2337

Received from South Shore Elevator Kind of Seed Rye

Address P.O. Box 657 Date 12-1-99

Town South Shore State SD Zip 57263 Test Wt.

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price | Total |
| BOL No. | | H2O | T.W. | Tares | Weight | % Dock | Overage | | | |
| 28513 | 117793 | 9% | 57.3 | | 15290 | 1% | 229 | 168 93 lbs 15061 | 7.90 | 511.01 |
| | | | | | | | | | | |
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2337

6101 50 total
Fig

7251

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO # 5992
R # 43258
2375

Received from South Shore Elevator Kind of Seed Rye

Address PO Box 657 Date 12-20-99

Town South Shore State SD Zip 57263 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price / bu. | Total |
| BOL No. | | H2O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28596 | 11793 | 12.8 | 54 | | 58,950 | 1% damaged 2% | 1768 | 1021.09 bu 57,181 | 1 [illegible] | 1991.13 1940.07 |
| 28602 | | 10.8 | 57 | | 48,950 | 1½ | 734 | 861 bu. 48216 | 1 [illegible] | 1678.95 1635.90 |
| | | | | | | | | 105397 | | 3569.08 3670.05 |
| | | | | | | | | | [illegible] 034815 | |

2375

PO#.6050
R#43391
2379

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

7251

Received from South Shore Elevator Kind of Seed Rye

Address PO Box 157 Date 12-21-99

Town South Shore State SD Zip 57263 Truck bis

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / BOL No. | Bag Count | Lot No. H,O | Lot No. T.W. | Bag Count Tares | Commodity Weight | Commodity % Dock | Commodity Dockage | Net lbs. | Price/ bu. | Total |
| 28606 | 117793 | 9.4 | 57.3 | | 52360 | 1.5% | 784 | 919.21<br>51476 | 1.90 | 1792.46 |
| | | | | | | | | | | |
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2379

PO # 5846
R # 42026
2366

RECEIVING REPORT

ABT of Watertown
Watertown, SD

Received from South Shore Elevator (Keystone) Kind of Seed Rye

Address PO Box 457 Date 12-13-99

Town South Shore State SD To: 57263 Truck DIS

| SHIPPER'S RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / Bill No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Wt. | Price | Total |
| | | Lbs | Bu. | Tare | Weight | % Dock | Discharge | | | |
| 29574 | 117793 | 117 | 535 | | 3520 | 12 | 37 | 36832 | 4.75 bu. | 139.2 |
| | | | | | | | | | 43532 | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | |

01-26-00 10:58 FAX 605 886 3623 DISCOUNT FARM CENTER 001

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

PO # 5844
R # 42824
2338

125

Received from South Shore Elevator Kind of Seed Canola (Bulk)

Address P.O. Box 657 Date 12-2-99

Town South Shore State SD Zip 57263 Truck his

| SHIPPERS RECORD | | | | OUR RECORD | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| | | Hd | Twr. | Tares | Weight | % Dock | Shortage | | | |
| 35237 | 131408 | 8 | 52 | | 22020 | 4½ | 991 | 21029 | 8.50 Cwt | 1788.47 |
| 23528 | | 77 | 52 | | 3420 | 4 | 137 | 3283 | 8.50 Cwt | 279.06 |
| | | | | | | | | 24312 | | 2066.53 |
| | | | | | | | | | .0850004 | |
| | | | | | | | | | | 2,066.53 |
| | | | | | | | | | | 2338 |

Is the seed forward contracted?

If yes, to whom?

Marketing Need/Forecast & Other information: Sold as Bird Food, 12/13/99

Approval:

Name Date Name Date

2066.53 Cwt.

SOUTH SHORE ELEVATOR FROM:605 886 3623 P04

11 23 99 11:00 FAX 605 698 3633 DISCOUNT FARM CENTER

RECEIVING REPORT

ABI of Watertown
AgriBioTech, Inc.

PO# 5615
Rec# 42233

9257

2163

Received from South Shore Elev. Kind of Seed Buckwheat Seed

Address P.O. Box 657 Date Received 12-7-99

Town South Shore State SD Zip 57263 Truck 45

| SHIPPING RECORD | | | | CUM RECORD | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price | Total |
| BOL No. | | A/O | Elv. | Tare | Weight | % Dock | Discharge | | | |
| 28/80 | 127726 | 125 | #1 | | 52610 | ½ | 263 | 52347 | | |
| | | | | | | | | - 350 rec. 8235 | | |
| | | | | | | | | 52047 | 12.00 | 6245.64 |

2163

Sept 14 Buckwheat

RECEIVING REPORT

ABT of Watertown
Agritech, Inc.

PO# 4036
Rec# 43339
2164

Received from South Shore Elev. Kind of Seed Buckwheat (Bulked)

Address P.O. Box 667 Date Sunday 12-7-99

Town South Shore State S.D. Zip 57263 Truck U.S.

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | Bag Count | Commodity | | | | Net lbs. | Price | Total |
| PO# No. | | H.O | Elv. | Tickets | Weight | % Dock | Deductions | | | |
| 28192 | 12-726 | — | WW | | 33.00 | — | | 33.00 lb | | |
| | | | | | | | | - 1150 cwt 22/2 | | |
| | | | | | | | | 32,350 | | |
| | | | | | | | | - 2000 lbs 2/23 | | |
| | | | | | | | | 30,350 | 9¢ | 2731.50 |

2164

Jerry Long
1-773-3215

702-388-6257

Case # 00-10533 LBR

2731.50

17145.47
1000

01-25-00 09:56 TO:SOUTH SHORE ELEVATOR

# PROOF OF CLAIM FOR CASH GRAIN

1 W

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

Charles E. Olson, the undersigned, do hereby submit this claim against any grain

nds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named

Discount Farm Center Inc located at West Hwy 212, Watertown SD 57201.

sted below are the loads delivered which were not paid for:

| cale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28703 | 1-18-00 | Cert. Jerry Oats | 364.69 | 1.60/Bu | |
| 28702 | 1-18-00 | Cert. Jerry Oats | 786.56 | 1.60/Bu | |
| 28704 | 1-18-00 | Cert. Jerry Oats | 1257.81 | 1.60/Bu | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

RECEIVED

JUL 30 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Explanation of Claim:

Claimant delivered grain seed after claimant called elevator to establish current price of certified oat seed. Claimant expected full payment at the agreed upon price ($1.60/bu for 2469 Bu) from Discount Farm Center, Inc following Seed Certification Division issuing proof of sales fee paid by Claimant.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Charles E Olson
Signature of Claimant

7-26-01
Date

2163 456th Ave
Street/PO Box

Arlington SD 57212
City/State/Zip

605 983 5726
Telephone

Subscribed and sworn to me this 26th day of July, 2001.

Notary

County of: Kingsbury

State of: South Dakota

Commission Expires: 1-12-02

DAROLYN R. FLANERY
ATTORNEY AT LAW
129 S. MAIN BOX 322
ARLINGTON, SOUTH DAKOTA 57212
TELEPHONE: 605-983-5891
FAX: 605-983-5891

July 26, 2001

Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

RE: Charles E. Olson
ABT Unsettled or Unpaid Grain Transactions

Dear Sirs:

Per instructions in your letter dated 7-25-01, I am enclosing Proof of Claim for Cash Grain for Charles E. Olson. Mr. Olson sold 2409 Bu. of certified Jerry oats to Discount Farm Center, Inc. on January 18, 2000 for the agreed upon price of $1.50 per Bu.

Thank you for your assistance in this matter.

Very truly yours,

Darolyn Flanery

DF/df

Enclosures - 3

ARROWHEAD BRAND

28702

Name Charles Olson

Address 3711 Highway 212 Watertown, South Dakota 57201

Gross 19 440 lbs

Tare 24 210 lbs

Net 25170 lbs

Cents 78.56 cents

Commodity Corn Testy

Truck No. -

Protein 39 pts

Test Wt. -

Dockage 10.5 lbs

Moisture -

Date 1-18-00

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28704

Name Charles Olson

Address -

Gross 61 760 lbs

Tare 21 710 lbs

Net 40 050 lbs

Cents 125.781 cents

Commodity Corn Testy Oats

Truck No. -

Protein 38.6 pts

Test Wt. -

Dockage 7.8 lbs

Moisture -

Date 1-18-00

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28703

Name Charles Olson

Address [illegible] 1-18-00

Gross 20 850 lbs

Tare 9 190 lbs

Net 11 610 lbs

Cents 34.69 cents

Commodity Corn Testy

Truck No. -

Protein -

Test Wt. 38 pts

Dockage -

Moisture 10.3 lbs

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

Date 1-18-00

Buyer [illegible]

Weight [illegible]

Grade [illegible]

Basis – Farm Lumbers Co., Pierpont, South Dakota

## SOUTH DAKOTA CROP IMPROVEMENT ASSOCIATION BULK TRANSFER CERTIFICATE

GROWER: Complete and mail form before ... copy to each buyer of Certified seed. Retain one copy, and mail one ... the Seed Certification Service, SDSU, Box 2207A, Brookings, South Dakota 57007. Additional ... of bulk transfer certificates are available upon request.

I hereby certify that I have on the 18 day of January, 2000

I sold to Discount Farm Center, Inc. whose address is West Hwy 212, Watertown, SD

2409 bushels of Terry Oats (Name of crop) Class ☑ Certified ☐ Registered

Total paid in this transaction $ 3354.40

I hereby certify that the seed certified herein was produced in accordance with the standards of the South Dakota Crop Improvement Association, Brookings, South Dakota, and under supervision of the Seed Seed Certification Board, Pierre, South Dakota. I further certify that the information given herein was obtained by an official ... of a representative sample of the entire lot of seed.

LABELING INFORMATION (Obtained from official report)

| | | | |
|---|---|---|---|
| Pure seed | % | Germination | % |
| Inert Material | % | Certification tag No. | |
| Crop seed | % | Date tested | |
| Weed seed | % | Origin – South Dakota | |
| Noxious weeds | None | ARBITRATION: Sale subject to arbitration where applicable. | |

Charles E. Olson (Producer's Name) 21163 458th Ave. Arlington, SD 57212 (Producer's Address)

Every owner of South Dakota Certified bulk seed must be given a COPY of the bulk transfer certificate properly filled out and signed by the grower. The owner has use for bulk transfer certificate in identifying the seed source for Certification. Crop Improvement uses a duplicate for re-certification. Both sides will with be easily seen in the grower. In no case shall bulk seed be re-sold and certificates carefully retained.

NOTE: This form may be used to transfer registered seed approved seed to a purchaser or seed farms for seed cleaning and certification. The seeding information should be entered.

Original (white) copy should be sent to Seed Certification Service, S.D. Crop Improvement Association, Box 2207A, SDSU, Brookings, S.D. 57007

Canary (yellow) copy is purchaser's copy.

Pink copy is to be retained by Certified Grower.

---

RECEIPT No. 5629

Date 1-27 2000

## SEED CERTIFICATION DIVISION

Plant Science Department, SDSU
South Dakota Crop Improvement Assn.
Box 2207A
Brookings, S.D. 57007-1096

Name Charles E. Olson

Address 21163-458th Ave, Arlington, SD 57212

| | |
|---|---|
| FIELD INSPECTION | $ |
| SALES FEE 2% | Sales Tax 77.09 |
| Check # 5782 Citizens State Bank Arlington | |
| OTHER RECEIPTS | |
| TOTAL RECEIVED | $ 77.09 |

Paid Frank Oehlerking

1 X

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Byrl W. Logan, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named

_____ located at _____.

Listed below are the loads delivered which were not paid for: @ 1.90/bu.

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 7464 | 3-16-99 | Rye | 795.89 | 1512.19 | N/A |
| 7473 | 3-16-99 | Rye | 840.96 | 1597.82 | N/A |
| 7489 | 3-18-99 | Rye | 860.23 | 1634.44 | N/A |
| 7515 | 3-25-99 | Rye | 822.76 | 1563.24 | N/A |
| | | | | 6307.69 | |
| (.05¢/bu added to represent | | | Interest) | 166.00 | |
| | | | | 6473.69 | |
| | | | | | |
| | | | | | |

RECEIVED
JUL 30 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Explanation of Claim:

I Hauled the grain (rye) to Discount Farm Center in Watertown, SD in March of 1999. Discount Farm Center agreed to pay me $1.90/bu plus interest of $166.00 after Jan. 1st in year 2000. The first legal day in Jan 2000 I asked for my check. They said they would have the head office in Nevada send it. They did send it but to Raymond, S.D instead to Clark! The Raymond Post office sent it back to Nevada. The next thing I knew the company filed bankruptcy. I never got my check.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Byrl W. Logan
Signature of Claimant

July 26, 2001
Date

701 N. Smith St
Street/PO Box

Clark, So. Dak 57225
City/State/Zip

605-532-5790
Telephone

Subscribed and sworn to me this 26th day of July, 2001.

Notary John L. Olson

County of: Clark

State of: S. DAK.

Commission Expires: 9-7-2004

ARROWHEAD BRAND

27487

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

Name
Address
Date 3-18-99
Commodity
Truck No.
Protein
Test Wt.
Dockage
Moisture
Remarks
Driver
Weigher

GROSS 74 950
TARE 26 300
NET 48,600
BUSHELS 864.92

234.888 — Victor Lumsden Co., Pinnacle, Fergus Falls, Minnesota

ARROWHEAD BRAND

27515

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

Name
Address
Date 3-25-99
Commodity
Truck No.
Protein
Test Wt.
Dockage
Moisture
Remarks
Driver
Weigher

GROSS 72 620
TARE 24 140
NET 48,480
BUSHELS 861.07

234.888 — Victor Lumsden Co., Pinnacle, Fergus Falls, Minnesota

ARROWHEAD BRAND

27464

Name Burt Wagon

Address Clark, S. Dak. 3-16-99 Date

GROSS

TARE

NET

BUSHELS

Commodity

Truck No.

Protein

Test Wt.

Dockage

Moisture

Weights

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

— Victor Lundeen Co., Printers, Fergus Falls, Minnesota

ARROWHEAD BRAND

27473

Name Burt Wagon

Address Clark, So. Dak 3-16-99 Date

73 7[illegible]
26 2[illegible]

47 570 GROSS

TARE

NET

849.5 BUSHELS

Commodity

Truck No.

Protein

Test Wt. 58.0#

Dockage 1%

Moisture 8.9%

Weights

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

— Victor Lundeen Co., Printers, Fergus Falls, Minnesota

3 = 3/66

Setup = 12-31-99 1-7-20c
Change date w/ Flow Computer is here 1786

3317

# RECEIVING REPORT

## Discount Farm Center
Watertown, South Dakota

Received from Paul Logan Kind of Seed KY

Address Date 2-16-99

Town Clark Bypass State S.D. Zip 57223 Truck #2

SHIPPERS RECORD | F1 - E - 522-3505 | OUR RECORD

| Bag No. | Bag Count | Lot No. H2O | Lot No. T.W. | Bag Count Trans | Commodity Weight | Commodity % Dock | Commodity Dockage | Net lbs. | Price | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| [illegible] | 214200 | 10 | 57 | | [illegible] | 1 | [illegible] | 795.8964 41570 | 1 90/bu | 1512.19 |
| [illegible] | | 9.9 | 57.2 | | [illegible] | 1 | [illegible] | 840.9664 43944 | 1 90/bu | 1597.83 |
| 7177 | | 10.4 | 57 | | 48660 | 1 | 487 | 860.2364 47177 | 1 90/bu | 1634.44 |
| 7515 | | 9.0 | 57.2 | | 46540 | 1 | 465 | 822.7664 46075 | 1 90/bu | 1563.27 |
| | | | | | | | | | | 6307.66 |
| | | | | | | | | Interest | | 166.00 |
| | | Defer Payment until 2000 | | | | | | | | 15444.00 |
| | | | | | | | | | | 6473.66 |

Discount Farm Center
Approved For Payment
[illegible]
1-26-99
Date

[illegible] Printing Form 4/1231

DATE 3-30-99

THIS AGREEMENT, made and entered into by and between Discount Farm Center Inc. ("Buyer"), its principal place of business at West Highway 212 Wln SD ("Buyer") and Brul Logan Clark SD ("Seller") whose principal place of business is at ("Seller"),

parties hereto hereby promise and agree as follows:
Seller has sold (or sells) and Buyer has purchased (or hereby purchases) and acknowledges receipt of the following described grain(s):

| RECEIPT NO. | KIND OF GRAIN | NET BUSHELS | PRICE | AMOUNT |
|---|---|---|---|---|
| C 1786 | Rye | 3319.84 | $ 1.95 | $ 6473.68 |
| | | | $ | $ |
| | | | $ | $ |
| | | | $ | $ |
| | | | $ | $ |
| | | | $ | $ |

TOTAL GROSS AMOUNT: ..... $

LESS DEDUCTIONS: ..... $

$

NET AMOUNT: ..... $

PURCHASE PRICE: As and for the purchase price, Buyer promises to pay the "net amount" stated above.
DEFERRED PAYMENT: Which Buyer agrees to pay Seller between the dates of Jan 3 2000 and
LIENS: Seller hereby warrants to Buyer that all grain delivered hereunder is now and will remain up to and including the time of delivery, free of liens, encumbrances or security interests of any kind except as follows:

TITLE: Title to the grain shall pass to the buyer at time of delivery.
MERCHANTABLE QUALITY: All grain delivered under this contract shall be of merchantable quality, unadulterated, and unrestricted from movement in interstate commerce within the meaning of the federal Food, Drug and Cosmetics Act, Environmental Protection Agency tolerances, the United Grain Standards Act and Applicable state law. Seller expressly warrants that this grain was produced in the continental United States.
TAX CONSEQUENCES: Buyer has made no representations regarding the tax consequences of this contract.
ARBITRATION: Buyer and Seller agree that all disputes and controversies between them with respect to this contract shall be arbitrated by the and that judgement may be entered on the arbitration award by court of competent jurisdiction. Seller agrees to pay all Buyer's costs resulting from Seller's breach, including, but not limited to, reasonable attorney's fees and court costs.
BINDING EFFECT: This contract, and any amendments thereto agreed to mutually by the Seller and buyer, shall be binding upon and inure to benefit of the parties hereto and their respective heirs, personal representatives and successors of the respective parties. This contract may not be assigned.
FINAL AND COMPLETE AGREEMENT: This contract shall represent the final, complete and exclusive statement of agreement between the parties and may not be modified, supplemented or waived, except in writing signed by both parties.

IN WITNESS WHEREOF, the parties have signed this contract this day of (month), (year).

THIS CONTRACT IS NOT PROTECTED BY SOUTH DAKOTA WAREHOUSEMAN'S BOND OR GRAIN DEALER'S BOND COVERAGES."

SELLER: BUYER:

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Jay Grinde, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named ABT Farmers located at Watertown, SD

Listed below are the loads delivered which were not paid for:

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 28301 | | Spring Wheat | 857.19 | 1.30 bu | N/A |
| 28299 | | Spring Wheat | 875.88 | 1.30 bu. | N/A |
| 28303 | | Spring Wheat | 234 | 1.30 bu | N/A |

Explanation of Claim:

RECEIVED
SEP 27 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Jay Grinde
Signature of Claimant

Sept 21, 2001
Date

15473 451st Ave
Street/PO Box

Lake Alice, S.D. 57263-5302
City/State/Zip

605-886-8174
Telephone

Subscribed and sworn to me this 21st day of Sept 2001

Notary

County of: Codington

State of: SD

Commission Expires: 7-20-07

Staff_Exhibit 2

INDEX FOR SUMMARY OF CLAIMS PER STAFF
AGRIBIOTECH, INC.
NOVEMBER, 2001


| | |
|---|---|
| 1. Summary of claims per staff | Staff_Exhibit 2A |
| 2. Filed claims and staff recommendations | Staff_Exhibit 2B |

Staff_Exhibit 2A

SUMMARY OF CLAIMS PER STAFF
AGRIBIOTECH, INC.
NOVEMBER , 2001

PER STAFF:

| | |
|---|---|
| 1. Bond for license as a grain dealer effective for the period of July 1, 1999, through June 30, 2000 | $50,000.00 |
| Claims: | |
| 2. Staff recommended valid claims against bond | -$321,950.24 |
| 3. Balance | -$271,950.24 |

Sources:
Line 1: Bond number 400JR0028 posted by the surety St. Paul Fire & Marine Insurance Company, PO Box 1138, Baltimore, MD 21203-1138 on behalf of ABT.
Line 2: Staff_Exhibit 2B, page 2 of 2

**FILED CLAIMS AND STAFF RECOMMENDATIONS**
**AGRIBIOTECH, INC.**
**NOVEMBER , 2001**

| | | PROOF OF CLAIM | | | STAFF RECOMMENDATION | | |
|---|---|---|---|---|---|---|---|
| Name/Lien holder | Commodity | Date(s) of Delivery | Amount | Documentation | Amount | Documentation | Comments |
| Wishek Farmers Elevator | Rye | 11/16/99 – 12/10/99 | $12,631.05 | 1B | $12,631.05 | | |
| Farmland Atwood | Millet | 1/4/00 – 1/6/00 | $4,922.30 | 1C | $4,922.30 | | |
| North Pacific Trading | Nyger Seed | 12/9/99 | $25,245.00 | 1D | $25,245.00 | | |
| Vincent Ries | Rye | 12/20/99 – 12/21/99 | ***$1,443.37 + $5.00 + attorney fees*** | 1E | ***$1,443.37*** | | Difference is due to bank handling fee and attorney fees, which are not covered by the bond. NSF Check. |
| Hittle Trucking | Rye | 11/16/99 – 11/23/99 | $4,189.53 | 1F | $4,189.53 | | |
| Minnerath Farms | Rye & oats | 10/29/99 – 1/21/00 | $83,074.09 | 1G | $83,074.09 | 3A | |
| Douglas Bandemer | Rye | 1/11/00 | $411.96 | 1H | $411.96 | | |
| TBS Brokers | Rye | 12/15/99 – 1/6/00 | $6,785.74 | 1I | $6,785.74 | | |
| Randy Hausvik/ Spink County FSA and Farmers State Bank – Turton, SD | Rye | 12/6/99 – 12/13/99 | $3,227.66 | 1J | $3,227.66 | | NSF Check. |
| Vanderveen Commodity Service LTD | Rye | 1/3/00 – 1/21/00 | $16,665.89 | 1K | $16,665.89 | 3B | |
| Green Thumb Commodities | Sunflowers | 11/18/99 | ***$614.00*** | 1L | ***$600.00*** | | Difference is due to pallets, which are not covered by the bond. |
| David Hulscher | Oats | 1/13/00 – 1/20/00 | $7,878.88 | 1M | $7,878.88 | 3C | |

**FILED CLAIMS AND STAFF RECOMMENDATIONS**
**AGRIBIOTECH, INC.**
**NOVEMBER, 2001**

| | | PROOF OF CLAIM | | | STAFF RECOMMENDATION | | |
|---|---|---|---|---|---|---|---|
| Name/Lien holder | Commodity | Date(s) of Delivery | Amount | Documentation | Amount | Documentation | Comments |
| Gary Theisen/ Farm Credit Services–Madison, MN | Rye | 1/11/00 | $364.46 | 1N | $364.46 | 3D | |
| Paul Theisen/ Farm Credit Services–Madison, MN | Rye | 1/11/00 | $735.91 | 1O | $735.91 | 3E | |
| Berlin Farmers Elevator | Rye | 12/14/99 – 1/7/00 | *$13,583.81* | 1P | *$13,397.26* | 3f | Difference is due to dockage. |
| Clarie Orthaus | Soybeans | 10/20/99 – 10/21/99 | *$850.00* | 1Q | *$778.15* | 3G | |
| Amkota Coop | Sunflowers & milo | 11/16/99 – 1/12/00 | $90,781.25 | 1R | $90,781.25 | | |
| Burton Hoovestol | Oats | 1/13/00 – 1/21/00 | *$8,056.94* | 1S | *$8,045.96* | 3H | Difference is due to bushel discrepancy. |
| Dakota Mill & Grain | Millet & Safflower | 12/1/99 – 1/5/00 | *$17,446.04* | 1T | *$15,384.62* | 3I | Difference is due to dockage and mathematical error. |
| Kuecker Seed Farm | Certified Sharp Wheat & rye | 1/12/00 – 1/14/00 | *$15,914.60* | 1U | *$12,519.26* | | Certified wheat not covered by bond per SDCL 49-45-1.1(2). |
| South Shore Elevator | Rye, Canola & buckwheat | 12/1/99 – 12/21/99 | *$17,146.47* | 1V | *$10,900.83* | 3J | Buckwheat seed not covered by bond per SDCL 49-45-1.1(2). |
| Charles Olson | Certified Jerry Oats | 1/18/00 | *$3,854.50* | 1W | *$0.00* | 3K | Certified oats not covered by bond per SDCL 49-45-1.1(2). |
| Byrl Logan | Rye | 3/16/99 – 3/25/99 | *$6,307.69 + $166.00 for interest* | 1X | *$0.00* | | Deferred payment contracts not covered by bond per SDCL 49-45-9. |
| Jay Grinols | Oats | 10/2/99 | *$2,557.19* | 1Y | *$1,967.07* | 3L | Difference is due to bushel discrepancy. |
| Total | | | | | $321,950.24 | | |

Staff_Exhibit 3

INDEX FOR DOCUMENTATION FOR STAFF CHANGES AND CLARIFICATION TO PROOF OF CLAIMS

AGRIBIOTECH, INC.
NOVEMBER , 2001

| | |
|---|---|
| 1. Minnerath Farms | Staff_Exhibit 3A |
| 2. Vanderveen Commodity Service LTD | Staff_Exhibit 3B |
| 3. David Hulscher | Staff_Exhibit 3C |
| 4. Gary Theisen | Staff_Exhibit 3D |
| 5. Paul Theisen | Staff_Exhibit 3E |
| 6. Berlin Farmers Elevator | Staff_Exhibit 3F |
| 7. Clarie Orthaus | Staff_Exhibit 3G |
| 8. Burton Hoovestol | Staff_Exhibit 3H |
| 9. Dakota Mill and Grain | Staff_Exhibit 3I |
| 10. South Shore Elevator | Staff_Exhibit 3J |
| 11. Charles Olson | Staff_Exhibit 3K |
| 12. Jay Grinols | Staff_Exhibit 3L |

#6741

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO # 45111
R# 37235
2265

Received from Minnerath Farms & Bart of Hoven Kind of Seed Rye

Address PO Box 834 Date 10-29-99

Town Hoven State SD Zip 57450 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| OL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 18393 | 117793 | 10.7 | 57.8 | | 51,020 | ½ | 255 | 906.52 Bu. 50765 | 1.85 | 1677.0 |
| 18394 | | 10.7 | 56.6 | | 29,350 | ½ | 147 | 521.48 Bu. 29,203 | 1.85 | 964.74 |
| 18397 | | 10.6 | 55.8 | | 50,650 | 1% | 507 | 895.41 Bu. 50,143 | 1.85 | 1656.5 |
| 18398 | | 10.8 | 55.9 | | 28,850 | 1% | 289 | 510.02 Bu. 28,561 | 1.85 | 943.5 |
| | | | | | ~~159,870~~ 159870 | | | 158,672 | | 5241.8 |
| | | | | | | | | | | .0327882 |

due upon pymt till = Jan = 2000

2265

| | |
|---|---|
| contracted? | |
| If yes, to whom? | |
| Marketing Need/Forecast & Other Information | We will have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but farmers might need to empty a bin to put corn & Beans in it will need to sell Rye at that time. |

Approved: [signature] 9/21/99

Name Date Name Date

3A

PO# 4378
R# 37236
2266 ✓

# RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

6741

Receive from Dear Minnerath Farms + Bank of Hoven Kind of Seed Rye

Address PO Box 834 Date 10-29-99

Town Hoven State S.D. Zip 57450 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| No. | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 8402 | 117793 | 9.3 | 54.9 | | 51,170 | 1% | 512 | 904.61 Bu. 50,658 | 1.85 | 1673.53 |
| 8403 | | 9.8 | 56.1 | | 30,460 | 1% | 305 | 538.48 30,155 | 1.85 | 996.19 |
| | | | | | 81,630 | | | 80,813 | | 2669.72 |
| | | | | | | | | 0327051 | | |

defer pymt = Jan 3, 2000

2266

Agora Printing Form #1001

Contracted?

If yes, to whom?

Marketing Need/Forecast & Other Information: We still have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but Farmers might need to empty a bin to put corn & Beans in it's will need to sell Rye at that time

Approval: [signature] 9/21/99

Name Date

Name Date

6741

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO #4437
R #37475
2270 ✓

Received from Minnerath Farms & Barry Hoden  Kind of Seed Rye

Address PO Box 834  Date 11-1-99

Town Hoven  State SD  Zip 57450  Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| t No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| )L No. | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 18404 | 117793 | 10.3 | 57.2 | | 50,730 | 1% | 507 | 896.84 Bu. 50,223 | 1.85 | 1659.15 |
| 18406 | | 8.5 | 55½ | | 50,990 | ½% | 255 | 905.98 Bu. 50,735 | 1.85 Bu. | 1676.06 |
| 18405 | | 10.3 | 57.3 | | 29,680 | 1% | 297 | 524.70 Bu 29,383 | 1.85 | 970.70 |
| 18407 | | 9.8 | 55.6 | | 29,490 | ½% | 147 | 523.98 Bu 29,343 | 1.85 | 969.36 |
| | | | | | 1608.90 | | | 159,684 | | 5275.2 |
| | | | | | | | | .03278805 | | |
| | Defer pymt until = January 2000 | | | | | | | | | |

Form Printing Form 41281

2270

contracted?

If yes, to whom?

Marketing Need/Forecast & Other Information: We will have 230,000 Bu. on hand but we have 260,000 Bu sold, the price will go up, but Farmers might need to empty a bin to put corn & Beans in it will need to sell Rye at that time.

Approved: [signature] 9/21/99

Name  Date  Name  Date

6741

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

PO # 4438
R # 37776
2274

Received from Minnesota Farms & Bent 2 Hoosen Kind of Seed Rye

Address PO Box 834 Date 11-2-99

Town Nelson State SD Zip 57450 Truck his

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. / OL No. | Bag Count | Lot No. N.O | Lot No. T.W. | Bag Count Tares | Commodity Weight | Commodity % Dock | Commodity Discharge | Net lbs. | Price | Total |
| 28413 | 117793 | 10 | 58 | | 51,750 | 1/2% | 259 | 51491 | 1.85 | 1701.03 |
| 28414 | | 10 | 57.8 | | 32670 | 1/2% | 163 | 32507 | 1.85 | 1073.73 |
| | | | | | 844.20 | | | 83998 | | 2774.76 |
| | | | | | | | | -1383.76 | | |
| | Defer print until January, 2000 | | | | | | | | | |

2274

| | |
|---|---|
| Contracted? | |
| If yes, to whom? | |
| Marketing Need/Forecast & Other Information: | We will have 230,000 Bu on hand but we have 260,000 Bu sold, the price will go up, but Farmers might need to supply a bin to put corn & Beans in. It will need to sell Rye to the [illegible] |

Approval: [signature] 9/21/99

6741

RECEIVING REPORT

ABT of Watertown
AgriBiotech, Inc.

PO # 4493
PR 37782
2276

Received from Minnesota Farms & Dairy of Hazel Kind of Seed Beans

Address P.O. Box 834

Town Watertown State SD Zip 57201 Date 11-3-99

SHIPPERS RECORD

| | Bag Count | Lot No. | | Bag Count | Commodity | | | Our Record | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | H2O | T.W. | Tare | Weight | % Dock | Dockage | Net lbs. | Price | Total |
| 415 | 117793 | 8.3 | 57.1 | | 53,350 | ½% | 267 | 53,083 (54,775) | 1.85 | 1763.60 |
| 416 | | 8.9 | 57.1 | | 37,350 | ½% | 187 | 37,163 (66,350) | 1.85 | 1233.70 |
| 420 | | 8.7 | 57.5 | | 52,900 | ½% | 265 | 52,635 (53,991) | 1.85 | 1738.60 |
| 421 | | 8.9 | 57.4 | | 30,360 | ½% | 152 | 30,208 (32,096) | 1.85 | 997.95 |
| 423 | | 9 | 56.9 | | 54,310 | ½% | 272 | 54,038 (96,396) | 1.85 | 1785.15 |
| 424 | | 9.2 | 56.7 | | 34,900 | ½% | 175 | 34,725 (62,004) | 1.85 | 1147.17 |
| | | | | | 263170 | | | 261,852 | | 8650.45 |
| | | | | | | | | -238233 | | |

Defer Print until Jan = 2000

Printing Form #1731

2276

contracted?

If yes, to whom?

Marketing Need/Forecast & Other Information: We still have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but Farmers might need to empty a bin to put corn & Beans in it will need the soil type for that time

Approved: [signature] 9/21/99

6741

RECEIVING REPORT

ABT of Watertown
AgriaTech, Inc.

PO# 4566
R#37987
2282

Received from Minnesota Farms & Elev of Hayden Kind of Seed Rye

Address PO Box 834 Date 11-5-99

Town Watertown State SD Truck No. 57+53

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price | Total |
| | | H2O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 427 | 117793 | 8.7 | 57.1 | | 54,120 | ½% | 271 | 53849 | 1.85 | 1778.94 |
| 428 | | 8.9 | 57 | | 35,550 | ½% | 178 | 35,372 | 1.85 | 1168.53 |
| 430 | | 8.9 | 57.2 | | 30,540 | 1% | 305 | 30,235 | 1.85 | 998.63 |
| 429 | | 8.7 | 57.2 | | 49,940 | 1% | 499 | 49,441 | 1.85 | 1633.33 |
| 431 | | 8.8 | 57 | | 52,020 | 1% | 520 | 51500 | 1.85 | 1701.33 |
| 3432 | | 8.7 | 57 | | 28,810 | 1% | 288 | 28522 | 1.85 | 942.24 |
| | | | | | 250980 | | | 248919 | | 8223.20 |
| | | | | | | | | | .03274% | |

Defer pmt until Jan 3, 2000

Printing Form #1231

2282

contracted?

If yes, to whom?

Marketing Need/Forecast & Other Information: We will have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but Farmers might need to empty a bin to put corn & Beans in it, will need to sell Rye at that time.

Approved: [signature] 9/21/99

Name Date Name Date

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO #4596
R#30059
2284 ✓

Linneraath Farms & Bank of Hoven
Box 834
Kind of Seed Rye
Date 11-8-99
State SD Zip 57450 Truck his

| | Lot No. | | Bag Count | OUR RECORD Commodity | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | H,O | TW. | Thirds | Weight | % Dock | Dockage | Net lbs. | Price | Total |
| 3 | 10.4 | 57.3 | | 53,170 | Ø | | 949.46 53,170 | 1.85 Bu | 1756.50 |
| | 10.3 | 57 | | 30,320 | Ø | | 541.43 30320 | 1.85 Bu | 1001.65 |
| | 10.1 | 57 | | 51,340 | Ø | | 916.79 51,340 | 1.85 Bu | 1696.06 |
| | 10 | 57 | | 29,550 | Ø | | 527.68 29,550 | 1.85 Bu | 976.21 |
| | | | | 164380 | | | 164,380 | | 5430.42 |
| | | | | | | | | .0330358 | |

Not dated Jan 3, 2000

2284

We still have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but farmers might need to empty a lot of corn & Beans in it, will need to sell Rye at that time.

9/21/99

6741

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

PO #4651
RR 39274
2290

Received from Minnerath Farms & Bank of Hayden

Address PO Box 834 Kind of Seed Rye

City Hayden State SD Zip 57450 Date 11-9-99

Truck #'s

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | | | |
| | | H,O | EW. | Tibins | Weight | % Dock | Dockage | Net lbs. | Price | Total |
| 447 | 117793 | 9 | 56.8 | | 52390 | 1% | 524 | 51866 (526.13 Cr.) | 1.05 Bu. | 1713.43 |
| 448 | --- | 9 | 56.8 | | 28270 | 1% | 283 | 27987 (499.77 Cr.) | 1.85 | 924.57 |
| | | | | | 80,660 | | | 99,853 | Bu. | 2638.00 |
| | | | | | | | | .03270572 | | |

defer point until Jan 3, 2000

#1281

Contracted? 2290

If yes, to whom?

Marketing Lead/Forecast & other information: We still have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but Farmers might need to empty a bin to put corn & Beans in it will need to sell Rye at that time.

Issued: 9/21/99

Clerk

Checked

Date

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO # 5110

6741

R# 40829 2325 ✓

Received from Minnerath Farms + Bank of Hayen Kind of Seed Rye

Address PO Box 834

Town Hayen State SD Zip 57450 Date 11-22-99 Truck Dis

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 492 | 117793 | 8.4 | 57.2 | | 50,680 | ½% | 253 | 400.48 Bu. 50427 | 1 85 Bu. | 1665.89 |
| 493 | | 8.7 | 57.3 | | 30,280 | ½% | 151 | 538.02 Bu 30,129 | 1 85 | 995.34 |
| 494 | | 7.6 | 58 | | 51,820 | ½% | 259 | 920.93 51,561 | 1 85 | 1703.35 |
| 495 | | 7.5 | 57.8 | | 31,330 | ½% | 157 | 556.66 31,173 | 1 85 | 1029.82 |
| | | | | | 164110 | | | 163,290 | | 5394.40 |
| | | | | | | | | 02287064 | | |

different until Jan, 2000

contracted? 2325

If yes, to whom?

Marketing Need/Forecast & Other Information: We still have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but Farmer's might need to empty a bin to put corn & Bean in it will need to sell Rye at that time

Approval: [signature] 9/21/99

Date

6741

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO # 5525
R # 42165 ✓

2333 ✓

Received from Minnerath Farms + Bank of Haven Kind of Seed Rye

Address P.O. Box 834

City Haven State SD Zip 57450 Date 12-1-99

From Haven Truck his

| SHIPPERS RECORD | | | | OUR RECORD | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. H,O | Lot No. T.W. | Bag Count Thins | Commodity Weight | % Dock | Dockage | Net lbs. | Price | Total |
| 1 | | 7.8 | 58 | | 52,370 | 1% | 524 | 925.82 bu 51,846 | 1.85 | 1712.77 |
| 2 | | 7.8 | 58 | | 32,950 | 1% | 330 | 582.50 bu 32,620 | 1.85 | 1077.63 |
| 4 | | 8 | 57.3 | | 52,230 | 1% | 522 | 923.36 bu 51,708 | 1.85 | 1708.22 |
| 5 | | 8.5 | 56.9 | | 28,820 | 1% | 288 | 509.50 bu 28,532 | 1.85 | 942.57 |
| 6 | | 8.5 | 57.2 | | 54,050 | 1% | 541 | 955.52 bu 53,509 | 1.85 | 1767.71 |
| 3 | | 8.5 | 57.8 | | 33,000 | 1% | 330 | 583.39 bu 32,670 | 1.85 | 1079.27 |
| | 117793 | | | | | | | 250,885 | | 8288.17 |
| | | | | | | | | | 03303573 | |
| | | | | | | | | | | 2333 |

ABT 6741

PO # 5590
R# 42199
2343

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Minnerath Farms + Bank of Huron Kind of Seed Rye

Address PO Box 834 Date 12-6-99

Town Naiva State SD Zip 57450 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| L No. | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28539 | 117793 | 7 | 58.5 | | 61,710 | 1% | 617 | 1,090.95 bu. 61,093 | / 85 | 2,018.26 |
| 28540 | | 8.4 | 56.8 | | 27,110 | 1% | 271 | 479.27 bu. 26,839 | / 85 | 886.65 |
| 28542 | | 7.5 | 58.2 | | 52,720 | 1½% | 791 | 927.30 bu. 51,929 | / 85 | 1,715.51 |
| 28543 | | 6.8 | 58.3 | | 30,160 | 1½% | 452 | 530.50 bu. 29,708 | / 85 | 981.43 |
| | | | | | | | | 169,569 | | 5601.85 |
| | | | | | | | | | .033058 | |
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Forms Printing Form #1201

2343

PO # 5993
R # 43259
2376

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Dinsmoth Farms + Bank of Haven Kind of Seed Rye
P.O. Box 834 Date 12-20-99
Haven State SD Zip 57450 Truck his

| CORD | OUR RECORD | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| | H.O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 7793 | 4.3 | 58 | | 50,680 | 1% | 507 | 895.95 bu. 50,173 | 1.85 | 1,657.51 |
| | 4.6 | 58 | | 28,050 | 1% | 281 | 495.88 bu. 27769 | 1.85 | 917.38 |
| | | | | | | | 77,942 | | 2,574.89 |
| | | | | | | | | @ 33.03 | |
| | | | | | | | | | |
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| | | D. for to Jan. 2 2000 | | | | | | | |
| | | | | | | | | | |
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| | | | | | | | | | |

2376

PO #6344
R #44094
2403 ✓

# RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

+1

from Minnaerath Farms + Bank of Haven Kind of Seed Troy Oats

PO Box 834 Date 1-6-00

Haven State SD Zip 57450 Truck his

| FARMERS RECORD. | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu | Total |
| | | M.O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 9 | | 9.8 | 36 | | 51,680 | | | 1615 bu. 51,680 | 1.35 | 2,180.25 |
| 20 | | 9.4 | 37 | | 29,320 | | | 916.25 29,320 | 1.35 | 1,236.94 |
| 21 | | 9 | 36 | | 52,090 | | | 1627.81 52,090 | 1.35 | 2,197.54 |
| 22 | | 9.1 | 36.2 | | 32,050 | | | 1001.56 32,050 | 1.35 | 1,352.11 |
| | 131737 | | | | | | | 165,140 | | 6,966.84 |
| | | | | | | | | .0421875 Rec'd | | |
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1-7-00

2403

ng Form #1251

PO #6345
R #44109
2410

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

6741

Received from Minnerath Farms + Bank of Haren Kind of Seed Troy Oats

Address PO Box 834 Date 1-8-00

Town Haven State SD Zip 57450 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| Ot. No. | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28666 | | | 37.9 | | 52,070 | | | 1,627.19<br>52,070 | 1.35 | 2196.71 |
| 28665 | | | 37.7 | | 31,020 | | | 969.38<br>31,020 | 1.35 | 1308.66 |
| | 131737 | | | | | | | 83,090 | | 3505.37 |
| | | | | | | | | | .042167 | |
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Form Printing Form #1231

2410

6744

RECEIVING REPORT

ABT™ of Watertown

AgriBioTech, Inc.

PO # 6634
R # 44769
2422

Received from Windreath Farms + Bank of Haven Kind of Seed Rye

Address PO Box 834 Date 1-17-00

Town Haven State SD Zip 57450 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| t No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price / bu. | Total |
| DL No. | | H,O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28694 | | 7.9 | 58.1 | | 50,210 | 3% | 1506 | 86.71 bu. 48,704 | / 85 | 1608.96 |
| 28695 | | 7.8 | 58.3 | | 27,180 | 3% | 815 | 470.80 26365 | / 85 | 870.98 |
| | 117793 | | | | | | | 75069 | | 2479.94 |
| | | | | | | | | | 0330355 | |
| | | | | | | | | | | |
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Terra Printing Form #1221

2422

PC # 6547
R # 45471

2430

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

Received from Mansfield Farms + Bank of Haven Kind of Seed Dan Oats

Address PO Box 834 Date 1-20+21-00

Town Haven State SD Zip 57450 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| No. | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 8709 | | 8.8 | 34.7 | | 52,000 | | | 1625 bu. 52000 | 1.40 | 2,275.00 |
| 8710 | | 8.9 | 34.8 | | 32,580 | | | 1,018.13 bu. 32580 | 1.40 | 1,425.38 |
| 8717 | | 9.9 | 36.3 | | 51,230 | | | 1,600.94 bu. 51,230 | 1.40 | 2241.32 |
| 8718 | | 9.7 | 36.7 | | 32,390 | | | 1,012.19 bu. 32,390 | 1.40 | 1417.07 |
| | | | | | | | | 168,200 | | 7,358.76 |
| | | | | | | | | | | |
| | | | | | | | | | | |
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Grains Pricing Form #1281

2430

PO# 6162
R# 43603
2388 ✓

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

7075
Received from Vandenveen Commodity Kind of Seed Rye
Address Box 1071 Date ~~12-25-99~~ 1-3-00
Town Sanborn State MN Zip 56083 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ | Total |
| No. | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | bu | |
| 31618 | 117793 | 12 | 57.2 | | 52,640 | 3½% | 1842 | 907.11 50,798 | 1.90 | 1,723.51 |
| | | | | | | | | 0339787 | | |
| | | | | | | | | | | |
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| | | | | | | | | | | 2388 |

Printing Form #1231

3 B

7015

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO # 6163
R # 43605
2389 ✓

Received from Vandervoort Commodity Kind of Seed Rye

Address Box 1071

Town Carman State MB Zip R6A 0J0 Date 1-3-20

Truck his

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Ia. No. | Bag Count | Lot No. H₂O | Lot No. T.W. | Bag Count Thirds | Commodity Weight | % Dock | Dockage | Net lbs. | Price / bu. | Total |
| 3622 | 117793 | 11.8 | 57.3 | | 51,810 | 3% | 1554 | 897.43bu. 50.25lb | 1 80 | 1705.12 |
| 3623 | — | 11.7 | 57.6 | | 52460 | 2½% | 1312 | 913.36bu 51.148 | 1 90 | 1735.38 |
| 3624 | | 11.9 | 57.7 | | 54070 | 3% | 1622 | 936.57bu 52.448 | 1 90 | 1779.48 |
| | | | | | | | | 153,852 | | 5,219.98 |
| | | | | | | | | | 0329286 | |

2389

PO #4485
R# 44510
2416 ✓

7075

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Vanderveen Commodity Kind of Seed Rye

Address Box 1071 Date 1-13-00

Town Corinth State NY Zip 12822 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| No. | | H,O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 3678 | | 11.1 | 55.1 | | 44,780 | 2% | 896 | 783.64<br>43,884 | 1.90 | 1,488.92 |
| 3679 | | 11.1 | 56.1 | | 23,350 | 2% | 467 | 409.63<br>22,883 | 1.90 | 776.40 |
| | 117793 | | | | | | | 66,767 | | 2,265.32 |
| | | | | | | | | | .03392.67 | |

2416

ms Printing Form #1221

1075

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO#6718
R#46007

V. 1634

2428

Received from Vandervleen Commodity Kind of Seed Rye

Address Box 1071 Date 1-20-00

Town Lennon State MI Zip 48026 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lo. No. | Bag Count | Lot No. H₂O | Lot No. T.W. | Bag Count Thiess | Commodity Weight | Commodity % Dock | Commodity Dockage | Net lbs. | Price/ bu. | Total |
| 37016 | 117793 | 11.1 | 56.2 | | 52330 | 2% | 1047 | 915.77 bu 51283 | 1.90 | 173996 |
| | | | | | | | | | | |
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Printing Form #1003

2428

PO # 6763
R # 45120

2432 ✓
V. 1635

7075

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Vandervaeen Commodity Kind of Seed Rye

Address Box 1071 Date 1-21-00

Town Colman State MN Zip 57017 Truck M.S.

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu | Total |
| OL No. | | $H_2O$ | T.W. | Theo | Weight | % Dock | Dockage | | | |
| 28716 | 117793 | 10.1 | 54.1 | | 502160 | 5% | 25338 | 861.11 bu 43222 | 1.90 | 1636.11 |
| | | | | | | | | | 3329.07 | |
| | | | | | | | | | | |
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Jurgens Printing Form #1291

2432

PAC 11606

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO # 6562
R # 44667
24191

Received from David Hulscher d-Commodity Credit corp. Kind of Seed Dry oats

Address RR1 Box 137 Date 1-13-08

Town Goodwin State SD Zip 57238 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| BL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28685 | 127734 | 11.4 | 37.5 | | 16,060 | | | 501.88 bu 16,060 | 1.30 | 652.44 |
| | | | | | | | | | .040625 | |
| | | | | | | | | | | |
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Printing Form 6725

24191

3C

ABT 11606

RECEIVING REPORT

ABT™ of Watertown

AgriBioTech, Inc.

PO# 16563
PO# 16563B
2421

Received from David Hulscher + Commodity Credit Corp Kind of Seed Jerry oats

Address RR 1 Box 137 Date 1-14-00

City Goodwin State SD Zip 57238 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu | Total |
| | | H2O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 687 | | 11.4 | 38.2 | | 17,440 | | | 545 bu 17,440 | 1.39 | 708.50 |
| 688 | | 11.5 | 38 | | 17,620 | | | 550.63 bu 17,620 | 1.39 | 715.82 |
| 690 | | 11.4 | 38.2 | | 17,060 | | | 533.13 bu 17,060 | 1.39 | 693.07 |
| | 127734 | | | | | | | 52,120 | | 2,117.39 |
| | | | | | | | | | 466253 | |

Form 6120

2421

PO#6635
R#44770
2424

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

11606

David Hulsebar + Commodity Credit Co, Kind of Seed Dry Edible Beans

RR 1 Box 137 Date 1-17-00

Waubay State SD Zip 57273 Truck his

| S RECORD | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price / Cwt. | Total |
| | H2O | CW. | Tares | Weight | % Dock | Dockage | | | |
| 127734 | | 38 | | 17,800 | | | 556.25 bu. 17,800 | 3.00 | 722.13 |
| | | | | | | | | 4046.253 | |
| | | | | | | | | | |
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2424

PO#6666
R# 44865
2425

11606

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from David Hulscher + Community Credit Corp Kind of Seed Jersey Oats

Address RR1 Box 137 Date 1-18-00

Town Goodwin State SD Zip 57238 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| OL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28698 | | | 38 | | 17660 | | | 551.87 bu 17660 | 1.30 | 717.43 |
| 28700 | | | | | 16650 | | | 520.31 bu 16650 | 1.30 | 676.40 |
| 28701 | | 10.3 | 37.3 | | 16800 | | | 525 bu 16800 | 1.30 | 682.50 |
| | 127734 | | | | | | | 51,110 | | 2076.33 |
| | | | | | | | | .04C6247 | | |

Augusta Printing Form #1281

2425

11606

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO# 6762
R# 45119
2431

Received from Hulscher, David & Commodity Credit for Kind of Seed Jersey Oats

Address RR 1 Box 137 Date 1-20-00

Town Gaddison State SD Zip 57238 Truck bins

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu | Total |
| OL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28712 | 127734 | 11.1 | 379 | | 56350 | | | 1776.56bu<br>56350 | 1.39 | 2309.53 |
| | | | | | | | | | .040625 | |

Form Printing Form #1201

2431

RECEIVING REPORT

2412

11568

# ABT of Watertown

1157 AgriBioTech, Inc.

Received from [redacted] Gary Theison Doug Vandiest Kind of Seed Rye

Address Rt 5 Box 367 Date 1-11-00

Town Canby State MN Zip 56220 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu | Total |
| No. | | H.O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| | | | | | | | | 404.76 bu | | |
| 28669 | | 81 | 545 | | 22910 | 1½ | 344 | 22566 | 1.90 | 76562 |
| | | | | | | | | 393.57 bu. | | |
| 28671 | | 9 | 548 | | 22490 | 2 | 450 | 22040 | 1.90 | 74778 |
| | | | | | | | | 44606 | | 151340 |
| | 117793 | | | | | | | | | |
| | | | | | 21722 lb. | | | | PO # 6461 | |
| | | Paul Theisen | | | 387.89 bu. | 736.91 | | 379278 | R # 44428 | |
| | | | | | 10742 lb. | | | | PO # 6462 | |
| | | Gary Theisen | | | 191.82 bu. | 364.46 | | 187555 | R # 44429 | |
| | | | | | 12142 lb. | | | | PO # 6463 | |
| | | Doug Vandiest | | | 216.87 bu. | 411.96 | | 211955 | R # 44430 | |

2412

Forms Printing Form #1251

3 D

ABT Type 48

Send to:

RECEIVING REPORT

ABT™ of Watertown

11570 AgriBioTech, Inc.

2412

Received from Paul Thoisen / Gary Thoisen / [redacted] Kind of Seed Rye

Address Rt. 5 Box 367 Date 1-11-00

Town Sanborn State MN Zip 56220 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu | Total |
| BOL No. | | H,O | T.W. | Tkns | Weight | % Dock | Dockage | | | |
| 28669 | | 8.1 | 545 | | 22,910 | 1½ | 344 | 392.76 bu. 22566 | 1.90 | 7656.60 |
| 28671 | | 9 | 548 | | 23,490 | 2 | 450 | 393.57 bu. 22640 | 1.90 | 7477.20 |
| | | | | | | | | 44,606 | | 15134 |
| | | | | | | | | | | |
| | | P. I Thoisen | | | 21722 lb. 364.09 bu | 7½ | .03339128 | PO #6461 P.#44428 | | |
| | | Gary Thoisen | | | 10942 lb. 141.07 bu | 3½ | .03339285 | PO #6462 P.#44429 | | |
| | | Dan Vredenberg | | | 12142 lb 214.82 bu | 411.36 | .03339285 | PO #6463 P.#44430 | | |
| | | | | | | | | | | |
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Jurgens Printing Form #1201

2412

3F

11440-

PO # 5877
R# 42962
2367

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Berlin Farmers Elevator Kind of Seed Rye

Address PO Box 28 Date 12-14-99

Town Berlin State ND Zip 58415 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| I No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price / bu. | Total |
| )L No. | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28579 | 117793 | 10.1 | 57.2 | | 52130 | 1% | 521 | 921.59 bu 51609 | 1.90 | 1751.02 |
| | | | | | | | | -033986 | | |

2367

Contracted?

If yes, to whom?

Marketing Need/Forecast & Other Information: We will have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but Farmers might need to empty a bin to put corn & Beans in it will need to sell Rye at that time

Approved: [signature] 9/21/99

Name Date

11440

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO# 5987
R# 43254
2371

Received from Berlin Farmers Elevator Kind of Seed Rye

Address PO Box 28 Date 12-16-99

Town Berlin State ND Zip 58415 Truck his

| SHIPPERS RECORD | | | | OUR RECORD | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| | | H,O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 588 | 11793 | 9.7 | 57.3 | | 51,990 | 3%=2,600 1%=1,690 | | 881.96 49,390 | 1.81 | 1596.35 |
| | | | | | | | | | .53732.13 | |

Discount Farm Center
Approved For Payment
By
Date

#1201

2371

PO #5990
L #43256
2373

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

+O

ved from Berlin Farmers Elevator Kind of Seed Rye

ss PO Box 28 Date 12-17-99

Berlin State ND Zip 58415 Truck his

| PPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 14 | 117793 | 9.5 | 57.6 | | 51,410 | 1% wtr. 1% 2"bc shrnk | 2056 | 881.32 49,354 | 1 85 | 1,630.44 |
| | | | | | | | | | C30356 | |
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(1231)

2373

11440

PO # 6207
R# 43676
2391

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Berlin Farmers Elev. Kind of Seed Rye

Address PO Box 28 Date 1-3-00

Town Berlin State ND Zip 58415 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | N,O | T.W. | Thizn | Weight | % Dock | Dockage | | | |
| 28633 | 117793 | 9.6 | 57.6 | | 51,130 | 1% wht 1% | 1023 | 894.77 bu 50,107 | 1.85 | 1655.32 |
| | | | | | | | | .0330357 | | - |
| | | | | | | 2% sprouts discount | | | | |
| | | | | | | | | | | |
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2391

Jungens Printing Form #1281

PO# 6235
R# 43824
2394

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Kind of Seed Rye

ved from Berlin Farmers Elevator Date 1-4-00

ess PO Box 28 Truck his

Berlin State ND Zip 58411

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| | | H,O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| | | | | | | 1% out | | $44,95 | 1.70 | 1700.41 |
| 236 | 117793 | 12.2 | 56.4 | | 51,140 | 1% | 1023 | 50117 | | |
| | | | | | | | | | .0339289 | |

2394

Printing Form 61221

PO# 6315
R# 44024
2404

11440

RECEIVING REPORT

ABT™ of Watertown

AgriBioTech, Inc.

Received from Berlin Farmers Elev. Kind of Seed Rye

Address PO Box 28 Date 1-6-00

Town Berlin State ND Zip 58415 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ Lbs. | Total |
| OL No. | | N.O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28653 | 117793 | 99 | 57 | | 51400 | (Payable) 1% | 1028 | 869.5# 50.372 | 1.85 | 1664.00 |
| | | | | | Discount for Sprouts | | | | | |

Semo Printing Form #1281

2404

PO #6335
R #44087
2408

11440

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Berlin Farmers Elev. Kind of Seed Rye

Address PO Box 28 Date 1-7-00

Town Berlin State ND Zip 58415 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| t No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| L No. | | H.O | T.W. | Trains | Weight | % Dock | Dockage | | | |
| 28660 | 117793 | 10 | 57 | | 51,930 | 1% wtr 1% | 1039 | 908.77 50,891 | 1.85 | 1681.22 |
| | | | | | | | | .02=267 | | |
| | | | | | Discount for sprouts | | | | | |

2408

Contracted?

If yes, to whom?

Marketing Need/Forecast & Other Information: We still have 230,000 Bu. on hand but we have 260,000 Bu. sold, the price will go up, but farmers might need to empty a bin to put corn & Beans in it will need to sell Rye at that time.

Approval: [signature] 9/21/99

Name Date Name Date

11175

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO# 4232
R# 38786
2254

Received from Claire Orthouse Kind of Seed Soybeans

Address 44446 159th St Date 10-20-99 + 10-21-99

Town Florence State SD Zip 57235 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H₂O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 283164 | | | | | 15,050 | ½ | 75 | 14,975 | | |
| 283170 | 118038 | 10.6 | 57.8 | | 24,690 | ½ | 123 | 24,567 | | |
| | | | | | 39,740 | | | 39,542 | 4.06/bu | 2675.66 |
| | | | | | | | | 659.0 = bu | | |
| | | | | | | | | | | |
| | | | | | 2675.66 | | | | | |
| | | | 2 for 1 | | (1029.68) | | | | | |
| | | | acct. | | (467.83) | | | | | |
| | | | Claire | | 778.15 | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

Legend Printing Form #1231

2254

| Type | Supplier | Supplier Num | Site | Invoice Date | Invoice Num | Curr | Invoice Amount |
|---|---|---|---|---|---|---|---|
| Credit M | ORTHAUS, C | 11175 | FLORENCE | 15-NOV-1999 | 2FOR1 COI | USD | <1,029.68> |
| Credit M | ORTHAUS, C | 11175 | FLORENCE | 15-NOV-1999 | 120104 | USD | <855.00> |
| Credit M | ORTHAUS, C | 11175 | FLORENCE | 15-NOV-1999 | 120570 | USD | <12.83> |
| Standar | ORTHAUS, C | 11175 | FLORENCE | 01-NOV-1999 | 8148 | USD | 2,675.66 |
| | | | | | | | |
| | | | | | | | |

Amount Paid 2,675.66 Posted Yes Holds 0

DistributionTotal 2,675.66 Status Approved

Description 39740LBS ABT WATERTOWN SOYBEAN

Balance
5775.15

Holds | Payments

Scheduled Payments | Overview | Distributions

ABT
AgriBioTech, Inc.

120 CORPORATE DRIVE
HENDERSON, NV 89014
(702) 566-2440

# Purchase Order

| PO No | Revision | Page |
|---|---|---|
| 200-000004832 | 1 | 1of1 |

THIS PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES PACKING LISTS, CARTONS AND CORRESPONDENCE RELATED TO THIS ORDER

**Ship To**
WEST HIGHWAY 212
PO BOX 84
WATERTOWN SD 57201

**Vendor**
ORTHAUS, CLAIRE
44446 159TH ST
FLORENCE SD 57235

**Bill To**

Vendor No 11175-FLORENCE Vendor Contact ORTHAUS, CLAIRE Vendor Phone --

Payment Immediate Freight NONE Ship Via NONE

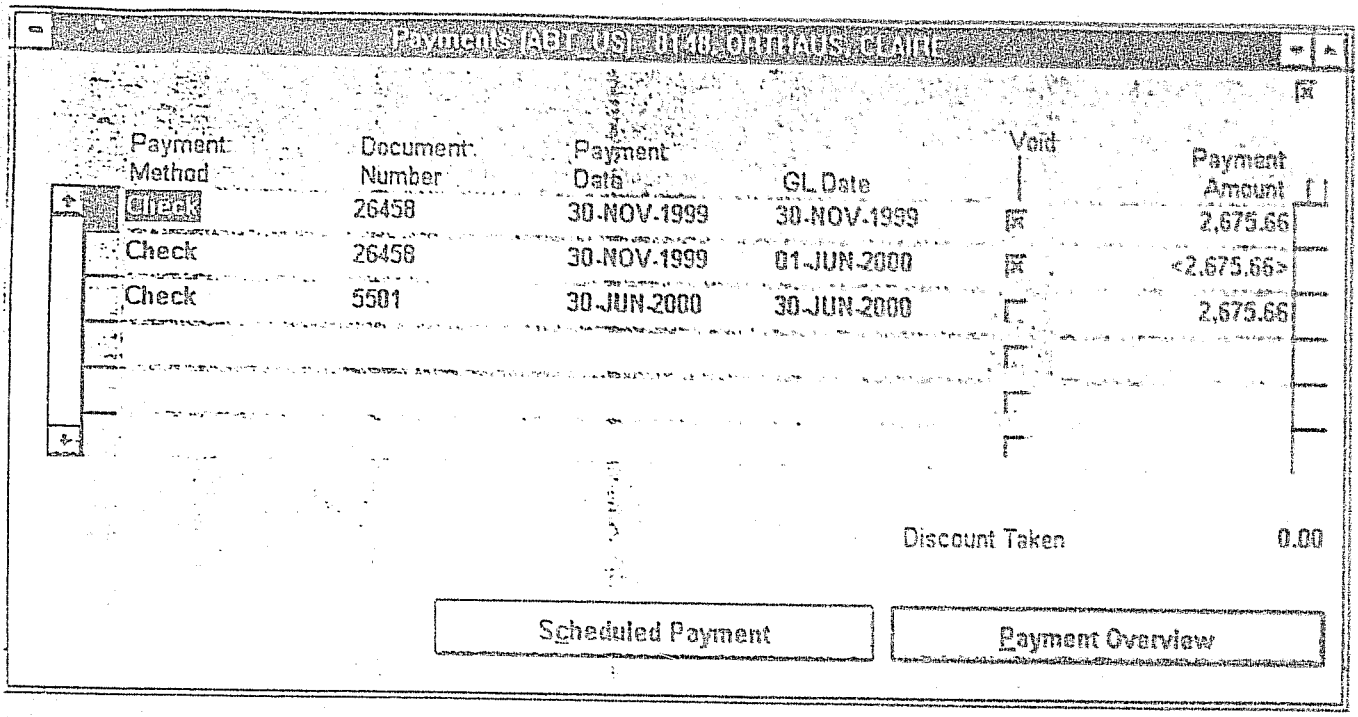
Whse Phone 605-886-5888 Order Date 01-NOV-99 Revised Date 15-NOV-99

| Item | Description | Due Date | Quantity | UOM | Unit Per | Total |
|---|---|---|---|---|---|---|
| 118038 | SOYBEAN,MARKET,,,50 LB, | 01-NOV-99 | 39740 | LB | .0673291 | $2,675.66 |

Comments: Requestor Deb Moeller P.O. Total $2,675.66

Vendor Signature

Authorized Signature


Payments ABT US 8148 OPTHAUS CLAIM
Payment Method
Document Number
Payment Date
GL Date
Void
Payment Amount
Check
26458
30-NOV-1999
30-NOV-1999
2,675.66
Check
26458
30-NOV-1999
01-JUN-2000
<2,675.66>
Check
5501
30-JUN-2000
30-JUN-2000
2,675.66
Discount Taken
0.00
Scheduled Payment
Payment Overview

10457

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

PO #5526
R #42166
2334

Received from Dakota Mill + Grain Kind of Seed Sunflower

Address PO Box 2340 Date 12-1-99

Town Rapid City State SD Zip 57709 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| DL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 29517 | | 55 | 335 | | 28340 | 8% | 2267 | 26073 | 9.25 | 2542.12 |
| 28519 | | 58 | 325 | | 26,080 | 7% | 1826 | 24,254 | 9.25 | 2364.76 |
| | 127727 | | | | | | | 50327 | .0975 | 4906.88 |
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Farms Printing Form #1231

2334

10457

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

PO# 5631
Lot# 42246
2345

Received from Dakota Mill & Grain

Address PO Box 2340

Town Rapid City State SD Zip 57709

Kind of Seed Safflower

Date 12-7-99

Truck his

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| a. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price Cwt. | Total |
| | | $H_2O$ | T.W. | Tbins | Weight | % Dock | Dockage | | | |
| 3544 | 127727 | 5.4 | 31.4 | | 26350 | 5½% | 1449 | 24901 | 9.75 | 2427.85 |
| 545 | | 5.2 | 32 | | 28070 | 5½% | 1544 | 26526 | 9.75 | 2586.29 |
| | | | | | | | | 51427 | | 5014.14 |

2345

PO # 6835
R # 45404
2433

-11605

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from Burton Harvestol Kind of Seed Dairy Oats

Address 3655 Co. Road 139 Date 1-21-09

Town New Salem State N.D. Zip 58563 Truck Jones

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| t No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ Lbs. | Total |
| OL No. | | H2O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28719 | | 10.4 | 36.6 | | 49470 | | | 1543.94 lbs 49470 | /00 | 154594 |
| 28720 | | 10.3 | 36.6 | | 23900 | | | 746.88 lbs 23900 | /00 | 74688 |
| | 127734 | | | | | | | 73370 | | 229282 |
| | | | | | | | | | .012501 | |
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end Printing Form #1201

2433

PO# 6761
R# 45118
2429

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

1160's

Received from Burton Hauestad Kind of Seed Durum Oats

Address 3655 co Road 139 Date 1-30 & 31-20

Town New Salem State ND Zip 58563 Test Bags

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ lbs. | Total |
| To | | N.O | Tot. | Thins | Weight | % Dock | Dockage | | | |
| 8707 | | 10.3 | 36.3 | | 45510 | | | 45510 | / 08 | |
| 8708 | | 10.3 | 31.8 | | 20790 | | | 20790 | / 08 | |
| 8714 | | 10.4 | 37.4 | | 47500 | | | 47500 | / 08 | |
| 8715 | | 10.3 | 27.3 | | 20250 | | | 20250 | / 08 | |
| | 127734 | | | | | | | 134550 | | |
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Pricing Form #1228

2429

PO # 6561
R # 44666
2418

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

11605

ved from Burton Haavestol Kind of Seed Oats Jerry

ss 3655 Co Rd 139 Date 1-13-00

New Salem State ND Zip 58563 Truck Kryzanowski

| SHIPPERS RECORD | | | | OUR RECORD | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ bu. | Total |
| | | $H_2O$ | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 81 | 127734 | 10.3 | 37.1 | | 49550 | | | 1548.44<br>49550 | 1.00 | 1548.44 |
| | | | | | | | | | 93/2501 | |

2418

Form 01251

3 H

PO # 6253
12 # 43908

11446

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2397

Received from Berlin Farmers Elevator Kind of Seed Rye

Address PO Box 38 Date 1-5-00

Town Berlin State ND Zip 58411 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price/ | Total |
| Ot No. | | N.O | T.W. | Tares | Weight | % Deds | Dockage | | | |
| 28642 | 17793 | 11.7 | 56 | | 51,160 | 1% | 512 | 504,448 | 1.90 | 1,718.42 |

2397

Argens Printing Form #1251

RECEIVING REPORT

ABT of Watertown

10457

Received from Dakota Mill & Grain via Truck WPM

Address P.O. Box 2340 Date 1-13-00

Town Rapid City State SD Zip 57709 Truck Little Johnny

| SHIPPERS RECORD | | | | OUR RECORDS | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Bill No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ Cwt. | Total |
| BOL No. | – | H.O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28628 | | 12.3 | 54.4 | | 54,350 | 13.3 | 7231 | 47,119 | 4 35 | 2018.78 |
| 28629 | | 12.1 | 54.3 | | 22,310 | 14.3 | 3190 | 19,120 | 4 35 | 819.71 |
| | 127315 | | | | | | | 66,794 | | 2862.49 |

2490

RECEIVING REPORT

ABT of Watertown

Agri-Tech, Inc.

10454

PO # 4564
PO # 43104

239

Received from Dakota Mill & Grain Kind of Grain WPM

Address PO Box 2310 Date 1-5-09

Town Rapid City State SD Zip 57709 Tel 721-69

| SHIPPERS RECORD | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ Cwt | Total |
| BOL No. | | H2O | T.W. | Tare | Weight | % Check | Dockage | | | |
| 28643 | | 11.6 | 51.5 | | 39420 | 4 1/2 | 1204 | 38,096 | 4.35 | 1,122 |
| 28644 | | 11.8 | 52.9 | | 32670 | 6% | 1946 | 30,718 | 4.35 | 1,335 |
| | 127315 | | | | | | | 53,380 | | 2,455 |

Jurgens Printing Form 61201

239

9251

RECEIVING REPORT

ABT of Watertown

Received from South Shore Fish

Address P.O. Box 657

Town South Shore State SD Zip 57263 Truck Lic.

Via Truck - Sea

Date 12-7-93

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Wgt. | Price | Total |
| PL No. | | N.D | T.W. | Tare | Weight | % Shrink | Dockage | | | |
| 28190 | 127726 | 12.5 | 99.1 | | 57660 | 1% | 163 | 57497 | 1.25 | 62434.09 |

2163

2163

RECEIVING REPORT

ABI of Watertown

9251

PO# 4038
Est 45439
2164

Received from South Shore Elev. Point of Origin Buffalo (Gilbert)

Address P.O. Box 657 Date Received 12-7-99

Town South Shore State SD Car 52343 Init FGS

| SHIPPERS RECORD | | | | | | | | GM RECORD | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | | | |
| OL No. | | H.O | T.W. | Tares | Weight | % Dock | Variance | Net Wgt. | Price | Total |
| 28192 | 1277726 | — | WW | | 33504 | — | | 33504 lbs | | |
| | | | | | | | | 1675 cwt | 3.32 | |
| | | | | | | | | 22310 | | |
| | | | | | | | | 30233 | 3.32 | 2731.52 |

Grain Receiving Form #1127

2164

PO# 47640
R # 45117

11649

RECEIVING REPORT

ABT of Watertown

2426.

Received from Charles Olsen — Kind of Seed Black Jersey Oats

Address 21163 Walsh Ave. — Date 1-18-00

Town Arlington — Sold To STOCK — Truck bins

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price/ | Total |
| OL No. | | N.O | T.W. | Tares | Weight | % Dock | Overage | | Lbs. | |
| 28702 | | 105 | 39 | | 25170 | | | 25170 | .06 | 1358.58 |
| 28703 | | 103 | 39 | | 11470 | | | 11470 | .06 | 688.20 |
| 28704 | | 98 | 38.6 | | 40250 | | | 40250 | .05 | 2012.50 |
| | 125667 | | | | | | | 77,010 | | 3959.28 |
| | | | | | | | | | .05 | |
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Toms Printing Form #1231

2426

2 V

RECEIVING REPORT

ABT of Watertown

Agri-Biotech, Inc.

PO# 4111 R436309

2199

6734

Received from: Day Farmals — Name of Grower: Jerry Oaks

Address: RR:

Town: South Shore — State: SD — Zip: 57263 — Date: 10-2-99 — Truck No.:

| SHIPPERS RECORD | | | | | OUR RECORD | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price | Total |
| BL No. | | M.C. | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28301 | 127734 | 10% | 40.7 | | 21,100 | | | 21,100 | 1.30 cwt | 957.19 |
| 28299 | — | 10.1 | 41.1 | | 21,560 | | | 21,560 | 1.30 cwt | 875.88 |
| 28303 | | | 36.4 | | 5,760 | | | 5,760 | 1.30 cwt | 234.00 |
| | | | | | 48420 | | | | | |
| | | | | | Refer to Sales Order | | | | | 1967.07 |
| | | | | | | | | 0406.35 | | |

Form Printing Form #1320

2199

Certificate?

If yes, to whom?

Marketing Need/Forecast & Other Information:

we will start selling in 7 to 10 days next 30 to 60 days

Approval: [signature] 9/9/99 Date

Notes

# State of South Dakota
# Public Utilities Commission

SOUTH DAKOTA GRAIN DEALER'S LICENSE - NON-STORAGE

LICENSE NUMBER: 1327 Expires at midnight on June 30, 2000.

AGRIBIOTECH INC
PO BOX 84
WATERTOWN SD 57201-0084

This certifies that the above, with facilities located at WATERTOWN, having made application for a license and filed a bond as required by the Laws of South Dakota is hereby licensed to purchase grain in this state, for resale, in conformity with SDCL 49-45 and the rules and regulations promulgated thereto.

PUBLIC UTILITIES COMMISSION SEAL STATE OF SOUTH DAKOTA

This license is revocable for cause, as provided by law.

This license is effective today, this 1st day of July, 1999.

William Bullard Jr.

William Bullard Jr., Executive Director

EXHIBIT
6

# BOND FOR USE BY PUBLIC GRAIN WAREHOUSEMEN AND GRAIN DEALERS

KNOW ALL MEN BY THESE PRESENTS:

That AGRIBIOTECH, INC., P O BOX 84, WATERTOWN, SD 57201-0084, as Principal, and ST PAUL FIRE & MARINE INSURANCE COMPANY, a corporate surety company organized and existing under the laws of the State of MINNESOTA, with its principal office located at 385 ST PETER STREET, SUITE 300, ST PAUL, MN 55102-1118 and duly authorized to do business in the State of South Dakota, as Surety, are held and firmly bound unto the State of South Dakota in a sum as specified below in lawful money of the United States, for the benefit of all persons of grain (1) storing grain in the warehouse(s) set forth below and for which a written designation of storage has been made by the public grain warehouse licensee at the time of receipt of the grain, or (2) who deliver and sell grain to a duly licensed grain dealer and demand the purchase price of grain sold to the Principal, or both of these transactions which this bond covers as defined below, to which payment when and made to be made, we each severally and severally bind ourselves, our heirs, executors, administrators, successors, and assigns by these bonds, as described herein.

FOR THE PURPOSE OF PROVIDING A GRAIN WAREHOUSEMAN'S BOND THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT: Whereas, the principal has made written application to the Public Utilities Commission of the State of South Dakota for license(s) to operate the public grain warehouse(s) indicated below. (Please attach an additional sheet if necessary and indicate on it that it is for a warehouseman's bond).

FOR THE PURPOSE OF PROVIDING A GRAIN DEALER'S BOND THE CONDITION OF THIS OBLIGATION IS SUCH THAT: Whereas, the principal has made written application to the Public Utilities Commission of the State of South Dakota for a license to purchase grain for the purpose of resale at the location(s) indicated below. (Please attach an additional sheet if necessary and indicate on it that it is for a grain dealer's bond)

| | Licensing as | | | | Licensing as | | |
|---|---|---|---|---|---|---|---|
| | Warehouse | Dealer | Location | | Warehouse | Dealer | Location |
| 1. | ☐ | ☒ | WATERTOWN, SD | 5. | ☐ | ☐ | |
| 2. | ☐ | ☐ | | 6. | ☐ | ☐ | |
| 3. | ☐ | ☐ | | 7. | ☐ | ☐ | |
| 4. | ☐ | ☐ | | 8. | ☐ | ☐ | |

Please check which license(s) this bond pertains to:

☐ *Warehouse License*
For the period commencing JULY 1, 1999, and ending June 30, 2000, and as a condition for the granting of said license(s) as required to provide a bond in the amount of dollars ($ 0.00) for the benefit of all persons storing grain in said warehouse(s) and for which a written designation of storage has been made by the warehouseman at the time of receipt of the grain.

☒ *Grain Dealer License*
For the period commencing JULY 1, 1999, and ending June 30, 2000, and as a condition for the granting of said license(s) as required to provide a bond in the amount of FIFTY THOUSAND AND NO/100 dollars ($50,000.00) for the benefit of all persons selling grain to said Principal.

NOW THEREFORE:

Condition 1: Condition 1 is applicable to storage of grain by Principal under a warehouse license.
If said principal, being duly licensed as provided herein, shall faithfully perform its obligations as a public grain warehouseman with regard to grain duly graded in writing to be stored at the time of receipt and shall fully and unreservedly comply with the laws of the State of South Dakota and the rules of South Dakota Public Utilities Commission relating to the storage of such grain for hire, then this obligation shall be null and void, otherwise it shall remain in full force and effect. This bond is given pursuant to the provisions of SDCL chapters 49-42 and 49-43.

Condition 2: Condition 2 is applicable to purchase of grain by Principal under a grain dealer license.
If said Principal being duly licensed as provided herein, shall pay to the owner on delivery or demand the purchase price of the grain sold to the Principal, shall faithfully perform his obligations as a grain dealer and shall fully and unreservedly comply with the laws of the State of South Dakota and the rules of South Dakota Public Utilities Commission relating to the purchase of grain for the purpose of resale, then this obligation shall be null and void, otherwise it shall remain in full force and effect; provided, however that this obligation shall not benefit any person entering into a voluntary credit sale with said Principal. This bond is given pursuant to the provisions of SDCL chapters 49-42, 49-43, and 49-45.

Liability of said Surety for the default by said Principal in either Condition No. 1 or Condition No. 2 of this bond shall not exceed the amount of said Bond as stated above, said amounts being separate and not aggregative.

Dated this 25th day of JUNE, 1999.

If Principal is a corporation, two officers (President, Vice President, Secretary, Treasurer) must sign.

(Principal Corporate Seal)

Name of Principal: AGRIBIOTECH, INC.

DBA:

Officer 1 Signature: _____ Title:

Type Name of Off. 1: Randy Ingram, Exec. V.P., CFO and Dir Bus Devel Corporate

Officer 2 Signature: _____ Title:

Type Name of Off. 2: Thomas B. Rice, Exec V.P., Dir of Research

EXHIBIT 5

(Surety Corporate Seal)

Name of Surety: ST PAUL FIRE & MARINE INSURANCE COMPANY

Authorized Signature: _____
Clifton C Anderson, Attorney-in-Fact

Individual signing on behalf of surety as attorney-in-fact must be authorized as such as evidenced by attached current & valid power of attorney.

Signature of South Dakota Resident Agent

CLIFTON C ANDERSON
Type Name of South Dakota Resident Agent

P O BOX 578, ABERDEEN, SD 57402-0578
Type Address of South Dakota Resident Agent

(MUST BE ACKNOWLEDGED BY PRINCIPAL AND SURETY ON REVERSE SIDE)

## ACKNOWLEDGEMENT FOR CORPORATION

STATE OF Nevada )
County of Clark )

On this 25th day of June, 1999, before me appeared Carolyn Ingram at Tom Rice, who, being first duly sworn, did say that they are the Exec. VP/Corp Surety the Exec VP/Dir of Fidelity respectively of the corporate principal named in the foregoing bond, that said bond was executed in behalf of said corporation by authority of its board of directors, and said _____ and _____ acknowledged said bond to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the 25th day of June 1999

(NOTARIAL SEAL) NOTARY PUBLIC STATE OF NEVADA County of Clark TIFFANY LEROY Appt. No. 98-0942-1 My Appt. Expires Oct 13, 2002

Tiffany Leroy
NOTARY PUBLIC
My Commission Expires Oct 13, 2002

## ACKNOWLEDGEMENT FOR INDIVIDUAL OR PARTNERSHIP

STATE OF _____ )
County of _____ )

On this _____ day of _____, _____, before me appeared _____ who, being first duly sworn, did say that he is/they are the person(s) named in the foregoing bond as principal and acknowledged that he/they executed said bond as his/their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, _____

(NOTARIAL SEAL)

_____
NOTARY PUBLIC
My Commission Expires _____

## ACKNOWLEDGEMENT OF SURETY - ATTACH POWER OF ATTORNEY

STATE OF SOUTH DAKOTA)
County of BROWN)

On this 25TH day of JUNE, 1999, before me appeared CLIFTON C ANDERSON, who, being first duly sworn, did say that he is the duly authorized attorney-in-fact of ST PAUL FIRE & MARINE INSURANCE COMPANY, the corporate surety named in the foregoing bond, that said bond was executed in behalf of said corporation by authority of its board of directors; and said CLIFTON C ANDERSON acknowledged said bond to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my offiinal seal this 25TH day of JUNE, 1999

(NOTARIAL SEAL)

_____
NOTARY PUBLIC
My Commission Expires 11/27/00

Approved as to form of execution this 2nd day of July 1999

_____
ASSISTANT ATTORNEY GENERAL



EXHIBIT 6

The St Paul Surety

ST. PAUL FIRE AND MARINE INSURANCE COMPANY
385 Washington Street, St. Paul, Minnesota 55102

CERTIFICATE OF AUTHORITY NO.

POWER OF ATTORNEY NO. F-13884

For verification of the authenticity of this Power of Attorney you may telephone toll free 1-800-421-3760 and ask for the Power of Attorney Desk. Please refer to the Power of Attorney No. and the named individuals.

2109033

# GENERAL POWER OF ATTORNEY - CERTIFIED COPY
(Original on File at Home Office of Company - See Certificate)

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, a corporation organized and existing under the laws of the State of Minnesota, having its principal office in the City of St. Paul, Minnesota, does hereby constitute and appoint

Clifton C. Anderson, Carl G. Anderson, Denise G. Defiesta, Diane M. O'Connor, individually,
Aberdeen, South Dakota

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

NOT TO EXCEED IN PENALTY THE SUM OF FIVE MILLION DOLLARS$5,000,000)EACH

and the execution of all such instrument(s) in pursuance of these presents, shall be as binding upon said St. Paul Fire and Marine Insurance Company as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of Article V, Section 6(C), of the By-Laws adopted by the Shareholders of ST. PAUL FIRE AND MARINE INSURANCE COMPANY at a meeting called and held on the 23rd day of April, 1970, of which the following is a true transcript of said Section 6 (C):

"The President or any Vice President, Assistant Vice President, Secretary or Service Center General Manager shall have power and authority:

(1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and

(2) To appoint special Attorneys-in-fact, who are hereby authorized to certify to copies of any powers of attorney issued in pursuance of this section and/or any of the By-Laws of the Company, and

(3) To remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 5th day of May, 1958, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certification relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, St. Paul Fire and Marine Insurance Company has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 2nd day of September, A.D. 1998.

ST. PAUL FIRE AND MARINE INSURANCE COMPANY

STATE OF MARYLAND }
City of Baltimore } ss.

MICHAEL P. KEOGAN, Vice President

On this 2nd day of September, A.D. 1998, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn, said that he/she is the therein described and authorized officer of St. Paul Fire and Marine Insurance Company; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his/her signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, Maryland, the day and year first above written.

REBECCA EASLEY-ONORATA, Notary Public
My Commission Expires May 13, 2002

EXHIBIT 5

CERTIFICATION

I, the undersigned officer of St. Paul Fire and Marine Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this

25th day of June, 19 99

MICHAEL P. MCKENNEN, Assistant Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red ink in the upper right corner is binding. Photostats, carbon copies or other reproductions of this document are invalid and not binding upon the Company.

ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT ANY VALIDITY.

WILLIAM P. WEINTRAUB, ESQ. (SBN 105125)
DAVID M. BERTENTHAL, ESQ. (SBN 167624)
MALHAR S. PAGAY, ESQ. (SBN 159269)
PACHULSKI, STANG, ZIEHL, YOUNG & JONES P.C.
Three Embarcadero Center, Suite 1020
San Francisco, California 94111
Telephone: (415) 263-7000
Facsimile: (415) 263-7010
E-mail: wweintraub@pszyj.com

JAMES PATRICK SHEA (SBN 0405)
CANDACE C. CARLYON (SBN 02666)
SHEA & CARLYON, LTD.
233 South Fourth Street, Suite 200
Las Vegas, Nevada 89101
Telephone: (702) 471-7432
Facsimile: (702) 471-7435

Attorneys for Debtors

ENTERED JUN 2 3 2001

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

| | |
|---|---|
| In re<br><br>AGRIBIOTECH, INC.,<br>a Nevada corporation,<br><br>Debtor.<br><br>Federal Tax I.D.# 85-0325742 | Bankruptcy No. BK-S-00-10333-LBR (AgriBioTech, Inc.)<br>Jointly Administered With<br><br>No. BK-S-00-10334-LBR (AgriBioTech Canada, Inc.)<br>No. BK-S-00-10335-LBR (Las Vegas Fertilizer Co., Inc.)<br>No. BK-S-00-10336-LBR (Garden West Distributors, Inc.)<br>No. BK-S-00-10337-LBR (Geo. W. Hill & Co., Inc.)<br><br>Chapter 11 |
| X Affects All Debtors | ORDER RE: STATE OF SOUTH DAKOTA, PUBLIC UTILITIES COMMISSION MOTION FOR RELIEF FROM AUTOMATIC STAY (VERIFIED) |
| ___ Affects AGRIBIOTECH CANADA, INC., a Canadian corporation. | |
| ___ Affects LAS VEGAS FERTILIZER CO., INC., a Nevada corporation. | |
| ___ Affects GARDEN WEST DISTRIBUTORS, INC., an Arizona corporation. | Date: April 16, 2001<br>Time: 1:30 p.m.<br>Place: Courtroom 2<br>300 Las Vegas Blvd. South<br>Las Vegas, Nevada 89101 |
| ___ Affects GEO. W. HILL & CO., INC., a Kentucky corporation. | |



EXHIBIT 4

The Court, having reviewed the State of South Dakota, Public Utilities Commission Motion For Relief From Automatic Stay (Verified) (the "Motion"), filed by the State of South Dakota Public Utilities Commission (the "Commission"), and having conducted a hearing regarding the Motion on April 18, 2001, at 1:30 p.m.;[1] David M. Bertuzzi of Pachulski, Stang, Ziehl, Young & Jones P.C. appeared on behalf of the Debtors. Other appearances were made as set forth in the record of these proceedings; and having considered the Motion, all pleadings filed in connection therewith, any responses to the Motion, and the arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Commission is granted limited relief from the automatic stay of 11 U.S.C. § 362 for the sole purpose of administering claims against the bond described in the Motion;

2. That the Debtors and their counsel shall reasonably cooperate with respect to reasonable requests for information from the Commission or its counsel; and

3. The Commission's activities in respect of the bond described in the Motion shall have no res judicata effect on the Debtors' estates or their successors and the Commission's administration of any claims against the bond shall have no collateral estoppel or other preclusive effect in respect of the Debtors' or their successors' objections, litigation or other

[1] Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Objections.



EXHIBIT

proceedings relating to such claims.

Dated: June 13, 2001

HON. LINDA B. RIEGLE
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

PACHULSKI, STANG, ZIEHL, YOUNG & JONES P.C.
and
SHEA & CARLYON

By _____
Malhar S. Pagay
California Bar No. 189289
Three Embarcadero Center, Suite 1020
San Francisco, California 94111

and

Candace Carlyon
Nevada Bar No. 02666
233 S. Fourth Street, Suite 200
Las Vegas, Nevada 89101

Attorneys for Debtors

APPROVED AS TO FORM AND CONTENT:

By _____
Kelly D. Frazier
Assistant Attorney General
Attorney for the South Dakota Public Utilities Commission

EXHIBIT 6

I certify that this is a true copy:
Attest: _____
Deputy Clerk, Bankruptcy Court

proceedings relating to such claims.

Dated: May __, 2001

LEON, LINDA B. RIEGLE
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

PACHULSKI, STANG, ZIEHL, YOUNG & JONES P.C.

and

SHEA & CARLYON

By _____
Mallun S. Fagay
California Bar No. 189239
Three Embarcadero Center, Suite 1020
San Francisco, California 94111

and

Candace Carlyon
Nevada Bar No. 02666
239 S. Fourth Street, Suite 200
Las Vegas, Nevada 89101

Attorneys for Debtors

APPROVED AS TO FORM AND CONTENT:

By _____
Kelly D. Frazier
Assistant Attorney General
Attorney for the South Dakota Public Utilities Commission



EXHIBIT 6

| | | |
|---|---|---|
| STATE OF SOUTH DAKOTA | ) | IN CIRCUIT COURT |
| | ):SS | |
| COUNTY OF CODINGTON | ) | THIRD JUDICIAL CIRCUIT |
| IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC. | ) | CIV. 01- |
| | ) | PETITION TO APPOINT SOUTH DAKOTA PUBLIC UTILITIES COMMISSION AS RECEIVER |

Comes now the South Dakota Public Utilities Commission (Commission), an administrative agency of the State of South Dakota, requesting the above Court to appoint it as receiver of AgriBioTech, Inc., (ABT) pursuant to SDCL 49-45-16 and SDCL Chapter 21-21, to take possession of:

> The cash proceeds of the grain dealer's bond numbered 400JR0028, commencing July 1, 1999, and ending June 30, 2000, posted by the surety St. Paul Fire & Marine Insurance Company, PO Box 1138, Baltimore, MD 21203-1138 on behalf of ABT.

The purpose of this Receivership will be to determine the merits of claims, subject to the final approval of this Court, against the above stated bond that has been executed in accordance with applicable law.

In support of its Petition, the Commission states:

1. ABT was a licensed grain dealer in the State of South Dakota. ABT had a grain dealer's facility with an address of PO Box 84, Watertown, SD 57201-0084. A copy of ABT's most recent license is attached and incorporated by reference as Exhibit A.

2. Pursuant to SDCL 49-45-9 ABT furnished a $50,000 bond for its license as a grain dealer, effective for the period listed above. A copy of the bond is attached and incorporated by reference as Exhibit B.

3. On January 25, 2000, AgriBioTech, Inc., filed a Chapter 11 petition in the United States Bankruptcy Court for the District of Nevada, Bankruptcy Case No. BK-S-00-10533.

4. Subsequent to that filing, the Commission served notice to the surety on February 27, 2000 pursuant to SDCL 49-45-18. A copy of that notice is attached as exhibit C and is incorporated by reference.

5. On January 20, 2001, the Commission received a formal complaint from Mark E. Steichen, the General Manager of Amkota Cooperative, alleging that ABT failed to pay on approximately $92, 213.86 worth of scale tickets. A copy of that complaint is attached as Exhibit D and is incorporated by reference.

EXHIBIT 7

6. On March 7, 2001, the Commission filed a Motion For Relief From Automatic Stay in the United States Bankruptcy Court for the District of Nevada.

7. On June 18, 2001, the Honorable Judge Linda B. Reigle, United States Bankruptcy Judge, signed an Order RE: State of South Dakota, Public Utilities Commission Motion For Relief From Automatic Stay (Verified) granting the Commission limited relief from the Automatic Stay of 11 U.S.C. §362 for the sole purpose of administering claims against the bond described above. A certified copy of the Order is attached as Exhibit E and is incorporated by reference.

8. Pursuant to SDCL 49-45-16 and SDCL Chapter 21-21 the Commission now petitions this Court to appoint the Commission as a receiver of the proceeds of the bond described above.

9. A receivership created by order of this Court would be for the sole and limited purpose of determining the claims against the grain dealer's bond described above. Any funds forwarded to the Commission would be deposited in a FDIC insured and interest bank bearing account in Pierre, South Dakota, pursuant to the Court order and SDCL 21-21-10.

10. Upon being appointed receiver of the bond proceeds, the Commission will place notices in the Watertown Public Opinion and the Sioux Falls Argus Leader notifying potential claimants in this matter of the right to file a claim with the Commission.

11. The Commission, upon notice to known and potential claimants, will hold a hearing, at a time and place yet to be determined, for claimants to present evidence as to the merits of their claims under the bond.

12. In accordance with SDCL 21-21-9, the Commission shall submit Proposed Findings of Fact, Conclusions of Law and a Decision after consideration of all claims presented to the Commission, to this Court.

WHEREFORE, the Commission requests that this Court:

(1) Issue an order pursuant to SDCL 49-45-16 and SDCL Chapter 21-21 appointing the Commission as receiver over the grain dealer's bond described in the Petition.

(2) Issue an order requiring St. Paul Fire & Marine Insurance Company to pay to the Commission such amounts as may be due under the above-described bond, as determined by the Commission subject to the final approval of this Court.

(3) Authorize the Commission to act as referee at a hearing for the purposes of determining the valid claims against the bond and to make a proposal regarding the distribution of monies due under the bond for this Court's approval.

EXHIBIT 7-b

(4) Waive surety requirements imposed by SDCL 21-21-6 and 21-21-8 because the Commission is an agency of the State of South Dakota and the Commissioners are covered under the state employees' blanket bond pursuant to SDCL 49-1-6.

Dated this 2nd day of August, 2001.

Kelly D. Frazier
Assistant Attorney General
Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501-5070
605-773-3201

EXHIBIT
7

| | | |
|---|---|---|
| STATE OF SOUTH DAKOTA | ) | IN CIRCUIT COURT |
| | ):SS | |
| COUNTY OF CODINGTON | ) | THIRD JUDICIAL CIRCUIT |
| IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC. | ) | CIV. 01-0447 |
| | ) | ORDER APPOINTING SOUTH DAKOTA PUBLIC UTILITIES COMMISSION AS RECEIVER |

Having examined the Petition of the South Dakota Public Utilities Commission (Commission) who requests appointment of itself as a receiver of the bond proceeds of AgriBioTech, Inc. (ABT), and none of the respondents appearing in protest to said petition, upon good cause shown, it is therefore ORDERED:

1. That pursuant to SDCL 49-45-16 and SDCL Chapter 21-21 the Commission is hereby appointed Receiver of the following:

The cash proceeds of the grain dealer's bond numbered 400JR0028, commencing July 1, 1999, and ending June 30, 2000, posted by the surety St. Paul Fire & Marine Insurance Company, PO Box 1138, Baltimore, MD 21203-1138 on behalf of ABT.

2. That the Commission, as Receiver, shall collect all applicable bond proceeds. The Commission shall carry out all duties as the Court may direct in the future.

3. That the bonding company, St. Paul Fire & Marine Insurance Company, PO Box 1138, Baltimore, MD 21203-1138 is hereby directed to pay proceeds of the bond described in the Petition herein to the Commission as Receiver within 10 days of written notification to do so by the Commission or its legal counsel. Nothing herein shall prejudice St. Paul Fire & Marine Insurance Company from raising any defenses it may have in paying the bond proceeds.

4. That the Commission shall collect the above bond proceeds, when paid, and deposit the same in an FDIC insured and interest bearing bank account in the City of Pierre, South Dakota.

5. That the Commission shall schedule a hearing for the purpose of making a proposal to this Court regarding the disposition of the bond proceeds mentioned above. The Commission shall give notice to all known potential claimants of this hearing and post the same in a paper of general circulation once a week for two weeks prior to said hearing.

6. That the Commission is hereby appointed as claims referee to preside at said Hearing to make a proposed decision to the Court regarding which claims are valid and in what amount.

EXHIBIT 8

7. That any surety bond required under SDCL Chapter 21-21 is hereby waived because the Commission is an administrative agency of the State of South Dakota and each Commissioner has a surety bond posted pursuant to SDCL 49-1-6.

Dated this 29th day of August, 2001

BY THE COURT:

Judge Ronald K. Roehr
Circuit Court Judge

ATTEST:

Clerk of Courts

By Deputy

(SEAL)

EXHIBIT 8 b

FILED

CLERK OF COURTS
CODINGTON COUNTY
DATE 8-29-01

State of South Dakota }
County of Codington }
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on record in my office. 8-30-01
Codington County Clerk of Courts / Deputy

COX & SMITH
INCORPORATED
ATTORNEYS & COUNSELORS

112 East Pecan Street
Suite 1800
San Antonio, Texas 78205-1521
(210) 554-5500
Fax (210) 226 8395
www.coxsmith.com

Writer's Direct Number
(210) 554-5358

Writer's E-Mail Address
cschelling@coxsmith.com

October 12, 2001

Amkota Coop
PO Box Q
Wessington SD 57382

Re: *In re AgriBioTech, Inc., Las Vegas Fertilizer Co., Garden West Distributors, Inc. and Geo W. Hill & Co., Inc* ("Debtors") Jointly Administered Bankruptcy Case No BK-S-00-10533, pending in the United States Bankruptcy Court for the District of Nevada

Dear Amkota Coop:

We are writing to make demand for the return of a preferential transfer made to you from the Debtors within 90 days of the Debtors filing for relief under Chapter 11 of the Bankruptcy Code.

Pursuant to the Order Confirming First Amended Joint Plan of Reorganization ("Plan") entered on April 10, 2001, and in accordance with Section 6.2 of the Plan, Anthony H. N. Schnelling was designated Creditor Trustee of the Creditor Trust (hereafter the "Creditor Trustee") to implement the terms of the Plan. In addition, the Plan provides that the Creditor Trustee has the exclusive right to enforce any and all avoidance actions. See Section 6.3 of the Plan.

The Creditor Trustee, pursuant to 11 U.S.C. §§ 547 and 550, now seeks the return of the preferential transfers set out below. In an effort to resolve this matter, the Creditor Trustee is agreeable to discounting the amounts owed by ten percent.

| DATE | AMOUNT | TOTAL DISCOUNTED AMOUNT |
|---|---|---|
| 11/5/99 | $20,724.03 | |
| 11/17/99 | $3,267.68 | |
| 11/23/99 | $13,717.43 | |
| 11/23/99 | $5,411.95 | |
| 11/24/99 | $14,552.83 | |
| 11/30/99 | $11,060.57 | |

EXHIBIT 9

COX & SMITH
INCORPORATED
ATTORNEYS • COUNSELORS



$68,736.49 $61,861.04

In order to comply with this demand, please mail a check made payable to Anthony H. N. Schnelling, Creditor Trustee for $61,861.04 to Cox & Smith Incorporated c/o Carol E. Jendrzey, 112 E. Pecan St., Suite 1800, San Antonio, Texas 78205-1521.

If the Creditor Trustee receives a check from you in the designated amount within 30 days of the date of this letter, no further action will be taken in this matter. If you have any questions, please contact us at 210.554.5558.

Yours very truly,

Carol E. Jendrzey by Douglas E. Smith

Carol E. Jendrzey

CEJ/lrc/369410.01

cc: Mr. Anthony H. N. Schnelling

EXHIBIT 9 6

$001-002


# RICE, EWINGER & RUSSMAN

*Attorneys at Law*

SUITE 200 CITIZENS BUILDING
P.O. BOX 96
ABERDEEN, SOUTH DAKOTA 57402-0096

*CURT R. EWINGER*
*RICHARD L. RUSSMAN*

*GEORGE J. RICE*
*Of Counsel*

TELEPHONE 605-225-6310
TELECOPIER 605-225-1418


November 9, 2001

Carol E. Jendrzey
Cox & Smith
Attorneys at Law
112 E. Pecan St., Ste. 1800
San Antonio, TX 78205

Re: Agribiotech, Inc.
Chapter 11 Bankruptcy
Case No. BK-S-00-10533
Pending in US Bankruptcy Court for the District of Nevada
Our Client: AmKota Coop, Wessington Springs,
South Dakota 57382

Dear Ms. Jendrzey:

AmKota Coop has received your letter dated October 12, 2001, alleging preferential transfers to them by Discount Farm Center of Watertown, South Dakota, totaling $68,734.49 on November 5, 1999; November 17, 1999; November 23, 1999; November 24, 1999; and November 30, 1999. All of these payments were made within 30 days of the sale of grain to Discount Farm Center of Watertown, South Dakota. Pursuant to 11 U.S.C. §547(c) we believe these payments were made in the ordinary course of business or financial affairs of the Debtor and AmKota. They were made in the ordinary course of business, an exception to the preferential transfer you allege. Therefore, we are declining to remit a check at this time.

If you have any questions, please do not hesitate to contact me. Please advise how you wish to proceed in connection with this matter. Thank you.

Sincerely,

Curt R. Ewinger

Curt R. Ewinger
CRE:skt
cc: Mark Steichen, Manager

LAW OFFICES
RITER, MAYER, HOFER, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

R.C. RITER (1912-1994)
E.D. MAYER
ROBERT C. RITER, Jr.
JERRY L. WATTIER
JOHN L. BROWN
TRAVIS B. JONES

OF COUNSEL
Mathew D. Hofer

TELEPHONE
605-224-5825
FAX
605-224-7102

November 14, 2001

Kelly D. Frazier
Staff Attorney
South Dakota Public Utilities
Commission
500 E. Capitol Avenue
Pierre, SD 57501

Re: Civ. 01-0347/GS01-003
In the Matter of the Grain Dealer's
Bond of AgriBio Tech, Inc.:
Preferential Payment Letter

Dear Ms. Frazier:

We write this letter to you on behalf of our client, Kennebec Farmers Union Coop Elevator. You wrote them on November 14, 2001 advising that there is a grain dealers bond available.

Our client has received notice of the claimed preferential transfer. We have written Cox & Smith Incorporated, advising them that under the facts and circumstances it does not appear that the transfer was preferential. However, it is possible that this matter will be resolved contrary to our client's interest and hence, we do want to leave available the opportunity to recover on the grain dealers bond. Perhaps you could contact me so we can visit regarding alternatives available in that regard.

Thank you for your consideration and I will await your contact.

RECEIVED
NOV 19 [illegible]
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Very truly yours,

RITER, MAYER, HOFER, WATTIER
& BROWN, LLP

By: [signature]
Robert C. Riter, Jr.

RCR Jr-wb
cc: Stan Collins

AMKOTA
P.O. BOX C
WESSINGTON SPRINGS, SOUTH DAKOTA 57382

SERVING THE HEARTLAND OF AMERICA & SOUTH DAKOTA

AMPRIDE CONVENIENCE MART
PHONE (605) 539-1932

PETROLEUM DEPARTMENT
PHONE (605) 539-1666

FEED, LUMBER & FARM SUPPLY
PHONE (605) 539-1848

GRAIN ELEVATOR & FEED MILL
PHONE (605) 539-1559

November 16, 2001

Kelly Frazier
Staff Attorney
SD Public Utilities Commission
State Capitol Building
Pierre, SD 57501-5070

Dear Mr. Frazier:

In your November 14th letter, you asked how we intend to resolve the "preferential transfers" issue in the AgriBioTech bankruptcy case. We feel strongly that the alleged preferential transfers were actually payments made in the ordinary course of business, and we have declined to remit a check. AmKota Co-op's response to the letter from Cox and Smith, Inc. demanding the payment, has been returned through our attorney Curt Swinger and is attached for your review.

Unfortunately, I cannot, at this time, determine if an additional claim on the bond will be necessary. Hopefully, our argument against the preferential treatment charge will be accepted and no further bond claims will be necessary. We must, however, await the response from Cox and Smith. I will keep you apprised of future developments.

Sincerely,

Mark E. Steichen

Mark E. Steichen
General Manager

Enclosure

RECEIVED
NOV 19 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

KERMIT'S FARM CENTER, INC.
217 1st Avenue N.E. – P.O. Box 1385
Watertown, South Dakota 57201
Phone 605 882 1324

DAKOTA BRAND SEEDS

Dear Sir,

Nov 17, 2011

In answer to your letter Oct 12, 2011 the discount for the return of the meds you are talking about was for the payment of 5 bottles, the bill is us and therefore we are not owing it back

Sincerely

Kermit's Farm Center Inc



# South Dakota Public Utilities Commission


Capitol Office
Telephone 605-773-3201
FAX 605-773-3809

Transportation/
Warehouse Division
Telephone 605-773-5280
FAX 605-773-3225

Consumer Hotline
1-800-332-1782

TTY through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc



Jim Burg
Chairman
Pam Nelson
Commissioner


November 14, 2001

CERTIFIED MAIL RETURN RECEIPT REQUESTED

RE: CIV 01-[illegible] IN THE MATTER OF THE [illegible]
BOND OF AgriBioTech, Inc. – PREFERENTIAL TRANSFER

Kermit's Farm Center
PO Box 1298
2171st Ave. NE
Watertown, SD 57201-0298

To Kermit's Farm Center:

The South Dakota Public Utilities Commission ("Commission") has received [illegible] indicating that you may have received a letter from [illegible] return of what it deems to be "preferential transfers" made by [illegible] Inc. The Commission is currently in possession of the grain dealer bond proceeds of AgriBioTech, Inc., P.O. Box 84, Watertown, South Dakota. The Commission has [illegible] and held a hearing on November 1, 2001, for the purpose of determining [illegible] the cash proceeds of the grain dealer's bond and in attempting to make a [illegible] decision to the Circuit Court regarding which claims are valid and in what [illegible] Commission became aware of the issue of the "preferential transfers" [illegible] hearing on November 1, 2001, and the Commission left the record open to [illegible] investigate this issue. You did not receive notice of these proceedings because [illegible] company books indicated that you did not have any unpaid [illegible] transactions with the company. If however, you received [illegible] payments, you may have a valid claim against the bond. [illegible] recommendations at the hearing of November 1, 2001, the bond [illegible] approximately fifteen and a half cents on the dollar, although that [illegible]. Please respond to the Commission within 20 days of receipt of this letter and indicate how you intend to resolve this issue. If you do not respond within 20 days, the Commission will assume that you do not intend to make a claim against the bond. If you would like to obtain a claim form or further information regarding [illegible] please contact Bob Knadle at the Commission at 1-800-[illegible]. Thank you for your attention to this matter.

Sincerely,

Kelly D. Frazier
Staff Attorney

COX & SMITH
INCORPORATED
ATTORNEYS AND COUNSELORS
[illegible]
[illegible]
San Antonio, Texas [illegible]
[illegible]
[illegible]
[illegible]

Writer's Direct Number
(210) 554-5558

October 12, 2001

Kermits Farm Center
217 1st Ave NE
PO Box 1295
Watertown, SD 57201-6295

Re: *In re AgriBioTech, Inc., Las Vegas Exercise Co., Inc., West Distributors, Inc. and Geo. W. Mill & Co., Inc.* ("Debtors") Jointly Administered Bankruptcy Case No. BK-S-00-10535, pending in the United States Bankruptcy Court for the District of Nevada

Dear Kermits Farm Center:

We are writing to make demand for the return of a preferential transfer(s) made to you from the Debtors within 90 days of the Debtors filing for relief under Chapter 11 of the Bankruptcy Code.

Pursuant to the Order Confirming First Amended Joint Plan of Reorganization ("Plan") entered on April 10, 2001, and in accordance with Section 9.2 of the Plan, Anthony H. N. Schnelling was designated Creditor Trustee of the Creditor Trust (hereafter the "Creditor Trustee") to implement the terms of the Plan. In addition, the Plan provides that the Creditor Trustee has the exclusive right to enforce any and all avoidance actions. *See* Section 9.2 of the Plan.

The Creditor Trustee, pursuant to 11 U.S.C. §§ 547 and 550, now seeks the return of the preferential transfers set out below. In an effort to resolve this matter, the Creditor Trustee is agreeable to discounting the amount owed by ten percent.

| DATE | AMOUNT | DISCOUNTED AMOUNT |
|---|---|---|
| 11/24/99 | $999.00 | $899.10 |
| | $999.00 | $899.10 |

In order to comply with this demand, please mail a check made payable to Anthony H. N. Schnelling, Creditor Trustee for $809.10 to Cox & Smith Incorporated, c/o Carol E. Jendrzey, 112 E. Pecan St., Suite 1800, San Antonio, Texas 78205-1521.

If the Creditor Trustee receives a check from you in the designated amount within 30 days of the date of this letter, no further action will be taken in this matter. If you have any questions, please contact us at 210 554 5555.

Yours very truly,

Carol E. Jendrzey by DGF

Carol E. Jendrzey

CEJ/tc/3694100.01

cc: Mr. Anthony H. N. Schnelling

LAW OFFICES
RITER, MAYER, HOFER, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

R.C. RITER (1912-1994)
E.B. MAYER
ROBERT C. RITER, Jr.
JERRY L. WATTIER
JOHN L. BROWN
TRAVIS B. JONES

OF COUNSEL
Robert D. Hofer

TELEPHONE
605-224-5825
FAX
605-224-7102

November 20, 2001

Ms. Rolayne Wiest
Attorney at Law
Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

Re: Civ. 01-047/C001-002
In the Matter of the Grain Dealer's
Bond of AgriBioTech, Inc.

Dear Rolayne:

We previously advised Kelly Frazier, an attorney with the Public Utilities Commission, that we were representing Kennebec Farmers Union Coop Elevator. I write this letter to you on their behalf.

I understand that there are some bond monies awaiting distribution. It may well be that our client will have a claim against that bond, however, currently we are communicating with Carol E. Jendrzey of Cox and Smith of San Antonio, Texas regarding their claim that the monies our client received from AgriBioTech, Inc. were a preference payment. While we are resisting that claim, we do not know the ultimate outcome.

I would ask that you let this letter serve as our request that sufficient bond monies be retained to respond to our client's request for payment from the bond if such becomes necessary.

Thank you for your consideration.

Very truly yours,

RITER, MAYER, HOFER, WATTIER
& BROWN, LLP

By: Robert C. Riter, Jr.

RECEIVED
NOV 21 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RCR Jr-wb
cc: Kelly Frazier
Stan Collins

North Pacific Group, Inc.

November 20, 2001

South Dakota
Public Utilities Commission
Attn. Kelly D. Frazier, Staff Attorney
State Capitol Building
500 East Capital Avenue,
Pierre, South Dakota 57501-5070

Dear Kelly D. Frazier:

Enclosed is photocopy of our response to the letter we received from Cox & Smith demanding repayment on the basis of preferential payment. It is our position that no preference of payment occurred. Thus, we will not be refunding any funds.

To date, we have not received any response from Cox & Smith and we consider the matter closed.

We wish to continue our bond claim with the South Dakota Public Utilities Commission. I hope this resolves the issue. If you need to speak with me, my number is 503-872-3714.

Sincerely,

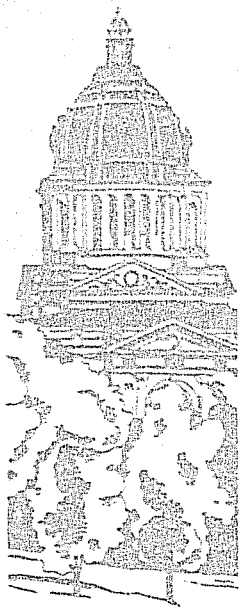
NORTH PACIFIC GROUP, INC.

Lawrence Carr
V.P. Credit

Enclosures

RECEIVED
NOV 26 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

North Pacific Group, Inc.
P.O. Box 3915
Portland, OR 97208-3915



# South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

November 14, 2001

CERTIFIED MAIL RETURN RECEIPT REQUESTED

RE: CIV 01-0447/GD01-002 IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC.: PREFERENTIAL PAYMENT LETTER

North Pacific Group, Inc.
North Pacific Trading; Attn John Barnes
PO Box 3968
Portland, OR 97208-3968

To North Pacific Group, Inc.

The South Dakota Public Utilities Commission (Commission) has received information indicating that you may have received a letter from Cox & Smith, Inc. demanding the return of what it deems to be "preferential transfer(s)" made to you from AgriBioTech, Inc. You currently have a claim filed or had the opportunity to file a claim with the Commission against the grain dealer's bond of AgriBioTech, Inc. The Commission noticed and held a hearing on November 1, 2001, for the purpose of determining claims against the cash proceeds of the grain dealer's bond and is attempting to make a proposed decision to the Circuit Court regarding which claims are valid and in what amount. The Commission became aware of the issue of the "preferential transfers" just prior to the hearing on November 1, 2001, and the Commission left the record open to further investigate this issue. If, however, you are legally required to return payments you have received, you may have a further claim against the bond. Based on the current recommendations at the hearing of November 1, 2001, the bond will cover approximately fifteen and one half cents on the dollar, although this may change. Please respond to the Commission within 20 days of receipt of this letter and indicate how you intend to resolve this issue. If you do not respond within 20 days, the Commission will assume that you do not intend to make a claim against the bond. If you would like to obtain another claim form or more information regarding this matter, please contact Bob Knadle at the Commission at 1-800-332-1782. Thank you for your attention to this matter.

Sincerely,

Kelly Frazier

Kelly D. Frazier
Staff Attorney

RECEIVED
NOV 26 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION


Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/



Jim Burg
Chairman
Pam Nelson
Vice-Chairman

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Christopher W. Downs
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Leni Healy
Mary Healy
Lisa Hull
Dave Jacobson
Amy Kayser
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Robayne Aills Wiest

North Pacific Group, Inc.

October 26, 2001

Cox & Smith Incorporated
Attn. Mr. Anthony H.N. Schnelling
112 East Pecan Street, Suite 1800
San Antonio, Texas 78205-1521

Dear Anthony H. M. Schnelling:

We are in receipt of your demand for repayment of $7,816.50 for preferential payment. I offer to you some additional facts regarding the payment:

1). New value occurred. Invoice #124932 for $25,245.00 was generated on 12-14-99, after receipt of the disputed payment.

2). Invoice #124781, which is the disputed payment of $7,816.50, was invoiced and paid in the normal course of business.

In summary, North Pacific Group, Inc., has not received any preferential payments and thus cannot remit any funds to your office. I hope this resolves the issue. If you need to speak with me, my number is 503-872-3714.

Sincerely,

NORTH PACIFIC GROUP, INC.

Lawrence Carr
V.P. Credit

RECEIVED
NOV 2 6 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

North Pacific Group, Inc.
P.O. Box 3915
Portland, OR 97208-3915

COX & SMITH
INCORPORATED
ATTORNEYS & COUNSELORS

OCT 23 2001

112 East Pecan Street
Suite 1800
San Antonio, Texas 78205-1521
(210) 554-5500
Fax (210) 226-8395
www.coxsmith.com

Writer's Direct Number
(210) 554-5558

Writer's E-Mail Address
cjendrzey@coxsmith.com

October 12, 2001

North Pacific Trading Co.
PO Box 502269
Saint Louis, MO 63150

Re: *In re AgriBioTech, Inc., Las Vegas Fertilizer Co., Garden West Distributors, Inc. and Geo W. Hill & Co., Inc.* ("Debtors") Jointly Administered Bankruptcy Case No. BK-S-00-10533, pending in the United States Bankruptcy Court for the District of Nevada

Dear North Pacific Trading Co.:

We are writing to make demand for the return of a preferential transfer(s) made to you from the Debtors within 90 days of the Debtors filing for relief under Chapter 11 of the Bankruptcy Code.

Pursuant to the Order Confirming First Amended Joint Plan of Reorganization ("Plan") entered on April 10, 2001, and in accordance with Section 6.2 of the Plan, Anthony H. N. Schnelling was designated Creditor Trustee of the Creditor Trust (hereafter the "Creditor Trustee") to implement the terms of the Plan. In addition, the Plan provides that the Creditor Trustee has the exclusive right to enforce any and all avoidance actions. *See* Section 6.3 of the Plan.

The Creditor Trustee, pursuant to 11 U.S.C. §§ 547 and 550, now seeks the return of the preferential transfers set out below. In an effort to resolve this matter, the Creditor Trustee is agreeable to discounting the amount owed by ten percent.

| | | | |
|---|---|---|---|
| [redacted] | | | |
| 12/06/99 | | $7,816.50 | |
| | | $7,816.50 | $7,034.85 |

In order to comply with this demand, please mail a check made payable to Anthony H. N. Schnelling, Creditor Trustee for $7,034.85 to Cox & Smith Incorporated c/o Carol E. Jendrzey, 112 E. Pecan St., Suite 1800, San Antonio, Texas 78205-1521.

RECEIVED
DEC 04 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Lone Prairie Grain
2373 65 ½ St. NE
Rugby ND 58368

November 28, 2001

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre South Dakota 57501-5070

RE: Preferential payment letter

A letter was sent to Cox & Smith; see attached. If the judge orders to repay amount of $4861.59 a claim could follow.

Sincerely,

Dale Honsey

December 4, 2001

South Shore Elevator Co Inc
P.O. Box 457
South Shore, S.D. 57263

RE: PREFERENTIAL PAYMENT LETTER FROM AGRIBIOTECH

To PUC,

After speaking to our lawyer on this matter, he advised us to send this letter to Cox & Smith, and to send you a copy also.

South Shore Elevator Co Inc

Dennis K. Flemming
Manager

RECEIVED
DEC 06 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

December 4, 2001

South Shore Elevator Co. Inc.
P.O. Box 65
South Shore, S.D. 57263

Cox & Smith Incorporated
112 East Pecan Street, Suite 1800
San Antonio, Texas 78205-1521

This is in response to your demand regarding the AgriBioTech claim that we repay the $822.27
We do not feel that this was a preferential transfer to us and will not send the money back.

South Shore Elevator Co. Inc.

Dennis K. Fleming
Owner and Manager

RECEIVED
DEC 05 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Yale Farmers Cooperative
Box 127-128
Yale, SD 57386
grain 599-2911 oil 599-2010

November 16, 2001

Rolayne Ailts Wiest
Public Utilities Commission
500 East Capitol Avenue
Pierre SD 57501-5070

Rolayne,

I am writing you in regards to the letter we received from Cox & Smith. I am enclosing a copy of the letter. We have no intention of honoring their demands, because we never received any preferential treatment of payment in this matter. We have done business with whoever has been in the Arrowhead location for over 20 years, that I am aware of, and never have we received payment differently than at any other time. It has all been just in the regular course of business. However, until this matter has been resolved, it would appear to me that payment should be held up in the Bankruptcy matter regarding the Grain Bond. We would like to have the opportunity to file against their bond in the event we would have to.

If this letter isn't sufficient to get you to hold up payment, please let me know.

Thank you.

Gary Doering

Gary Doering
General Manager

RECEIVED
NOV 30 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

enc

EDO1-002

KNIGHT
—Since 1964

KNIGHT SEED COMPANY, INC.
151 West 128th Street • P.O. Box 903 • Burnsville, MN 55337-0903
Tel: 952/894-8080
Fax: 952/894-8085
800/328-3999
www.knightseed.com
E-Mail: knight@knightseed.com

December 6, 2001

To: Kelly Frazier
From: Steven Ask
Re: Grain Dealer's Bond of Agribiotech

I spoke with Bob Knadle yesterday and he suggested I should send you a letter. In the past we have received notifications from you regarding the bond that AgriBio Tech of Watertown, SD has. I had not submitted any claim, as we had no money owing from them. However, we recently received a letter from attorney making demand for the return of a preferential transfer made to us within 90 days of the filing for relief under Chapter 11 of the Bankruptcy Code. We have retained an attorney as we feel that no preferential treatment was given – that they paid us in the ordinary course of business. Copy of the letter from attorney is enclosed (it is a bad copy but the best I could do from the original letter). I am also enclosing copy of the contract, invoice and check received. The amount is $7,988.00 that we received on December 7, 1999. The attorney is requesting other money back but they are from shipments to state other than South Dakota. In light of the above, we wish to reserve our right to be able to submit a claim if and when we have to pay the amount of money back. As of right now we do not have a claim, as we have not paid any money yet. I have no ideal how long it will take to resolve this issue by the attorneys and courts so cannot say when we will have a claim.

Please do not hesitate to call if any questions.

Steven Ask

RECEIVED
DEC 10 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COX & SMITH
INCORPORATED
ATTORNEYS & COUNSELORS

112 East Pecan Street
Suite 1800
San Antonio, Texas 78205-1521
(210) 554-5500
Fax (210) 226-8395
www.coxsmith.com

Writer's Direct Number:
(210) 554-5558

Writer's E-Mail Address:
rgordon@coxsmith.com

October 12, 2001

Knight Seed Co.
SDS 12 1195
P.O Box 86
Minneapolis, MN 55486-1195

Re: *In re AgriBioTech, Inc., Las Vegas Petroleum Co., Cardinal West Distributors, Inc. and Wm. H. Hall & Co.*, Debtors ("Debtors") Jointly Administered Bankruptcy Case No. BK-S-00-16834, pending in the United States Bankruptcy Court for the District of Nevada

Dear Knight Seed Co.:

We are writing to make demand for the return of a preferential transfer(s) made to you from the Debtors within 90 days of the Debtors filing for relief under Chapter 11 of the Bankruptcy Code.

Pursuant to the Order Confirming First Amended Joint Plan of Reorganization ("Plan"), entered on April 19, 2001, and in accordance with Section 6.2 of the Plan, Anthony H. N. Schnelling was designated Creditor Trustee of the Creditor Trust (hereafter the "Creditor Trustee") to implement the terms of the Plan. In addition, the Plan provides that the Creditor Trustee has the exclusive right to enforce any and all avoidance actions. *See* Section 6.3 of the Plan.

The Creditor Trustee, pursuant to 11 U.S.C. §§ 547 and 550, now seeks the return of the preferential transfers set out below. In an effort to resolve this matter, the Creditor Trustee is agreeable to discounting the amount owed by ten percent.

| DATE | AMOUNT | TOTAL | DISCOUNTED AMOUNT |
|---|---|---|---|
| 11/04/99 | $25,131.25 | | |
| 11/30/99 | $7,988.00 | | |
| 12/01/99 | $26,520.00 | | |
| | | $59,639.25 | $53,730.33 |

In order to comply with this demand, please mail a check made payable to Anthony H. N. Schnelling, Creditor Trustee for $53,720.33 to Cox & Smith Incorporated c/o Carol E. Jendrzey, 112 E. Pecan St., Suite 1800, San Antonio, Texas 78205-1521.

If the Creditor Trustee receives a check from you in the designated amount within 30 days of the date of this letter, no further action will be taken in this matter. If you have any questions, please contact us at 210.554.5558.

Yours very truly,

Carol E. Jendrzey by Douglas B. Kaul

CEJ/lrc:369418.01

cc: Mr. Anthony H. N. Schnelling

"Since 1964"

# KNIGHT SEED COMPANY, INC.

[illegible]

## SALE CONTRACT CONFIRMATION

NO [illegible]

[illegible]

TO: ABT - WATERTOWN
PO BOX 84

WATERTOWN SD 57201

[illegible]

SHIPMENT: ASAP

INVOICE TERMS: N30
1 1/2% FINANCE CHARGE PER MONTH AFTER 30 DAYS
CARRY CHARGE:
RULES/ARBITRATION: ASTA
WEIGHTS:

[illegible]

SPECIAL INSTRUCTIONS/REMARKS

| ITEM | QUALITY | QUANTITY | PRICE |
|---|---|---|---|
| 099030<br>ECL AUS WINTER PEAS 50# | #1<br>1999 CROP YEAR | [illegible] Lbs | [illegible] |
| 699030<br>ECLEANED CANARYSEED 50#. | | 6000 Lbs | [illegible] |
| 399030<br>ECLEANED RAPESEED 50# | | 6000 Lbs | [illegible] |
| 209030<br>ED CHIP SUNFLOWERS 50# | | 10000 Lbs | [illegible] |
| 499030<br>ECLEANED FLAX 50# | | [illegible] Lbs | [illegible] |
| 099030<br>ECLEANED OAT GROATS 50# | | 6000 Lbs | [illegible] |
| 108030<br>HALL CONF SUNFLOWERS 50# | | 6000 Lbs | [illegible] |

Please sign and return GREEN COPY:

THIS AGREEMENT CONSTITUTES THE FULL AND COMPLETE AGREEMENT OF THE PARTIES.

BUYER: ACKNOWLEDGES HE HAS READ AND ACCEPTS THIS CONTRACTS TERMS AND CONDITIONS INCLUDING THE REVERSE SIDE WHICH CONTAINS EXCLUSIONS AND LIMITATIONS OF WARRANTIES, DAMAGES AND REMEDIES. FAILURE TO SIGN AND RETURN GREEN COPY WITHIN FIVE DAYS CONSTITUTES ACCEPTANCE.

TOTAL CONTRACT PAGES -- 1

Thank You

FIRM ABT - WATERTOWN [illegible]160

KNIGHT SEED COMPANY, INC.

BY _____

By: _____

DATE _____

ANY CLAIMS DUE TO SHORTAGES, QUALITY OR DAMAGE MUST BE FILED IMMEDIATELY UPON RECEIPT OF THE MATERIAL AND NOTED

INVOICE

"Since 1964"

# KNIGHT SEED COMPANY, INC.

151 W. 120th Street
P.O. Box 989
Burnsville, MN 55337-0989
Web Site: www.knightseed.com

Tel: (612) 894-8040
Fax: (612) 894-8995
800-328-2999
EMail: knt@knightseed.com

INVOICE NO. -- 34229

ABT - WATERTOWN
PO BOX 84

WATERTOWN SD 57201

CUST. ORDER NO.

PICK UP NO.
CUST. 22160

DATE: 10/22/99

B/L NO. CAR/TRL NO. F.O.B. COLL S.P.

| QUANTITY | CONTRACT NO. | DESCRIPTION | WEIGHT | PRICE | AMOUNT |
|---|---|---|---|---|---|
| 80 | 34993 | RECL AUS WINTER PEAS 50# | 4000 LB | 14.500 | 580.00 |
| 120 | 34993 | RECLEANED CANARYSEED 50# | 6000 LB | 13.900 | 834.00 |
| 120 | 34993 | RECLEANED RAPESEED 50# | 6000 LB | 15.000 | 900.00 |
| 200 | 34993 | MED CHIP SUNFLOWERS 50# | 10000 LB | 31.000 | 3100.00 |
| 80 | 34993 | RECLEANED FLAX 50# | 4000 LB | 15.500 | 620.00 |
| 160 | 34993 | RECLEANED OAT GROATS 50# | 8000 LB | 11.500 | 920.00 |
| 120 | 34993 | SMALL CONF SUNFLOWERS 50# | 6000 LB | 15.500 | 930.00 |
| | | PALLETS | 20 | 7.500 | 150.00 |
| | | --- | | | |
| | | THANK YOU FOR THIS ORDER | | | |

NET 30 - 1½% FINANCE CHARGE AFTER 30 DAYS

MAIL REMITTANCE TO:
Knight Seed Co., Inc.
SDS12 - 5105
P.O. Box 86
Minneapolis, MN 55486-5105

TOTAL AMOUNT THIS INVOICE 8034.00

The Company warrants to the extent of the purchase price that seed sold are as described on the container within recognized tolerances. Seller gives no other or further warranty, expressed or implied. Seller shall not be liable for damages or delays caused by or resulting from embargoes, strikes, or labor disturbances, floods, earthquakes, fires, action of the elements, war, riot, insurrection, rebellion, or interference by civil or military authority.

All claims for damaged merchandise shall be filed against the delivering carrier by consignee. No material may be returned without obtaining our permission.

"Since 1964"

# KNIGHT SEED COMPANY, INC.

151 W. 126th Street
P.O. Box 959
Burnsville, MN 55337-0959
Web Site: www.knightseed.com

Tel: (612) 894-8899
Fax: (612) 894-8975
800-328-2099
EMail: knight@knightseed.com

INVOICE NO

ABT - WATERTOWN
PO BOX 84

CUST. ORDER NO.
PICK UP NO.
CUST. 22160

WATERTOWN SD 57201

DATE: 11/10/99

A: B/L NO. CAR/TRL NO. F.O.B.

| QUANTITY | CONTRACT NO | DESCRIPTION | WEIGHT | PRICE | AMOUNT |
|---|---|---|---|---|---|
| | | RE: INVOICE 34229<br>7600# OAT GROATS=$874.00 | | | |

'0 - 1½% FINANCE
GE AFTER 30 DAYS

MAIL REMITTANCE TO:
Knight Seed Co., Inc.
SDS12-1195
P.O. Box 86
Minneapolis, MN 55486-1195

TOTAL AMOUNT THIS INVOICE

Company warrants to the extent of the purchase price that seed sold are as described on the container within recognized tolerances. Seller gives no other or further warranty, expressed 'plied. Seller shall not be liable for damages or delays caused by or resulting from embargoes, strikes, or labor disturbances, floods, earthquakes, fires, action of the elements, war, riot, 'ection, rebellion, or interference by civil or military authority.
'ms for damaged merchandise shall be filed against the delivering carrier by consignee. No material may be returned without obtaining our permission.

usbank.

OCKBOX NAME : KNIGHT SEED COMPANY
EFERENCE NUMBER : 21640
TEM COUNT : 14

14 ACCOUNT NUMBER : 170225144972
LOCK BOX NUMBER : 121195
DOLLAR AMOUNT : $145,839.00 USD

12/07/1999 Page: 1

| | |
|---|---|
| 1. | 4,334.33 |
| 2. | 7,988.00 |
| 3. | 26,520.00 |
| 4. | 11,155.00 |
| 5. | 6,729.00 |
| 6. | 7,115.75 |
| 7. | 12,037.50 |
| 8. | 846.00 |
| 9. | 5,760.00 |
| 10. | 31,420.45 |
| 11. | 9,907.78 |
| 12. | 692.19 |
| 13. | 6,648.00 |
| 14. | 14,685.00 |

usbank.

LOCKBOX NAME : KNIGHT SEED COMPANY
REFERENCE NUMBER : 21640
TRANSIT ROUTING NUMBER: 541102014
DEPOSIT LOCATION :
ITEM COUNT : 14

14 ACCOUNT NUMBER : 170225144972
LOCK BOX NUMBER : 121195

DOLLAR AMOUNT : $145,839.00 USD

12/07/1999

We have credited your account for the above St. Paul Lockbox deposit

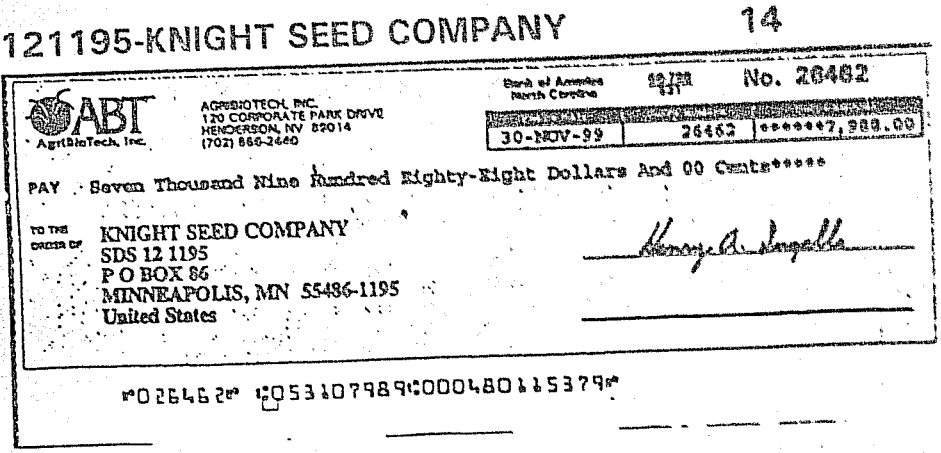
KNIGHT SEED COMPANY
151 WEST 126TH STREET
PO BOX 989
BURNSVILLE MN 55337-0989

14

121195-KNIGHT SEED COMPANY 14

#22160

DO 34229



ABT
AgriBioTech, Inc.

AGRIBIOTECH, INC.
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 868-2440

Bank of America North Carolina

No. 26462

| 30-NOV-99 | 26462 | *******7,988.00 |
|---|---|---|

PAY Seven Thousand Nine Hundred Eighty-Eight Dollars And 00 Cents*****

TO THE ORDER OF
KNIGHT SEED COMPANY
SDS 12 1195
P O BOX 86
MINNEAPOLIS, MN 55486-1195
United States

Henry A. Impelli

⑈026462⑈ ⑆053107989⑆000480165379⑈

usbank.

17537
BUSINESS DATE
12/07/1999
REFERENCE NO.
21640
SEQ W/I REFNO
0002

This is your statement of payment for items shown above.
Please detach and retain for your records

TOTALS | | *****7,988.00

DETACH ALONG THIS PERFORATION

| | | | | |
|---|---|---|---|---|
| 34229 | 22-OCT-99 | 22160 ABT WATERTOWN | 0.00 | 7,988.00 |

INVOICE LISTING CONTINUED BELOW

ABT
AgriBioTech, Inc.
AGRIBIOTECH, INC.
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2440

No. 26462

CUST ACCT NO :

VENDOR NUMBER
4565

DATE:
30-NOV-99

VENDOR NAME:
KNIGHT SEED COMPANY

GD 01-002


# AMKOTA

P.O. BOX Q
WESSINGTON SPRINGS, SOUTH DAKOTA 57382

*SERVING THE HEARTLAND OF AMERICA & SOUTH DAKOTA*

AMPRIDE CONVENIENCE MART
PHONE (605) 539-1932

PETROLEUM DEPARTMENT
PHONE (605) 539-1666

FEED, LUMBER & FARM SUPPLY
PHONE (605) 539-1444

GRAIN ELEVATOR & FEED MILL
PHONE (605) 539-1555


February 22, 2002

Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. Knadle:

AmKota Co-op has settled the preferential transfer demand in the AgriBioTech bankruptcy case for $5000.00. Please add this amount to any previous claims made on our state bond. The following information is enclosed for your consideration:

1. A completed "Proof of Claim for Cash Grain" form
2. A copy of the letter from the trustee attorney demanding return of preferential transfers
3. A copy of all grain tickets claimed by the trustee as preferential transfers
4. A copy of the Stipulation and Order dismissing AmKota from adversary action in the AgriBioTech bankruptcy.

Hopefully, this information will be adequate to allow you to proceed with settlement of the bond. You can reach me at 539-1666 if you need more information.

Sincerely,

Mark E. Steichen
General Manager

Enclosures


RECEIVED

FEB 26 2002

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Mark E. Steichen for Ankota, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Agri Bio Tech dba Discount Grain Center located at Watertown, SD

Listed below are the loads delivered which were not paid for:

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| | | – | | | |
| | | | | | |
| | | | | | |
| | | See attached load tickets. | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Explanation of Claim:

Following the Agri Bio Tech bankruptcy, the trustee demanded $68,734.49 for the return of preferential transfers made within 90 days of bankruptcy filing (see attached letter). Ankota Co-op has settled the claim out of court for $5000. Please consider this $5000 covered by our State bond in addition to previous amounts.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Mark E Steichen Genrel Mgr
Signature of Claimant

2-22-02
Date

P.O. Box Q
Street/PO Box

Wessington Springs SD 57382
City/State/Zip

605-539-1666
Telephone

Subscribed and sworn to me this 22nd day of February, 2002

Notary Connie Neu

County of: Jerauld

State of: South Dakota

Commission Expires: 08-03-03

CONNIE NEU NOTARY PUBLIC STATE OF SOUTH DAKOTA Seal

COX & SMITH
INCORPORATED
ATTORNEYS • COUNSELORS

112 East Pecan Street
Suite 1800
San Antonio, Texas 78205-1521
(210) 554-5500
FAX (210) 226-8395
www.coxsmith.com

Writer's Direct Number
(210) 554-5558

Writer's E-Mail Address
rhunt@coxsmith.com

October 12, 2001

Amkota Coop
PO Box 9
Wessington, SD 57382

Re: *In re AgriBioTech, Inc., Las Vegas Fertilizer Co., Garden West Distributors, Inc. and Geo W. Hill & Co., Inc.* ("Debtors") Jointly Administered Bankruptcy Case No. BK-S-00-10533, pending in the United States Bankruptcy Court for the District of Nevada

Dear Amkota Coop:

We are writing to make demand for the return of a preferential transfer made to you from the Debtors within 90 days of the Debtors filing for relief under Chapter 11 of the Bankruptcy Code.

Pursuant to the Order Confirming First Amended Joint Plan of Reorganization ("Plan") entered on April 10, 2001, and in accordance with Section 6.2 of the Plan, Anthony H. N. Schnelling was designated Creditor Trustee of the Creditor Trust (hereafter the "Creditor Trustee") to implement the terms of the Plan. In addition, the Plan provides that the Creditor Trustee has the exclusive right to enforce any and all avoidance actions. *See* Section 6.3 of the Plan.

The Creditor Trustee, pursuant to 11 U.S.C. §§ 547 and 550, now seeks the return of the preferential transfers set out below. In an effort to resolve this matter, the Creditor Trustee is agreeable to discounting the amount owed by ten percent.

| DATE | AMOUNT | TOTAL | DISCOUNTED AMOUNT |
|---|---|---|---|
| 11/5/99 | $20,724.03 | | |
| 11/17/99 | $3,267.68 | | |
| 11/23/99 | $13,713.43 | | |
| 11/23/99 | $5,411.95 | | |
| 11/24/99 | $14,562.83 | | |
| 11/30/99 | $11,060.57 | | |

$68,734.49 $61,861.04

In order to comply with this demand, please mail a check made payable to Anthony H. N. Schnelling, Creditor Trustee for $61,861.04 to Cox & Smith Incorporated c/o Carol E. Jendrzey, 112 E. Pecan St., Suite 1800, San Antonio, Texas 78205-1521.

If the Creditor Trustee receives a check from you in the designated amount within 30 days of the date of this letter, no further action will be taken in this matter. If you have any questions, please contact us at 210.554.5558.

Yours very truly,

Carol E. Jendrzey

Carol E. Jendrzey by Douglas B. Kane

CEJ/irc/369[illegible]

cc: Mr. Anthony H. N. Schnelling

| REF. NO | INVOICE DATE | CUST. NO | CUST. NAME | DISC. | NET | GROSS |
|---|---|---|---|---|---|---|
| | 12-OCT-99 | ABT | WATERTOWN | 0.00 | | 3,524.40 |
| | 13-OCT-99 | ABT | WATERTOWN | 0.00 | | 3,005.10 |
| | 14-OCT-99 | ABT | WATERTOWN | 0.00 | | 3,518.61 |
| | 15-OCT-99 | ABT | WATERTOWN | 0.00 | | 3,517.00 |
| | 20-OCT-99 | ABT | WATERTOWN | 0.00 | | 3,557.40 |
| | 21-OCT-99 | ABT | WATERTOWN | 0.00 | | 3,517.50 |

INVOICE CONTINUED BELOW

ABT
AgriBioTech, Inc

No. 23494

CUST ACCT NO

VENDOR NUMBER
6703

DATE
05-NOV-99

VENDOR NAME
ANGUS COOPERATIVE

This is your statement of payment for items shown above.
Please detach and retain for your records

TOTALS ****20,724.03

DETACH ALONG THIS PERFORATION

RECEIVING REPORT

ABT of Watertown
Agritechnic, Inc.

2251

Received from Ankota Kind of Seed Oils

Address Date 10-21-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price | Total |
| BOL No. | | H.O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28368 | | 9.1 | 32.5 | | 49,630 | 5½% | 2730 | 46900 | 7.50 | 3517.50 |

2251

RECEIVING REPORT

ABT of Watertown
Agritech, Inc.

2245

Received from Ambata Kind of Seed Oils

Address Date 10-20-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| Bill No. | | H.O | Elev. | Trans | Weight | % Dock | Dockage | | | |
| 28363 | | 9.3 | 327 | | 50,460 | 6% | 3028 | 47,432 | 7.50 | 3557.40 |
| | | | | | | | | | | |
| | | | | | | | | | | |
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Jurgens Printing Form #1761

2245

C#16703

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc

2235

Received from Amkota — Kind of Seed Oils

Address PO Box Q — Date 10-15-99

Town Wessington Springs — State SD — Zip 57382 — Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H.O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 253251 | | 8 | 308 | | 50,710 | 7% | 3550 | 47,160 | 7.50 | 3537.00 |
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2235

Jorgens Printing Form #1701

10-15-1999 10:42 FROM:SD PUC/TRANSPORTATION 605 773 3225 TO:605 539 1566 P.015/018

RECEIVING REPORT

ABT of Watertown
AgriBiotech, Inc

PAGE NO. 2231

Received from Amkota Kind of Seed Oils

Address Date 10-14-99

Town Wessington Springs State SD Zip 57382 Truck bis

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H2O | Test | Tares | Weight | % Dock | Dockage | | | |
| 28347 | | 7.4 | 33.1 | | 50360 | 7% | 3525 | 46,835 | 7.50 | 3512.63 |
| | | | | | | | | | | |
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Augers Printing Form # 1251

2231

10-28-1999 10:42 FROM:SD PUC/TRANS/HS 605 773 3225 TO:605 539 1666 P.016/018

RECEIVING REPORT

ABT™ of Watertown
AgriBio Tech, Inc.

2227

Received from Ankota Kind of Seed Oils

Address Date 10-13-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price | Total |
| BOL No. | | H2O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28339 | | 6.4 | 27.3 | | 43,790 | 8 1/2 | 3722 | 40,068 | 7.65 | 3,005.10 |

2227

Jurgens Printing Form # 3261

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

2225

Received from Ankota Kind of Seed Oils

Address PO Box 0 Date 10-12-99

Town Wessington Springs State SD Zip 57382 Truck bis

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H2O | TWL | Tare | Weight | % Dock | Dockage | | | |
| 28335 | | 7.8 | 31.2 | | 50,640 | 9% | 4558 | 46,082 | 7.80 | 3594.40 |
| | | | | | | | | | | |
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Jurgens Printing Form #1201

2225

| ICE NO | INVOICE DATE | DESCRIPTION | DISCOUNT AMOUNT | NET AMOUNT |
|---|---|---|---|---|
| | 22-OCT-99 | ABT WATERTOWN | 0.00 | 3,267.68 |

Total

INVOICE LISTING CONTINUED BELOW

ABT
AgriBioTech, Inc.

AGRIBIOTECH, INC.
320 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2400

No. 24563

CUST ACCT NO.:

VENDOR NUMBER:
6703

DATE:
17-NOV-99

VENDOR NAME:
AMKOTA COOPERATIVE

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

Received from [illegible] Kind of Seed Oats

Address PO Box 0 Date 11-22-95

Town [illegible] State [illegible] Zip [illegible] Truck [illegible]

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| OL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| [illegible] | #5955 | 13.6 | 33.1 | | [illegible] | 11% | [illegible] | [illegible] | 25 | [illegible] |

apply to #6158

Dan Z 10/21

#1251

2252

RECEIVING REPORT

ABT of Watertown
AgriBiotech, Inc.

2252

Received from Ambata Kind of Seed Oils

Address Date 10-23-99

Town Wilmington State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H2O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28371 | | 9.16 | 33.1 | | 49,230 | 11.5% | 5661 | 43,569 | 7.50 | 3267.68 |
| | | | | | | | | | | |
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Augusta Printing Form #1251

2252

| ICE NO. | INVOICE DATE | DESCRIPTION | DISCOUNT AMOUNT | GROSS AMOUNT |
|---|---|---|---|---|
| | 27-OCT-99 | ABT WATERTOWN | 0.00 | 6,254.60 |
| | 28-OCT-99 | ABT WATERTOWN | 0.00 | 3,394.05 |
| | 29-OCT-99 | ABT WATERTOWN | 0.00 | 3,368.78 |

Total
151.20
167.70
54.60

INVOICE LISTING CONTINUED BELOW

ABT AgriBioTech, Inc.

AGRIBIOTECH, INC
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 568-2440

No. 25873

DATE: 23-NOV-99

CUST ACCT NO.:

VENDOR NUMBER: 6703

VENDOR NAME: AMKOTA COOPERATIVE

60

This is your statement of payment for items shown above.
Please detach and retain for your records

TOTALS ****13,717.43

DETACH ALONG THIS PERFORATION

pd

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

~~2268~~

Received from Apatata Kind of Seed Oils

Address Po Box C Date 10-29-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H2O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28401 | | 6.7 | 31.2 | | 48040 | 6½% | 3123 | 44917 | 7.50 | 3368.78 |

2268

Rogers Printing Form #1281

DEC-30-2001 10:40 FROM:SD PUC/TRANS/WHS 605 773 3225 TO:605 539 1566 P.009/018

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2262

Received from Ankota Kind of Seed Oils

Address Date 10-28-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H₂O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28391 | | 7.6 | 329 | | 48,1610 | 7% | 3401 | 45,254 | 7.50/cwt | 3394.05 |

Surgeon Printing Form # 1251

2262

OCT-30-2001 10:40 FROM:SD PUC/TRANS/WHS 605 773 3225 TO:605 539 1666 P.010/018

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2260

Received from Ankota Kind of Seed Oils

Address P.O Box 9 Date 10-26+27, 1999

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H,O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28385 | | 6.2 | 32.2 | | 49,460 | 1% | 2968 | 46,492 | 7.50/cwt | 3486.90 |
| 28388 | | 8.2 | 31.6 | | 51,090 | 9½% | 4854 | 46,236 | 7.50/cwt | 3467.70 |
| | | | | | | | | 92,728 | | 6954.60 |
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Jurgens Printing Form #1761

U.I - 30-2001 10:41 FROM:SD PUC/TRANS/WHS 605 773 3225 TO:605 539 1566 P.011/018

| INVOICE NO | INVOICE DATE | DESCRIPTION | DISCOUNT | SHIP | NET AMOUNT |
|---|---|---|---|---|---|
| | 08-NOV-99 | ABT WATERTOWN | | 0.00 | 2,123.79 |
| | 02-NOV-99 | ABT WATERTOWN | | 0.00 | 3,202.95 |
| | 03-NOV-99 | ABT WATERTOWN | | 0.00 | 3,389.03 |
| | 05-NOV-99 | ABT WATERTOWN | | 0.00 | 5,637.06 |

otal

02.25

INVOICE LISTING CONTINUED BELOW

ABT AgriBioTech, Inc.

AGRIBIOTECH, INC.
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2440

No. 26215

CUST ACCT NO.:

VENDOR NUMBER:
6703

DATE:
24-NOV-99

VENDOR NAME:
AMKOTA COOPERATIVE

| | | | | |
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This is your statement of payment for items shown above.
Please detach and retain for your records

TOTALS ****14,552.83

DETACH ALONG THIS PERFORATION

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

2281

Received from Amkota — Kind of Seed Oils

Address P.O. Box 9 — Date 11-4+5, 1999

Town Wessington Springs — State SD — Zip 57382 — Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H.O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28425 | | 8.1 | 30 | | 46,100 | 7% | 3227 | 42,873 | | |
| 28426 | | 5.7 | 31.2 | | 39,510 | 6% | 2371 | 37,139 | | |
| | | | | | | | | 80,012 | | |
| | | | | | | | | | | |
| | | | | | | | | 7244 | 7.50 | 543.30 |
| | | | | | | | | 72768 | 7.00 | 5093.76 |
| | | | | | | | | | | 5637.06 |
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2281

OCT-30-2001 10:39 FROM:SD PUC/TRANS/AG 605 773 3225 TO:605 339 1565 P.005/010

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2277

Received from Ankota Kind of Seed Oils

Address PO Box 0 Date 11-3-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H,O | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28417 | | 6.7 | 32.4 | | 49,930 | 9½% | 4743 | 45,187 | 7.50 | 3389.03 |

2277

OCT-30-2001 10:40 FROM:SD PUC/TRANS/WHS 605 773 3225 TO:605 539 1667 P.005/010

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2275

Received from Ankota — Kind of Seed Oils

Address PO Box 0 — Date 11-2-99

Town Wessington Springs — State SD — Zip 57382 — Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28409 | | 6.8 | 30.2 | | 46,930 | 9% | 4,224 | 42,706 | 7.50 | 3202.95 |
| | | | | | | | | | | |
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Jurgens Printing Form # L954

2275

OCT-30-2001 10:40 FROM:SD PUC/TRANS/HWY 605 773 3225 TO:605 539 1566 P.007/010

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2285

Received from Antota Kind of Seed Oils

Address Po Box Q Date 11-8-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Tins | Weight | % Dock | Dockage | | | |
| 28440 | | 5.3 | 29.3 | | 36,480 | 9% | 3283 | 33,197 | 7.00 | 2323.79 |

Jungers Printing Form #1291

2285

OCT-30-2001 10:40 FROM:SD PUC/TRANS/WHS 605 773 3225 TO:605 539 1566 P.003/019

| NO | INVOICE DATE | SCRIPTION | DISCOUNT AMO | NET AMOUNT |
|---|---|---|---|---|
| | 09-NOV-99 | ABT WATERTOWN | 0.00 | 3,218.11 |
| | 10-NOV-99 | ABT WATERTOWN | 0.00 | 3,185.84 |
| | 12-NOV-99 | ABT WATERTOWN | 0.00 | 1,495.14 |
| | 15-NOV-99 | ABT WATERTOWN | 0.00 | 3,161.48 |

Total

INVOICE LISTING CONTINUED BELOW

ABT AgriBioTech, Inc.
AGRIBIOTECH, INC.
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2440

No. 26460

CUST ACCT NO.:

VENDOR NUMBER: 6703

DATE: 30-NOV-99

VENDOR NAME: AMKOTA COOPERATIVE

| | | | | |
|---|---|---|---|---|
| | | | | |
| | | TOTALS | | ****11,060.57 |

This is your statement of payment for items shown above.
Please detach and retain for your records

DETACH ALONG THIS PERFORATION

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2308

Received from Ankota — Kind of Seed Oils

Address PO Box 6 — Date 11-15-99

Town Hitchington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H,O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28469 | | 16 | 32 | | 49,360 | 8½ | 4196 | 45,164 | 7.00 | 3161.48 |

2308

Jurgens Printing Form #1261

Post-It® Fax Note 7671 | Date | # of pages ▶ 18

To Mark Steichen | From Bob

Co./Dept. | Co.

Phone # | Phone #

Fax # 605 539-1666 | Fax #

DEC-30-2001 10:39 FROM:SD PUC/1KRS/4HS 605 773 3809 10:00 539 1666 P.001/018

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

2304

Received from Artesia Elevator Kind of Seed Chilo

Address PO Box Q Date 11-12-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| SOL No. | | $H_2O$ | T.W. | Tare | Weight | % Dock | Dockage | | | |
| 28461 | | 12.2 | 60 | | 49,420 | 1½% | 741 | 869,276 bu 48,679 | 1.72 Bu | 1495.14 |

2304

Jurgens Printing Form # 1261

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

2297

Received from Amkota Kind of Seed Oils

Address PO Box Q Date 11-10-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net Lbs. | Price | Total |
| BOL No. | | H2O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28450 | | 62 | | | 50,290 | 9½ | 4778 | 45,512 | 7.00 | 3185.84 |

2297

Jurgens Printing Form #1251

RECEIVING REPORT

ABT of Watertown
AgriBioTech, Inc.

2293

Received from Ankota Kind of Seed Sunflowers

Address PO Box Q Date 11-9-99

Town Wessington Springs State SD Zip 57382 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H2O | T.W. | Tares | Weight | % Dock | Dockage | | | |
| 28446 | | 5.8 | 32.1 | | 50,520 | 9% | 4547 | 45,973 | 7.00 | 3218.11 |
| | | | | | | | | | | |
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2293

Jurgens Printing Form # 3291

605 773 3225 TO:605 539 1566 P.004/018

| INVOICE DATE | DESCRIPTION | DISC. AMOUNT | NET AMOUNT |
|---|---|---|---|
| 07-SEP-99 | INVOICE 24299 | 0.00 | 645.57 |
| 07-SEP-99 | INVOICE 24303 | 0.00 | 657.28 |
| 13-SEP-99 | INVOICE 24331 | 0.00 | 808.96 |
| 22-SEP-99 | ABT WATERTOWN 24378 | 0.00 | 681.35 |
| 28-SEP-99 | ABT WATERTOWN 24420 | 0.00 | 2,093.79 |
| 21-OCT-99 | 24817 WATERTOWN | 0.00 | 525.00 |

Dwight - Owe but 681.48 ? 9/8 #84354

INVOICE LISTING CONTINUED BELOW

ABT AgriBioTech, Inc.

AGRIBIOTECH, INC
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2440

No. 25900

CUST ACCT NO.:

VENDOR NUMBER: 6703

DATE: 23-NOV-99

VENDOR NAME: AMKOTA COOPERATIVE

| | | | | |
|---|---|---|---|---|
| | | | | |

This is your statement of payment for items shown above.
Please detach and retain for your records

TOTALS *****5,411.95

DETACH ALONG THIS PERFORATION

681.35 = trkg.
2093.79 = trkg.
808.96 = trkg.

645.57 = trkg.
657.28 = trkg.
525 = trkg.

# AmKota Elevator

№ 24299

P.O. Box Q
Wessington Springs, S.D. 57382
Phone (605) 539-1555

NAME: _____ DATE 9-7-99

ADDRESS Discount Farm Center

SOLD BY: _____ WORK ORDER # Aug

| CASH | CHG | ON/ACCT. | PD/OUT |
|---|---|---|---|
| | X | | |

| QTY | GRAIN | PRICE | AMT. |
|---|---|---|---|
| | Yellow | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |

| SERVICE | TOTAL |
|---|---|
| Rolling | |
| Grinding | |
| Mixing | |
| Small-truck | |
| Tndm-truck | |
| Semi-truck | |
| Cleaning | |
| Grain drying | |

## COMMERCIAL FEED

| QTY | FEED | PRICE | AMT. |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |

TOTAL

GRAND TOTAL

# AmKota Elevator

P.O. Box Q
Wessington Springs, S.D. 57382
Phone (605) 539-1555

№ 24299

NAME: _____ DATE 9-7-99

ADDRESS Discount Farm Center

SOLD BY: _____ WORK ORDER # Aug

| CASH | CHG | ON/ACCT. | PD/OUT |
|---|---|---|---|
| | 8 | | |

| QTY | GRAIN | PRICE | AMT. |
|---|---|---|---|
| | Yellow Corn | | |
| | Hard Red Spring | | |
| | Soft White Winter | | |
| | Hard Red Winter | | |
| | TOTAL | | |

| SERVICE | TOTAL |
|---|---|
| Rolling | |
| Grinding | |
| Mixing | |
| Small-truck | |
| Tndm-truck | |
| Semi-truck | |
| Cleaning | |
| Grain drying | |

## COMMERCIAL FEED

| QTY | FEED | PRICE | AMT. |
|---|---|---|---|
| 1/1 | 4184 | 478.00 (est.) | |
| | | (2) 239.00 | |
| | | 35 | |
| | TOTAL | | |

GRAND TOTAL 1,452.57

AMKOTA CO-OP
P.O. BOX Q
WESSINGTON SPRINGS, SD 57382
605-539-1666
DIVISION ELEVATOR

INVOICE #0001
DATE 09/07/99
CASH
REFERENCE: 24299

DISCOUNT FARM CENTER
(FORMERLY SEXAUER)
P.O. BOX 84
WATERTOWN, SD 57201

HAUL 1 LOAD RYE SEED FROM WATER-
TOWN TO WESSINGTON SPRINGS (PRICE
PROCESSED ON 09/07/99 @ 13:27:01

| QUANTITY | DESCRIPTION | UNIT PRICE | TAX NO | AMOUNT |
|---|---|---|---|---|
| 1.0000 | SEMI TRUCKING | 645.5700 | | 645.57 |
| | TOTAL | | | 645.57 |

A FINANCE CHARGE OF 1.67% will be added per month on the unpaid balance after 10/10/99 which is an ANNUAL PERCENTAGE RATE OF 20.04%.

AMKOTA CO-OP
P. O. BOX 0
WESSINGTON SPRINGS, SD 57382
(605) 539-1666
DIVISION ELEVATOR

INVOICE 78806
53570
DATE 09/07/99
REFERENCE# 24303

DISCOUNT FARM CENTER
(FORMERLY SEXAUER)
P.O. BOX 04
WATERTOWN, SD 57201

HAUL 1 LOAD RYE SEED FROM WATERTOWN TO PAWNEE ROCK,KS(D.SALMEN)
PROCESSED ON 09/08/99 @ 14:02:57

| QUANTITY | DESCRIPTION | UNIT | TAX | UNIT PRICE | AMOUNT |
|---|---|---|---|---|---|
| 1.0000 | SEMI TRUCKING | LD | NO | 657.2000N | 657.28 |

TOTAL 657.28

A FINANCE CHARGE OF 1.67% will be added per month on the unpaid balance after 10/10/99 which is an ANNUAL PERCENTAGE RATE OF 20.04 %.

NO. 24303

**AmKota Elevator**
P.O. Box O
Wessington Springs, S.D. 57382
Phone (605) 539-1555

DATE 9-7-99

NAME Discount Farm Center

ADDRESS

WORK ORDER #

SOLD BY:

| CASH | CHG | ON/ACCT. | PD/OUT |
|---|---|---|---|
| | X | | |

| QTY | GRAIN | PRICE | AMT. | SERVICE | TOTAL |
|---|---|---|---|---|---|
| 1 | Rye Winter | | | Rolling | |
| 1 | Wheat Hard Red | | | Grinding | |
| | | | | Mixing | |
| | | | | Small truck | |
| | | | | Tndm truck | |
| To Pawnee Rock, KS | | | | Semi truck | |
| | | | | Cleaning | |
| | | | | Grain drying | |
| | TOTAL (D. Salmen) | | | | |

**COMMERCIAL FEED**

| QTY | FEED | PRICE | AMT. |
|---|---|---|---|
| | | | |
| | | | TOTAL |
| 1 | Pkg 33021 21721 | | |
| | 50560 Wht Qlf Seed | | |
| | | | |
| | | | |
| | | | |
| | | | TOTAL |

GRAND TOTAL 657 28

AMKOTA CO-OP
P.O. BOX 0
WASHINGTON SPRINGS, SD 57382
605-539-1666
DIVISION ELEVATOR

INVOICE 82475
DATE 09/15/99
REFERENCE: 24331

DISCOUNT FARM CENTER
(FORMERLY SEXAUER)
P.O. BOX 04
WATERTOWN, SD 57201

HAUL 1 LD. RYE SEED FROM WATERTOWN
TO ORIENTA, OK (D.SALMEN)
PROCESSED ON 09/16/99 @ 13:15:50

| QUANTITY | DESCRIPTION | UNIT | TAX | UNIT PRICE | AMOUNT |
|---|---|---|---|---|---|
| 1.0000 | SEMI TRUCKING | LD | NO | 808.9600N | 808.96 |

TOTAL 808.96

A FINANCE CHARGE OF 1.67% will be added per month on the unpaid balance after 10/10/99 which is an ANNUAL PERCENTAGE RATE OF 20.04 %.

---

**AmKota Elevator** INC 24331
P.O. Box 0
Washington Springs, S.D. 57382
Phone (605) 539-1565

NAME Discount Farm Center DATE 9-13-99
ADDRESS

SOLD BY: WORK ORDER #

| CASH | C.O.D. | ON ACCT. | PD/OUT |
|---|---|---|---|
| | X | | |

| QTY | GRAIN | PRICE | AMT. | SERVICE | TOTAL |
|---|---|---|---|---|---|
| 1 | Rye | 0 | | Rolling | |
| 1 | Rye | Add | | Grinding | |
| 1 | | | | Mixing | |
| 1 | | | | Small-truck | |
| | | | | Tndm-truck | |
| | | | | Semi-truck | |
| | | | | Cleaning | |
| TOTAL | | | | Grain drying | |

**COMMERCIAL FEED**

| QTY | FEED | PRICE | AMT. |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | | | |

GRAND TOTAL 808.96

1 Rye 35211 29283
50560 @ 160 lbs/bu
808.96

AMKOTA CO-OP
P.O. BOX 0
WESSINGTON SPRINGS, SD 57382
605-539-1666
DIVISION ELEVATOR

INVOICE 05739
538570 DATE 09/22/99
REFERENCE: 24378

[illegible] FARM CENTER
[illegible]RLY SEXAUER)
BOX 84
[illegible]TOWN, SD 57201

HAUL 1 LD. RYE SEED FROM WATERTOWN
TO ST. JOHN, KS (D. SALMEN)
PROCESSED ON 09/23/99 @ 14:[illegible]

| QUANTITY | DESCRIPTION | UNIT | TAX | UNIT PRICE | AMOUNT |
|---|---|---|---|---|---|
| 1.0000 | SEMI TRUCKING | LD | NO | 681.3500N | 681.35 |

TOTAL 681.35

A FINANCE CHARGE OF 1.67% will be added per month on the unpaid balance after 10/10/99 which is an ANNUAL PERCENTAGE RATE OF 20.04 %.

---

**AmKota Elevator** 24378
P.O. Box O
Wessington Springs, S.D. 57382
Phone (605) 539-1555

NAME Dakota Farm Center DATE 9-23-99
ADDRESS

SOLD BY: WORK ORDER #

| CASH | CHG | ON/ACCT. | PD/OUT |
|---|---|---|---|
| | ✓ | | |

| QTY | GRAIN | PRICE | AMT. |
|---|---|---|---|
| 1 | RYE-ALUMINUM | | |
| 1 | ACRE FEE | | |
| | | | |
| | | | |
| 1 | TRUCKING | | |
| | | | |
| 1 | MISC. KS | | |
| | | | |
| | TOTAL | | |

| SERVICE | TOTAL |
|---|---|
| Rolling | |
| Grinding | |
| Mixing | |
| Small-truck | |
| Tndm-truck | |
| Semi-truck | |
| Cleaning | |
| Grain drying | |
| TOTAL | |

**COMMERCIAL FEED**

| QTY | FEED | PRICE | AMT. |
|---|---|---|---|
| | | | |
| 1 | 36101 23231 | | |
| 1 | | | |
| | | | |
| | TOTAL | | |

GRAND TOTAL 681 35

1 LD. 36101 23231 50#10 QUIK-WAY

AMKOTA CO-OP
P.O. BOX Q
WESSINGTON SPRINGS, SD 57382
605 539-1644
DIVISION ELEVATOR

INVOICE 09058
53074 DATE 09/30/99
REFERENCE: 24420

DISCOUNT FARM CENTER
(FORMERLY SEXAUER)
P.O. BOX 04
MILLTOWN, SD 57201

HAUL 3 LOADS RYE SEED FROM WATERTOWN TO ST. JOHN, KS&ORIENTA, OK-RICK
PROCESSED ON 09/30/99 @ 12:49:17

| QUANTITY | DESCRIPTION | UNIT | TAX | UNIT PRICE | AMOUNT |
|---|---|---|---|---|---|
| 1.0000 | SEMI TRUCKING | LD | NO | 2093.7900N | 2093.79 |

TOTAL 2,093.79

A FINANCE CHARGE OF 1.67% will be added per month on the unpaid balance after 10/10/99 which is an ANNUAL PERCENTAGE RATE OF 20.04 %.

**AmKota Elevator**
P.O. Box Q
Wessington Springs, S.D. 57382
Phone (605) 539-1555

NO. 24420

NAME Discount Farm Center DATE 9-28-99

ADDRESS

SOLD BY: WORK ORDER #

| CASH | CHG | ON/ACCT. | PD/OUT |
|---|---|---|---|
| | | | |

| QTY | GRAIN | PRICE | AMT. | SERVICE | TOTAL |
|---|---|---|---|---|---|
| | | | | Rolling | |
| | | | | Grinding | |
| | | | | Mixing | |
| | | | | Skidloader | |
| | | | | Tndm-truck | |
| | | | | Semi-truck | |
| | | | | Cleaning | |
| | TOTAL | | | Grain drying | |

**COMMERCIAL FEED**

| QTY | FEED | PRICE | AMT. |
|---|---|---|---|
| 1 | 3528 | 45 CWT | TOTAL 1588.80 |
| 1 | 3004 | 48.30 CWT | 452.62 |
| | 3009 | 41.00 CWT | 153.37 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |

GRAND TOTAL 2093.79

AMKOTA CO-OP
P.O. BOX Q
WESSINGTON SPRINGS, SD 57382
605-539-1666
DIVISION ELEVATOR

INVOICE 02916
53570 DATE 10/21/99
REFERENCE: 24817

DISCOUNT FARM CENTER
(FORMERLY SEXAUER)
P.O. BOX 84
WATERTOWN, SD 57201

HAUL 1 LOAD SALT FROM HUTCHINSON
TO WATERTOWN (RICK)
PROCESSED ON 10/25/99 @ 14:48:24

| --QUANTITY--- | -----DESCRIPTION----- | UNIT | TAX | --UNIT PRICE-- | ----AMOUNT---- |
|---|---|---|---|---|---|
| 1.0000 | SEMI TRUCKING | LD | NO | 525.0000N | 525.00 |

TOTAL 525.00

A FINANCE CHARGE OF 1.67% will be added per month on the unpaid balance after 11/10/99 which is an ANNUAL PERCENTAGE RATE OF 20.04 %.

**AmKota Elevator**
P.O. Box Q
Wessington Springs, S.D. 57382
Phone (605) 539-1555

NO 24817

NAME: _____ DATE 10-21-99

ADDRESS Discount Farm Center

SOLD BY: _____ WORK ORDER # _____

| CASH | CHG | ON/ACCT. | PD/OUT |
|---|---|---|---|
| | X | | |

| QTY | GRAIN | PRICE | AMT. | SERVICE | TOTAL |
|---|---|---|---|---|---|
| | Yellow | | | Rolling | |
| | Yellow Light | | | Grinding | |
| | | | | Mixing | |
| 1 | Hauling | | | Small-truck | |
| | | | | Tndm-truck | |
| | | | | Semi-truck | |
| | | | | Cleaning | |
| | TOTAL | | | Grain drying | |

**COMMERCIAL FEED**

| QTY | FEED | PRICE | AMT. |
|---|---|---|---|
| | | | |
| | | | TOTAL |
| 1 | Salt | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |

GRAND TOTAL 53570

Deborah D. Williamson
Texas State Bar No. 21617500
Carol E. Jendrzey
Texas State Bar No. 10617420
COX & SMITH INCORPORATED
112 E. Pecan St., Suite 1800
San Antonio, Texas 78205
(210) 554-5500
(210) 226-8395 (Fax)
Email: dwilliamson@coxsmith.com

Jeanette E. McPherson
Nevada Bar No. 5423
Curtis & Associates Affiliated with Snell & Wilmer L.L.P.
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89109
(702)784-5200
(702) 784-5252 (Fax)
jmcpherson@swlaw.com

Counsel for the Anthony H. N. Schnelling, Creditor Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

| | |
|---|---|
| In re: | § Bankruptcy No. BK-S-00-10533 (AgriBioTech, Inc.) |
| AGRIBIOTECH, INC., a Nevada Corporation. | § Jointly Administered With: |
| Debtor. | § No. BK-S-00-10534 (AgriBioTech Canada) |
| Federal Tax I.D. #85-0325742 | § No. BK-S-00-10535 (Las Vegas Fertilizer Co.) |
| | § No. BK-S-00-10536 (Garden West Distributors, Inc.) |
| | § No. BK-S-00-10537 (Geo W. Hill & Co., Inc.) |
| X Affects All Debtors | § Chapter 11 |
| ___ Affects AGRIBIOTECH CANADA, INC., a Canadian Corporation. | § ADVERSARY NO. 012349 LBR |
| ___ Affects LAS VEGAS FERTILIZER CO., INC., a Nevada Corporation. | § **STIPULATION AND ORDER DISMISSING AMKOTA COOP PURSUANT TO FRCP 41(a) AND FRBP 7041** |
| ___ Affects GARDEN WEST DISTRIBUTORS, INC., an Arizona Corporation. | § |
| ___ Affects GEO W. HILL & CO., INC., a Kentucky Corporation. | § DATE: N/A<br>§ TIME: N/A |
| Anthony H.N. Schnelling, Creditor Trustee<br>Plaintiff.<br>v.<br>Greenwich Business Solutions Incorporated<br>Southeastern Freight Lines<br>Amkota Coop<br>Dakota Mill & Grain<br>Robert Sackreiter<br>Stones Truck Brokers<br>Abi Alfalfa Incorporated<br>Ernst Conseration Seeds<br>Pitt Ohio Express Incorporated<br>Defendants | § |

Plaintiff Anthony H.N. Schnelling, Creditor Trustee for the Bankruptcy Estates of AgriBioTech Inc., Las Vegas Fertilizer Co., Inc., Garden West Distributors, Inc. and Geo. W. Hill & Co., Inc. (the "Creditor Trustee") files this *Stipulation Dismissing Amkota Coop Pursuant to FRCP 41(a) and FRBP 7041* and would show the Court as follows:

1. On or about December 12, 2001, the Creditor Trustee filed this Adversary Proceeding seeking the recovery of transfers made to Defendant Amkota Coop (hereafter, the "Defendant") in the aggregate amount of $68,734.49.

2. The Creditor Trustee and Amkota Coop now wish to dismiss only the claims against the Defendant in this Adversary Proceeding.

3. Pursuant to the Trust Agreement dated April 22, 2001, which was approved of by this Court in its *Order Confirming First Amended Joint Plan of Reorganization of Agribiotech, Inc., Las Vegas Fertilizer Co., Garden West Distributors and Geo. W. Hill & Co., Inc.*, the:

> "[Creditor] Trustee may settle any Right of Action, Counterclaim or other claim or action asserted by or against the Trust or the [Creditor] Trustee (including, without limitation, based upon actions taken by the [Creditor] Trustee on behalf of the Trust) at any time. Notwithstanding the foregoing or any other provision of this Agreement, the Trustee shall not have the right or authority, without approval of the Bankruptcy Court, to settle any such Right of Action or other matter where the asserted amount of liability of the third party to the Trust is $1,000,000 or more. . . .Trust Agreement §5.8.

4. The Creditor Trustee asserted claims against the Defendant in an amount that is less than $1,000,000. Pursuant to the settlement, the Defendant agrees to pay the Creditor

4. Pursuant to the settlement between the parties, the Defendant agrees to pay the Creditor Trustee $500.00 (the "Settlement Proceeds"). The Defendant further agrees to not seek a resulting proof of claim or amend any present proof of claim to recover the Settlement Proceeds. In return, the Creditor Trustee agrees to dismiss, with prejudice, only its claims against Rolling Prairie Grain Company in this Adversary Proceeding.

Dated this 6th day of May, 2002.

CURTIS & ASSOCIATES affiliated with
SNELL & WILMER L.L.P.
Jeanette E. McPherson
Nevada State Bar No. 5423
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89109
(702) 784-5200
(702) 784-5252 (Fax)

AND

COX & SMITH INCORPORATED
Deborah D. Williamson
Texas State Bar No. 21617500
Carol E. Jendrzey
Texas State Bar No. 10617420
112 E. Pecan Street, Suite 1800
San Antonio, Texas 78205
(210) 554-5500
(210) 226-8395 (Fax)

By: Douglas B. Kiel
Douglas B. Kiel
Texas State Bar No. 11389180

**COUNSEL FOR CREDITOR TRUSTEE**

Dated this 11 day of May 2002.

ROLLING PRAIRIE GRAIN COMPANY

By: Roger R. Gerlach
Its: Counsel

IT IS SO ORDERED.

Dated this _____ day of _____, 2002.

United States Bankruptcy Judge



408303.1

Deborah D. Williamson
Texas State Bar No. 21617500
Carol E. Jendrzey
Texas State Bar No. 10617420
COX & SMITH INCORPORATED
112 E. Pecan St., Suite 1800
San Antonio, Texas 78205
(210) 554-5500
(210) 226-8395 (Fax)
Email: dwilliamson@coxsmith.com

Jeanette E. McPherson
Nevada Bar No. 5423
Curtis & Associates Affiliated with Snell & Wilmer L.L.P.
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89109
(702)784-5200
(702) 784-5252 (Fax)
jmcpherson@swlaw.com

Counsel for the Anthony H. N. Schnelling, Creditor Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

| | |
|---|---|
| In re<br>AGRIBIOTECH, INC., a Nevada corporation,<br>Debtor.<br>Federal Tax I.D.#85-0325742 | Bankruptcy No. BK-S-00-10533 (AgriBioTech, Inc.)<br>Jointly Administered With:<br>No. BK-S-00-10534 (AgriBioTech Canada)<br>No. BK-S-00-10535 (Las Vegas Fertilizer Co.)<br>No. BK-S-00-10536 (Garden West Distributors, Inc.)<br>No. BK-S-00-10537 (Geo W. Hill & Co., Inc.) |
| X Affects All Debtors | |
| ___ Affects AGRIBIOTECH CANADA, INC., a Canadian corporation, | Chapter 11 |
| ___ Affects LAS VEGAS FERTILIZER CO., INC., a Nevada corporation, | |
| ___ Affects GARDEN WEST DISTRIBUTORS, INC., an Arizona corporation, | |
| ___ Affects GEO W. HILL & CO., INC., a Kentucky corporation, | ADVERSARY NO. 012381-LBR |
| Anthony H. N. Schnelling, Creditor Trustee<br>Plaintiff,<br>v.<br>Malloy Electric Bearing Supply<br>Municipal Utilities Department<br>Rolling Prairie Grain Company<br>Zieg Trucking Company<br>Averitt Express Incorporated<br>Comdata Network Incorporated<br>Digby Truck Line Incorporated<br>East Tennessee Seed Incorporated<br>Edwards Hatchery Incorporated<br>Pelletizing Company Incorporated<br>Defendants. | **CERTIFICATE OF SERVICE FOR STIPULATION AND ORDER DISMISSING ROLLING PRAIRIE GRAIN COMPANY PURSUANT TO FRCP 41(a) and FRBP 7041**<br>DATE: N/A<br>TIME: N/A<br>PLACE: Courtroom No. 2<br>300 Las Vegas Blvd. South<br>Las Vegas, Nevada 89101<br>DATE OF SERVICE: _____, 2002 |

I HEREBY CERTIFY that a true and correct copy of the foregoing *Stipulation Dismissing Rolling Prairie Grain Company Pursuant to FRCP 41(a) and FRBP* 7041 was sent by first class mail on this 16th day of May, 2002, to the following:

Toby L. Gerber, Esq.
Jenkens & Gilchrist, P. C.
1445 Ross Avenue #3200
Dallas, Texas 75202

Rolling Prairie Grain Company
c/o Roger R. Gerlach
Attorney at Law
310 N. Main, Box 544
Salem, South Dakota 57058-0544

Douglas B. Kiel

Douglas B. Kiel

GD01-002

# PROOF OF CLAIM FOR CASH GRAIN

## (GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Jeff Schuner VP FEI, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named Discount Farm Center located at Watertown ND

**Listed below are the loads delivered which were not paid for:**

| Scale Ticket No. | Date | Kind of Grain | Bushels | Price | Lien Holder (print N/A if no liens) |
|---|---|---|---|---|---|
| 2306 | 11-15-99 | Rye | 1273.93 | 1.90 | |
| 23xx5 | 11-15-99 | Rye | 1215.41 | 1.90 | |
| 2302 | 11-12 | Rye | 1271.95 | 1.96 | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**Explanation of Claim:**

We delivered this Rye and were paid but the court claimed it was preffered treatment payments and wanted it back. They settled for a payment of $2000 from us.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Farmers Elevator Inc Jeff Schuner VP
Signature of Claimant

6-24-01
Date

Box 276 310 6th St. N
Street/PO Box

Wishek ND 58495
City/State/Zip

701-452-2516
Telephone

RECEIVED
JUN 28 2002
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Subscribed and sworn to me this 28th day of June 2002

Notary Cheryl Boschee

County of: McIntosh

State of: ND

Commission Expires: 5-8-08

CHERYL BOSCHEE
Notary Public
State of North Dakota
My Commission Expires May 7, 2006

VICTOR *Redi-Set* FORM

TRUCK LICENSE NO.

TRAILER LICENSE NO

DATE 11-15-99

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

LADING NO. 708

CONSIGNED TO Dakota Farm Centers
Watertown S.D

APPLY ON CONTRACT NO.

SCALE TICKET NO.

☐ SELL ON ARRIVAL
☐ STORAGE

FREIGHT BILL

DATE

PAID Rec

GRADE & FACTORS #1

DESTINATION ELEVATION

LOCATION (CITY & STATE)

FREIGHT TO BE PAID BY
☐ SHIPPER ☐ BUYER

COMMENTS:

• SHIPPER'S WEIGHT •

| | |
|---|---|
| GROSS POUNDS | 105530 |
| TARE POUNDS | 33290 |
| NET POUNDS | 72240 |
| GROSS BUSHELS | 1290 00 |
| NET BUSHELS | |

SCALE TICKET NO.

DESTINATION WGHT.

FREIGHT CHARGES

**CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.**

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.*

SHIPPER FARMERS ELEVATOR, INC.

LOADED BY [signature]

1) WHITE Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER FEE-R

ADDRESS Wishek N.D.

BY [signature]

CHAUFFEUR LICENSE NO.

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2302

Received from Wishek Farmers Elevator Kind of Seed Rye

Address PO Box 276 Date 11-12-99

Town Wishek State ND Zip 58495 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H,O | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28456 | | 10.6 | 56.2 | | 51,340 | 1% | 513 | 907.62 bu 50,827 | 1 90 | 1724.48 |
| 28457 | | 10.5 | 56 | | 20,610 | 1% | 206 | 364.36 bu 20,404 | 1 90 | 692.28 |
| | | | | | | | | 71,231 | | 2416.76 |

Jurgens Printing Form #1251

2302

TRUCK LICENSE NO.

TRAILER LICENSE NO.

DATE 11-12-99

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

LADING NO. ~~709~~

FREIGHT BILL

CONSIGNED TO: Discount Farm Country
Watertown

APPLY ON CONTRACT NO. L

SCALE TICKET NO.

DATE

☐ SELL ON ARRIVAL
☐ STORAGE

GRAIN Rye

GRADE & FACTORS #1

DESTINATION ELEVATOR

LOCATION (CITY & STATE)

FREIGHT TO BE PAID BY ☐ SHIPPER ☐ BUYER

COMMENTS:

• SHIPPER'S WEIGHT •

GROSS POUNDS 105530

TARE POUNDS 36750

NET POUNDS 68780

GROSS BUSHELS 1228 | 21

NET BUSHELS

SCALE TICKET NO.

DESTINATION WGHT.

FREIGHT CHARGES

***CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.***

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.*

SHIPPER FARMERS ELEVATOR, INC.

LOADED BY BDS

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER FEE-K

ADDRESS Wishek ND

BY Kirk Walker

CHAUFFEUR LICENSE NO.

[illegible] Falls MN • Phone 1 800 346-4870

RECEIVING REPORT

pd

**ABT™ of Watertown**
AgriBioTech, Inc.

2305

Received from Wishek Farmers Elev. Kind of Seed Rye

Address Po Box 276 Date 11-15-99

Town Wishek State ND Zip 58495 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28470 | | 11.8 | 55 | | 46240 | 1% | 462 | 817.46 bu 45778 | 1.90 | 1553.17 |
| 28471 | | 11.8 | 55 | | 22,510 | 1% | 225 | 394.95 bu 22,285 | 1.90 | 756.11 |
| | | | | | 68750 | | | 68,063 | | 2309.28 |

Jurgens Printing Form #1251

2305

# RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

Received from ..... Kind of Seed .....

Address ..... Date .....

Town ..... State ..... Zip ..... Truck .....

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| L No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
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ARROWHEAD BRAND

28471

Name Wishek Farmers Elev

Address

11-15-99 Date

GROSS

TARE

22510 NET

401.96 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 55#

Dockage 1%

Moisture 11.8

Remarks

Driver

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

224,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

ARROWHEAD BRAND

28470

Name Wishek Farmers Elev

Address

11-15-99 Date

GROSS

TARE

46240 NET

825.71 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 55#

Dockage 1%

Moisture 11.8

Remarks

Driver

Weigher

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

224,569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

VICTOR Peel-Set FORM

TRUCK LICENSE NO. 12454 ND

TRAILER LICENSE NO. 7-2501 1-6559 ND

DATE

# FARMERS ELEVATOR, INC.

P.O. BOX 276
WISHEK, ND 58495

P.O. BOX 37
FREDONIA, ND 58440

LADING NO. 683

FREIGHT BILL

CONSIGNED TO: Diamond Edible Beans

APPLY ON CONTRACT NO.

SCALE TICKET NO.

DATE

☐ SELL ON ARRIVAL
☐ STORAGE

GRADE & FACTORS

GRADE: 1

DESTINATION ELEVATOR:

LOCATION (CITY & STATE): Watertown SDAK

FREIGHT TO BE PAID BY ☐ SHIPPER ☐ BUYER

COMMENTS:

• SHIPPER'S WEIGHT •

GROSS POUNDS: 105690

TARE POUNDS: 33720

NET POUNDS: 71970

GROSS BUSHELS: 1285 17

NET BUSHELS

SCALE TICKET NO.

DESTINATION WGHT

FREIGHT CHARGES

**CARRIER TO BE FULLY RESPONSIBLE AND ABSOLUTELY LIABLE FOR ANY LOSS OR DAMAGE TO THIS DESCRIBED CARGO REGARDLESS OF THE CIRCUMSTANCES OCCASIONING SUCH LOSS.**

*The carrier acknowledges receipt of and the shipper acknowledges delivery to carrier of kind, grade and quality described which carrier shall deliver to destination shown.*

SHIPPER: FARMERS ELEVATOR, INC.

LOADED BY:

1) WHITE - Elevator Copy
2) YELLOW - Trucker Copy
3) PINK - Destination Copy

CARRIER: FEI

ADDRESS: Wishek NDAK

BY: Kayden L Gall

CHAUFFEUR LICENSE NO.

Victor Manufacturing Co. Phone 1-800-[illegible]

pd

RECEIVING REPORT

ABT™ of Watertown
AgriBioTech, Inc.

2306

Received from Farmers Elevator Kind of Seed Rye

Address PO Box 276 Date 11-15-99

Town Wishek State ND Zip 58495 Truck his

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
| 28465 | | 12 | 55 | | 49,140 | 1% | 491 | 868.73 bu 48,649 | 1.90 | 1650.59 |
| 28466 | | 12.1 | 55.2 | | 22,920 | 1% | 229 | 405.2 bu 22,691 | 1.90 | 769.88 |
| | | | | | 72,060 | | | 71,340 | | 2420.47 |

Jurgens Printing Form #1751

2306

RECEIVING REPORT

ABT™ of Watertown

AgriBioTech, Inc.

Received from ..... Kind of Seed .....

Address ..... Date .....

Town ..... State ..... Zip ..... Truck .....

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| t No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| DL No. | | $H_2O$ | T.W. | Thins | Weight | % Dock | Dockage | | | |
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ARROWHEAD BRAND

28456

Name Wishek Farmers Elev.

Address

11-12-99
Date

GROSS 27 2 [illegible]

TARE

51340 NET

916.79 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 56.2 #

Dockage 1%

Moisture 10.6%

Remarks Nice rye little bug damage

Driver his Weigher MC

234.569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

ARROWHEAD BRAND

28457

Name Wishek Farmers Elev

Address

11-12-99
Date

GROSS [illegible]

TARE

20610 NET

368.04 BUSHELS

Commodity Rye

Truck No.

Protein

Test Wt. 56 #

Dockage 1%

Moisture 10.5%

Remarks

Driver his Weigher MC

234.569 — Victor Lundeen Co., Printers, Fergus Falls, Minnesota

DISCOUNT FARM CENTER, INC.
West Highway 212
Watertown, South Dakota 57201

| VOICE NO | INVOICE DATE | DESCRIPTION | DISCOUNT AMOUNT | NET AMOUNT |
|---|---|---|---|---|
| 2302 | 12-NOV-99 | ABT WATERTOWN | 0.00 | 2,416.76 |
| 2305 | 15-NOV-99 | ABT WATERTOWN | 0.00 | 2,309.28 |
| 2306 | 15-NOV-99 | ABT WATERTOWN | 0.00 | 2,420.47 |

# 26466
12-3-99

INVOICE LISTING CONTINUED BELOW

ABT AgriBioTech, Inc.

AGRIBIOTECH, INC.
120 CORPORATE PARK DRIVE
HENDERSON, NV 89014
(702) 566-2440

No. 26466

CUST ACCT NO.:

VENDOR NUMBER: 6777

DATE: 01-DEC-99

VENDOR NAME: WISHEK FARMERS ELEVA

| | | | | |
|---|---|---|---|---|
| | | | | |

This is your statement of payment for items shown above.
Please detach and retain for your records

DETACH ALON

Deborah D. Williamson
Texas State Bar No. 21617500
Carol E. Jendrzey
Texas State Bar No. 10617420
COX & SMITH INCORPORATED
112 E. Pecan St., Suite 1800
San Antonio, Texas 78205
(210) 554-5500
(210) 226-8395 (Fax)
Email: dwilliamson@coxsmith.com

Jeanette E. McPherson
Nevada Bar No. 5423
Curtis & Associates Affiliated with Snell & Wilmer L.L.P.
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89109
(702)784-5200
(702) 784-5252 (Fax)
jmcpherson@swlaw.com

Counsel for the Anthony H. N. Schnelling, Creditor Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

AGRIBIOTECH, INC., a Nevada Corporation,

Debtor.

Federal Tax I.D. #85-0325742

X Affects All Debtors

____ Affects AGRIBIOTECH CANADA, INC., a Canadian Corporation,

____ Affects LAS VEGAS FERTILIZER CO., INC., a Nevada Corporation,

____ Affects GARDEN WEST DISTRIBUTORS, INC., an Arizona Corporation,

____ Affects GEO W. HILL & CO., INC., a Kentucky Corporation.

Anthony H.N. Schnelling, Creditor Trustee
Plaintiff
v.
Wishek Farmers Elevator
LMB Distribution
Lucent Technologies
Mayer Seed
National Distribution Centers
Nationwide Distribution Services Incorporated
NEMF Incorporated
New Brunswick Scientific Incorporated
NYP Corporation
Suburban Propane
Defendants.

§ Bankruptcy No. BK-S-00-10533 (AgriBioTech, Inc.)
§
§ Jointly Administered With:
§
§ No. BK-S-00-10534 (AgriBioTech Canada)
§ No. BK-S-00-10535 (Las Vegas Fertilizer Co.)
§ No. BK-S-00-10536 (Garden West Distributors, Inc.)
§ No. BK-S-00-10537 (Geo W. Hill & Co., Inc.)
§
§ Chapter 11
§
§ ADVERSARY NO. 012344-LBR
§
§
§
§ **STIPULATION AND ORDER DISMISSING WISHEK FARMERS ELEVATOR PURSUANT TO FRCP 41(a) AND FRBP 7041**
§
§
§ DATE: _____
§ TIME: _____
§
§
§
§
§
§

Plaintiff Anthony H.N. Schnelling, Creditor Trustee for the Bankruptcy Estates of AgriBioTech Inc., Las Vegas Fertilizer Co., Inc., Garden West Distributors, Inc. and Geo. W. Hill & Co., Inc. (the "Creditor Trustee") files this *Stipulation Dismissing Wishek Farmers Elevator Pursuant to FRCP 41(a) and FRBP 7041* and would show the Court as follows:

1. On or about December 20, 2001 the Creditor Trustee filed this Adversary Proceeding seeking the recovery of transfers made to Defendant Wishek Farmers Elevator (hereafter, the "Defendant") in the aggregate amount of $7,146.51.

2. Pursuant to the Trust Agreement dated April 22, 2001, which was approved of by this Court in its *Order Confirming First Amended Joint Plan of Reorganization of Agribiotech, Inc., Las Vegas Fertilizer Co., Garden West Distributors and Geo. W. Hill & Co., Inc.*, the:

> "[Creditor] Trustee may settle any Right of Action, Counterclaim or other claim or action asserted by or against the Trust or the [Creditor] Trustee (including, without limitation, based upon actions taken by the [Creditor] Trustee on behalf of the Trust) at any time. Notwithstanding the foregoing or any other provision of this Agreement, the Trustee shall not have the right or authority, without approval of the Bankruptcy Court, to settle any such Right of Action or other matter where the asserted amount of liability of the third party to the Trust is $1,000,000 or more. . . .Trust Agreement §5.8.

3. The Creditor Trustee asserted claims against the Defendant in an amount that is less than $1,000,000. Accordingly, the Creditor Trustee does not require court authorization to settle and compromise these claims.

4. Pursuant to the settlement between the parties, the Defendant agrees to pay the Creditor Trustee $2,000.00 (the "Settlement Proceeds"). Creditor Trustee agrees that the

Defendant has a resulting proof of claim in the amount of $2,000.00. The Creditor Trustee further agrees to dismiss only its claims against Wishek Farmers Elevator in this Adversary Proceeding.

Wherefore, the Creditor Trustee requests that this Court approve this Stipulation, allow Defendant resulting proof of claim in the amount of $2,000.00 and dismiss with prejudice only the claims against Wishek Farmers Elevator in this Adversary Proceeding. This dismissal has no effect on any other defendant in this Adversary Proceeding.

Dated this 4th day of ~~March~~ April, 2002.

Curtis & Associates Affiliated with Snell & Wilmer L.L.P.
3800 Howard Hughes Parkway, Suite 1000
Las Vega, Nevada 89109
(702)784-5200
(702)784-5252 (Fax)

By: _____
Deborah D. Williamson
Texas State Bar No. 21617500
Carol E. Jendrzey
Texas State Bar No. 10617420

COUNSEL FOR CREDITOR TRUSTEE

Date this _____ day of March, 2002.

Zuger, Kirmis & Smith

By: Rebecca S. Thiem
Counsel for Wishek Farmers Elevator

COX & SMITH, INCORPORATED
112 E. Pecan St., Suite 1800
San Antonio, Texas 78205

Defendant has a resulting proof of claim in the amount of $2,000.00. The Creditor Trustee further agrees to dismiss only its claims against Wishek Farmers Elevator in this Adversary Proceeding.

Wherefore, the Creditor Trustee requests that this Court approve this Stipulation, allow Defendant resulting proof of claim in the amount of $2,000.00 and dismiss with prejudice only the claims against Wishek Farmers Elevator in this Adversary Proceeding. This dismissal has no effect on any other defendant in this Adversary Proceeding.

Dated this ____ day of March, 2002.

Curtis & Associates Affiliated with Snell & Wilmer L.L.P.
3800 Howard Hughes Parkway, Suite 1000
Las Vega, Nevada 89109
(702)784-5200
(702)784-5252 (Fax)

COX & SMITH, INCORPORATED
112 E. Pecan St., Suite 1800
San Antonio, Texas 78205

By: _____
Deborah D. Williamson
Texas State Bar No. 21617500
Carol E. Jendrzey
Texas State Bar No. 10617420

**COUNSEL FOR CREDITOR TRUSTEE**

Date this 25th day of March, 2002.

Zuger, Kirmis & Smith

By: Rebecca S. Thiem
Counsel for Wishek Farmers Elevator



300525.61

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2002.

_____
UNITED STATES BANKRUPTCY JUDGE

COX & SMITH
INCORPORATED
ATTORNEYS • COUNSELORS

112 East Pecan Street
Suite 1800
San Antonio, Texas 78205-1521
(210) 554-5500
Fax (210) 226-8395
www.coxsmith.com

Writer's Direct Number
(210) 554-5553

Writer's E-Mail Address
cjendrzey@coxsmith.com

October 12, 2001

Wishek Farmers Elevator
PO Box 218
Wishek, ND 58495

Re: *In re AgriBioTech, Inc., Las Vegas Fertilizer Co., Garden West Distributors, Inc. and Geo W Hill & Co., inc.* ("Debtors") Jointly Administered Bankruptcy Case No BK-S-00-10533, pending in the United States Bankruptcy Court for the District of Nevada

Dear Wishek Farmers Elevator:

We are writing to make demand for the return of a preferential transfer(s) made to you from the Debtors within 90 days of the Debtors filing for relief under Chapter 11 of the Bankruptcy Code.

Pursuant to the Order Confirming First Amended Joint Plan of Reorganization ("Plan") entered on April 10, 2001, and in accordance with Section 6.2 of the Plan, Anthony H. N. Schnelling was designated Creditor Trustee of the Creditor Trust (hereafter the "Creditor Trustee") to implement the terms of the Plan. In addition, the Plan provides that the Creditor Trustee has the exclusive right to enforce any and all avoidance actions. *See* Section 6.3 of the Plan.

The Creditor Trustee, pursuant to 11 U.S.C. §§ 547 and 550, now seeks the return of the preferential transfers set out below. In an effort to resolve this matter, the Creditor Trustee is agreeable to discounting the amount owed by ten percent.

| DATE | AMOUNT | TOTAL | DISCOUNTED AMOUNT |
|---|---|---|---|
| 12/01/99 | $7,146.51 | | |
| | | $7,146.51 | $6,431.86 |

In order to comply with this demand, please mail a check made payable to Anthony H. N. Schnelling, Creditor Trustee for $6,431.86 to Cox & Smith Incorporated c/o Carol E. Jendrzey, 112 E. Pecan St., Suite 1800, San Antonio, Texas 78205-1521.

COX & SMITH
INCORPORATED
ATTORNEYS • COUNSELORS



If the Creditor Trustee receives a check from you in the designated amount within 30 days of the date of this letter, no further action will be taken in this matter. If you have any questions, please contact us at 210.554.5558.

Yours very truly,

Carol E. Jendrzey by DBK

Carol E. Jendrzey

CEJ/lrc/369410.01

cc: Mr. Anthony H. N. Schnelling

# PROOF OF CLAIM FOR CASH GRAIN

(GRAIN WHICH IS PRICED OR SOLD AND PAYMENT HAS NOT BEEN MADE)

I, Dale Honsey / Lone Prairie Grain, Inc., the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for the following grain which I delivered and sold to a grain dealer named AgriBioTech, Inc. located at Watertown, SD

Listed below are the loads delivered which were not paid for:

| Scale Ticket No. | Date | Kind of Grain | Bushels | Priced | Lien Holder (print N/A if no lien) |
|---|---|---|---|---|---|
| 2296 | 11-10-99 | Rye | 919.25 | $1608.69 | |
| 2298 | 11-11-99 | Rye | 1,858.80 | $3,252.79 | |

Explanation of Claim:

Following the AgriBioTech bankruptcy, the trustee demanded $4,861.55 for the return of preferential transfers made within 90 days of bankruptcy filing. Lone Prairie Grain has settled the claim out of court for $350.00. Thus we submit our claim of $350.00 against the grain dealer bond.

Attached are copies of the above documents which I offer as proof of delivery and evidence of my claim. I submit the above claim and state that it is true under penalty of law.

Signature of Claimant

8-13-02
Date

2323 65 1/2 ST NE
Street/PO Box

Rugby ND 58368
City/State/Zip

701-776-6711
Telephone

Subscribed and sworn to me this 13 day of August 2002

Notary Kathy A. Bonn

County of: Pierce

State of: North Dakota

Commission Expires: 5-20-06

KATHY A. BONN
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires May 20, 2006

RECEIVED
AUG 15 2002
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

COX & SMITH
INCORPORATED
ATTORNEYS COUNSELORS

112 East Pecan Street
Suite 1800
San Antonio, Texas 78205-1521
(210) 554-5500
Fax (210) 226 8395
www.coxsmith.com

Writer's Direct number
(210) 554-5533

Writer's E-Mail Address
rtraub@coxsmith.com

July 18, 2002

VIA TELECOPY

Mr Dale Honsey
Lone Prairie Grain
2373 65 1/2 St. NE
Rugby, ND 58368

Re: *In re AgriBioTech, Inc., et al*; Jointly Administered under Bankruptcy Case No. BK-S-00-10533; *Anthony H.N. Schnelling, Creditor Trustee v. Lone Prairie Grain, et al.*, Adversary No. 012387 LBR, pending in the United States Bankruptcy Court for the District of Nevada

Dear Mr. Honsey:

This letter confirms our telephone conversation earlier today that Anthony H.N Schnelling, Creditor Trustee for the Creditor Trust, Tax I.D. No. 88-0468867, (the "Creditor Trustee") in the above case, has authorized us to accept the offer of $350.00 made by Lone Prairie Grain to resolve the preference demand made on Lone Prairie Grain in the amount of $4,861.59 (the "Preference Demand").

Thus, Lone Prairie Grain agrees to pay $350.00 by certified check (the "Settlement Check") made payable to the ABT Creditor Trust on or before August 2, 2002. In addition, Lone Prairie Grain agrees to not seek a resulting proof of claim or amend any present proof of claim to recover the amount of the Settlement Check. The Creditor Trustee agrees to take no further action against Lone Prairie Grain with respect to the Preference Demand. If these terms are acceptable to you, please sign below and return this letter to me by facsimile at your earliest convenience today.

Dale Honsey

COX & SMITH
INCORPORATED
ATTORNEYS · COUNSELORS



After I receive the executed letter agreement from you, I will fax the Stipulation of Dismissal to you for execution. If you will, please return the executed Stipulation to me by Federal Express, along with the Settlement Check.

Very truly yours,

M.C. Cottingham Miles

AGREED TO on this the
___ day of July, 2002.

LONE PRAIRIE GRAIN
2373 65 1/2 St. NE
Rugby, ND 58868

By: Dale Honsey
Dale Honsey
Title: owner

MCCM/RH III/414039.3

414039.19

RECEIVING REPORT

ABT™ of Waterlown
AgriBioTech, Inc

2296

Received from Lone Prairie  Kind of Seed Rye

Address 2373 65½ St. NE  Date 11-10-99

Town Rugby  State ND  Zip 58368  Truck 615

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Commodity | | | Net lbs. | Price | Total |
| BOL No. | | H.O | ER | Tare | Weight | % Dock | Bushels | | | |
| 28452 | | 9 | 95 | | 53,070 | 1% | 1582 | 999.25 bu. 51,478 | 1.25 | 11.08.69 |

2296

AUG-13-02 08:12 AM HONSEY GRAIN 7017765940 P.04
JAN 30 2002 09:52 FROM-SD PUC TRANS/ALS 605 773 3225 TO:7017765940 P.03

RECEIVING REPORT

ABT of Watertown
AgriBioTech, inc.

2298

Received from Lone Prairie — Kind of Seed Rye

Address 2373 65½ St. NE — Date 11-1-99

Town Rugby — State ND — Zip 58368 — Truck bis

| SHIPPERS RECORD | | OUR RECORD | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lot No. | Bag Count | Lot No. | | Bag Count | Count/Qty | | | Net Ibs. | Price | Total |
| BOL No. | | SUD | TW | Tares | Weight | % Dock. | Dockage | | | |
| 28454 | | 93 | 568 | | 54,170 | 2% Screens 1% | 1625 | 52,545 | 1.35 | 1642.03 |
| 28455 | | 94 | 555 | | 52,870 | 2% Screens 6% | 1322 | 51,548 | 1.35 | 1610.87 |
| | | | | | | | | 104,093 | | 3252.90 |

2298

AUG-13-02 08:12 AM HONSEY GRAIN 7017765940 P.03
JUL 30 2002 08:52 FROM TO 6057723325 P.003

LONE PRAIRIE GRAIN, INC
2373 - 65 1/2 ST., NE
RUGBY, ND 58368

SECURITY STATE BANK
PO BOX 790
ROLLA ND 58367

5313

PAY TO THE ORDER OF ABT Creditor Trust

Date 8/13/2002

$**350.00

Three Hundred Fifty and 00/100********** DOLLARS

ABT Creditor Trust

VOID

Dale Hanson

⑈091302348⑈ 248958201⑈ 5313



# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

October 11, 2002

RE: GD01-002. IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC.

TO ALL CONCERNED PARTIES REGARDING THE ABOVE MATTER.

Enclosed you will find a copy of the Agenda for the October 17, 2002 meeting of the South Dakota Public Utilities Commission. This mailing is intended to serve as notice of this meeting. The Commission is expected to make a ruling regarding the issues noticed in the agenda. If you have any questions please contact the Public Utilities Commission at (605) 773-3201.

Sincerely,

Kelly D. Frazier
Staff Attorney

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc

Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Bob Sahr
Commissioner

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Karen E. Cremer
Tina Douglas
Christopher W. Downs
Terry Emerson
Michele M. Farris
Mariette Fischbach
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Tom Graham
Mary A. Healy
Terri Iverson
Lisa Hull
Dave Jacobson
Amy Kayser
Bob Knadle
Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Allts Wiest

# ABT Customer List



AMKOTA COOP
PO BOX Q
WESSINGTON SPRINGS SD 57382

BERLIN FARMERS
PO BOX 28
BERLIN ND 58415

BURTON HOOVESTOL
3655 CO RD 139
NEW SALEM ND 58563

BYRL LOGAN
PO BOX 187
CLARK SD 57225

CHARLES OLSON
21163 456TH AVE
ARLINGTON SD 57212

CLARIE ORTHAUSE
44446 159TH ST
FLORENCE SD 57235

CONAGRA FLOUR MILLING
VERN SANDHURST
9 CONAGRA DRIVE CIG295
OMAHE NE 68102

DAVID HULSCHER
RR 1 BOX 137
GOODWIN SD 57238

DOUG BENDEMER
31250 300TH AVE
MORGAN MN 56266-3011

FARMLAND ATWOOD
ATTN RON DINGA
PO BOX 15226
MINNEAPOLIS MN 55415-0226

GARY THEISEN
RT 5 BOX 367
CANBY MN 56220

GREEN THUMB
PO BOX J
OLDHAM SD 57051

HITTLE TRUCKING
44354 415TH AVE
SAUK CENTRE MN 56378

JAY GRINOLS
15473 451ST AVE
SOUTH SHORE SD 57263-5202

KNIGHT SEED COMPANY INC
PO BOX 989
BURNSVILLE MN 55337

KUECKER SEED FARM
RT 3 BOX 41
WEBSTER SD 57274

LONE PRAIRIE GRAIN
2373 65 1/2 ST NE
RUGBY ND 58368

MINNERATH FARMS
272 S LAKE DR
WATERTOWN SD 57201-5431

NORTH PACIFIC GROUP INC
NORTH PACIFIC TRADING
PO BOX 3968 ATTN: JOHN BARNES
PORTLAND OR 97208-3968

PACHULSKI STANG ZIEHL YOUNG AND JONES PC
ATTN: MAHLAR PAGAY
10100 SANTA MONICA BLVD STE 1100
LOS ANGELES CA 90067

PAUL THEISEN
RT 5 BOX 367
CANBY MN 56220

RANDY HAUSVIK
16049 410TH AVE
CONDE SD 57434

ROLLING PRAIRIE GRAIN
PO BOX 722
HOWARD SD 57349

SOUTH SHORE ELEVATOR
PO BOX 657
SOUTH SHORE SD 57263

ST PAUL FIRE AND MARINE INS CO
ATTN: JESSICA ARNOLD
5801 SMITH AVE - PO BOX 1138
BALTIMORE MD 21203-1138

TSB BROKERS
PO BOX 45
PEMBINA ND 58271

VANDERVEEN COMMODITIES
BOX 1071
CARMAN MB R0G 0J0

VINCENT RIES
46119 175TH ST
WATERTOWN SD 57201

WISHEK FARMERS ELEVATOR
PO BOX 276
WISHEK ND 58495



# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

November 7, 2002

Ms. Darlene Bailey
Clerk of Courts
P. O. Box 1054
Watertown, SD 57201

RE: In the Matter of the Grain Dealer's
Bond of AgriBioTech, Inc.
Civ. 01-0447

Dear Ms. Miller:

Enclosed for filing you will find original Proposed Findings of Fact and Conclusions of Law and Decision of Receiver and Certificate of Service with reference to the above captioned matter. Also enclosed is our original file.

Very truly yours,

Rolayne Ailts Wiest
Special Assistant Attorney General

RAW:dk
Enc.

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
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FAX (605)773-3225

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1-800-332-1782

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Internet Website
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John Smith
Rolayne Ailts Wiest



# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070


Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

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John Smith
Rolayne Ailts Wiest


November 7, 2002

Honorable Ronald K. Roehr
Circuit Court Judge
P. O. Box 1054
Watertown, SD 57201

RE: In the Matter of the Grain Dealer's
Bond of AgriBioTech, Inc.
Civ. 01-0447

Dear Judge Roehr:

Enclosed for filing you will find original proposed Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver. Also enclosed is a copy of Proposed Findings of Fact and Conclusions of Law and Decision of Receiver with reference to the above captioned matter. If you find the Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver in satisfactory form and content, would you please sign it and hand it to the Clerk for filing.

Very truly yours,

Rolayne Ailts Wiest
Special Assistant Attorney General

RAW:dk
Enc.



# South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

November 7, 2001

TO: All Interested Parties and Entities:

RE: In the Matter of the Grain Dealer's
Bond of AgriBioTech, Inc.
Civ. 01-0447

Enclosed each of you will find copies of Proposed Findings of Fact and Conclusions of Law and Decision of Receiver and proposed Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver with reference to the above captioned matter. This is intended as service upon you by mail.

Very truly yours,

Rolayne Ailts Wiest
Special Assistant Attorney General

RAW:dk
Enc.

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FAX (605)773-3809

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Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Ailts Wiest

# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

| | |
|---|---|
| IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC. | PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND DECISION OF RECEIVER GD01-002 (Civ. 01-0447) |

On August 2, 2001, the Public Utilities Commission (Commission) filed with the Third Judicial Circuit a Petition to Appoint South Dakota Public Utilities Commission as a receiver of AgriBioTech, Inc. (ABT) pursuant to SDCL 49-45-16 and SDCL Chapter 21-21, to take possession of the cash proceeds of the grain dealer's bond commencing July 1, 1999, and ending June 30, 2000, with St Paul Fire & Marine Insurance Company, being the surety. On August 29, 2001, the Commission was appointed receiver by the Honorable Judge Ronald K. Roehr of the Third Judicial Circuit of South Dakota.

ABT filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Nevada on January 25, 2000. The Commission filed a Motion for Relief from Automatic Stay which was granted by the bankruptcy court by order dated June 18, 2001.

A hearing was held on the claims against the $50,000.00 grain dealer's bond, as described above, on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota. The only person testifying was Bob Knadle, Director of the Transportation/Warehouse Division of the Commission, hereafter referred to as Commission Staff or Staff. At the end of the hearing, Commission Staff asked that the record be kept open because Staff had received information that approximately 15 patrons of ABT may be subject to a demand by the Creditor Trustee for the return of money paid to them by ABT for grain because the Creditor Trustee considered the payments to be preferential transfers under the bankruptcy code. Staff explained that some of the affected patrons were not on the Commission's mailing list giving notice of the hearing because they were not owed any money for grain. The Commission granted Staff's request and kept the record open.

On September 6, 2002, the Commission received Staff's Motion to Receive Evidence. In the motion, Staff stated that, since the hearing, five additional claims were submitted based on the claimants' settlements with the Creditor Trustee of payments that were alleged by the Creditor to be preferential transfers. The last claim was received on August 15, 2002. Staff asked that the Commission receive the claims into the record. At its October 17, 2002, meeting, the Commission considered Staff's motion to receive the additional claims into evidence. No one objected to the motion. The Commission granted the motion. In addition, the Commission voted to accept Staff's recommendations concerning the validity and amount of each claim, including the claims received into evidence after the hearing, and accepted Staff's recommendations regarding the distribution of the bond proceeds. The Commission found that the claims against the bond covering the period of July 1, 1999, through June 30, 2000, should be distributed based on Staff's recommendations regarding the amount and validity of each claim, on a pro rata basis, including accrued interest.

Based on the evidence of record, the Commission makes the following proposed findings of fact and conclusions of law:

11. TBS Brokers submitted a claim for $6,785.74 for rye. Exhibit 1I. Based on company records, Commission Staff supported this amount. TR. at 17. The Commission finds that the claimant has a valid claim for $6,785.74.

12. Randy Hausvik (Spink County FSA/ Farmers State Bank of Turton as lienholders) submitted a claim for $3,227.66 for rye. Exhibit 1J. Based on company records, Commission Staff supported this amount. TR. at 18. The Commission finds that the claimant has a valid claim for $3,227.66.

13. Vanderveen Commodity Service LTD submitted a claim for $16,665.89 for rye. Exhibit 1K. Based on company records, Commission Staff supported this amount. TR. at 18; Exhibit 3B. The Commission finds that the claimant has a valid claim for $16,665.89.

14. Green Thumb Commodities submitted a claim for $600.00 for sunflowers and $14.00 for pallets. Exhibit 1L. Based on company records, Commission Staff supported an amount of $600.00 for the sunflowers. TR. at 18. Staff recommended disallowance of the $14.00 for pallets because pallets are not covered by the bond which is for the specific purpose of grain purchases. *Id.* The Commission agrees with Staff and finds that the claimant has a valid claim for $600.00.

15. David Hulscher submitted a claim for $7,878.88 for oats. Exhibit 1M. Based on company records, Commission Staff supported this amount. TR. at 19; Exhibit 3C. The Commission finds that the claimant has a valid claim for $7,878.88.

16. Gary Theisen (Farm Credit Services as lienholder) submitted a claim for $364.46 for rye. Exhibit 1N. Based on company records, Commission Staff supported this amount. TR. at 19; Exhibit 3D. The Commission finds that the claimant has a valid claim for $364.46.

17. Paul Theisen (Farm Credit Services as lienholder) submitted a claim for $735.91 for rye. Exhibit 1O. Based on company records, Commission Staff supported this amount. TR. at 19; Exhibit 3E. The Commission finds that the claimant has a valid claim for $735.91.

18. Berlin Farmers Elevator submitted a claim for $13,583.81 for rye. Exhibit 1P. Based on company records, Commission Staff recommended a claim of $13,397.26. TR. at 19; Exhibit 3F. Staff explained that the difference of $186.55 was due to dockage. *Id.* The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim for $13,397.26.

19. Claire Orthaus submitted a claim for $850.00 for soybeans. Exhibit 1Q. Based on company records, Commission Staff recommended a claim of $778.15. TR. at 20; Exhibit 3G. The Commission agrees with Staff's recommendation and finds the claimant has a valid claim for $778.15.

20. Amkota Coop submitted a claim for $90,781.25 for sunflowers and milo. Exhibit 1R. Based on company records, Commission Staff supported this amount. TR. at 20. The Commission finds that the claimant has a valid claim for $90,781.25.

21. Burton Hoovestol submitted a claim for $8,056.94 for oats. Exhibit 1S. Based on company records, Commission Staff recommended a claim of $8,045.96. TR. at 20; Exhibit 3H. Staff stated the slight difference in the numbers is due to the amount of bushels. TR. at 20. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim for $8,045.96.

28. At the end of the hearing, Commission Staff asked that the record be kept open because Staff had received information that approximately 15 patrons of ABT may be subject to a demand for the return of money paid for grain under the theory that the payment was a preferential transfer under the bankruptcy code. TR. at 26. Some of the affected patrons were not on the Commission's mailing list giving notice of this bond proceeding because they were not owed any money for grain. *Id.* Staff stated that "[d]epending on the outcome of this issue there may be additional claims on the bond." *Id.* at 26-27. The Commission kept the record open.

29. On September 6, 2002, the Commission received Staff's Motion to Receive Evidence. In the motion, Staff stated that, since the hearing, five additional claims were submitted based on the claimants' settlements with the Creditor Trustee of payments that were alleged by the Creditor to be preferential transfers. Staff asked that the Commission receive the claims into the record. On October 17, 2002, the Commission considered Staff's motion to receive the additional claims into evidence. No one objected to the motion. The Commission granted the motion.

30. As explained in the motion, Amkota Coop filed a claim with the Commission on February 22, 2002, for $5,000.00 as a settlement of alleged preferential transfers in the amount of $63,322.54 for sunflowers and milo, and trucking costs of $5,411.95, during the period of October 12, 1999, to November 19, 1999. Exhibit 10. Based on company records, Commission Staff recommended that Amkota Coop has a valid claim in the amount of $5,000.00 for the settlement of the preferential transfer issue relating to the grain sales. The Commission agrees with Staff's recommendation and finds that the claimant has a valid, additional claim of $5,000.00.

31. Knight Seed Company, Inc. filed a claim with the Commission on May 21, 2002, for $1,000.00 as a settlement of alleged preferential transfers in the amount of $7,838.00 for canary, peas, sunflowers, flax, canola, and oats, and for pallets in the amount of $150.00, delivered on October 22, 1999. Exhibit 11. Based on company records, Commission Staff recommended that Knight Seed Company, Inc. has a valid claim in the amount of $1,000.00 for the settlement of the preferential transfer issue relating to the grain sales. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim of $1,000.00.

32. Rolling Prairie Grain Company, Inc. filed a claim with the Commission on June 5, 2002, for $500.00 as a settlement of alleged preferential transfers in the amount of $4,819.30 for rye delivered on November 22, 1999. Exhibits 13, 14. Based on company records, Commission Staff recommended that Rolling Prairie Grain Company, Inc. has a valid claim in the amount of $500.00 for the settlement of the preferential transfer issue. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim of $500.00.

33. Wishek Farmers Elevator filed a claim with the Commission on June 28, 2002, for $2,000.00 as a settlement of alleged preferential transfers in the amount of $7,146.51 for rye delivered during the period of November 12-15, 1999. Exhibit 15. Based on company records, Commission Staff recommended that Wishek Farmers Elevator has a valid, additional claim in the amount of $2,000.00 for the settlement of the preferential transfer issue. The Commission agrees with Staff's recommendation and finds that the claimant has a valid, additional claim of $2,000.00.

34. Lone Prairie Grain, Inc. filed a claim with the Commission on August 15, 2002, for $350.00 as a settlement of alleged preferential transfers in the amount of $4,861.59 for rye delivered on November 10 and 11, 1999. Exhibit 16. Based on company records, Commission Staff recommended that Lone Prairie Grain, Inc. has a valid claim in the amount of $350.00 for the settlement of the preferential transfer issue. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim of $350.00.

| | | |
|---|---|---|
| STATE OF SOUTH DAKOTA | ) | IN CIRCUIT COURT |
| | ) SS | |
| COUNTY OF CODINGTON | ) | THIRD JUDICIAL CIRCUIT |
| IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC. | ) | CIV. 01-0447 |
| | ) | JUDGMENT AND ORDER APPROVING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND DECISION OF RECEIVER |

## PROCEDURAL HISTORY

This action comes before the Court upon petition of the South Dakota Public Utilities Commission (Commission) to be appointed receiver to take possession of the bond proceeds of AgriBioTech, Inc. (ABT) for the grain dealer's bond commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire & Marine Insurance Company, being the surety, pursuant to SDCL 49-45-16 and SDCL Chapter 21-21. On August 2, 2001, the Commission filed with this Court a Petition to Appoint South Dakota Public Utilities Commission as a receiver. On August 29, 2001, the Commission was appointed receiver by this Court.

ABT had filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Nevada on January 25, 2000. The Commission filed a Motion for Relief from Automatic Stay which was granted by the bankruptcy court by order dated June 18, 2001.

A hearing was held on the claims against the $50,000.00 grain dealer's bond, as described above, on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota. The only person testifying was Bob Knadle, Director of the Transportation/Warehouse Division of the Commission, hereafter referred to as Commission Staff or Staff. At the end of the hearing, Commission Staff asked that the record be kept open because Staff had received information that approximately 15 patrons of ABT may be subject to a demand by the Creditor Trustee for the return of money paid to them by ABT for grain because the Creditor Trustee considered the payments to be preferential transfers under the bankruptcy code. Staff explained that some of the affected patrons were not on the Commission's mailing list giving notice of the hearing because they were not owed any money for grain. The Commission granted Staff's request and kept the record open.

On September 6, 2002, the Commission received Staff's Motion to Receive Evidence. In the motion, Staff stated that, since the hearing, five additional claims were submitted based on the claimants' settlements with the Creditor Trustee of payments that were alleged by the Creditor to be preferential transfers. The last claim was received on August 15, 2002. Staff asked that the Commission receive the claims into the record. At its October 17, 2002, meeting, the Commission considered Staff's motion to receive the additional claims into evidence. No one objected to the motion. The Commission granted the motion. In addition, the Commission voted to accept Staff's recommendations concerning the validity and amount of each claim, including the claims received into evidence after the hearing, and accepted Staff's recommendations regarding the distribution of the bond proceeds. The Commission found that the claims against the bond covering the period of July 1, 1999, through June 30, 2000, should be distributed based on Staff's recommendations regarding the amount and validity of each claim, on a pro rata basis, including accrued interest.

10. Douglas Bandemer submitted a claim for $411.96 for rye. Exhibit 1H. Based on company records, Commission Staff supported this amount. TR. at 17. The Commission finds that the claimant has a valid claim for $411.96.

11. TBS Brokers submitted a claim for $6,785.74 for rye. Exhibit 1I. Based on company records, Commission Staff supported this amount. TR. at 17. The Commission finds that the claimant has a valid claim for $6,785.74.

12. Randy Hausvik (Spink County FSA/ Farmers State Bank of Turton as lienholders) submitted a claim for $3,227.66 for rye. Exhibit 1J. Based on company records, Commission Staff supported this amount. TR. at 18. The Commission finds that the claimant has a valid claim for $3,227.66.

13. Vanderveen Commodity Service LTD submitted a claim for $16,665.89 for rye. Exhibit 1K. Based on company records, Commission Staff supported this amount. TR. at 18; Exhibit 3B. The Commission finds that the claimant has a valid claim for $16,665.89.

14. Green Thumb Commodities submitted a claim for $600 00 for sunflowers and $14.00 for pallets. Exhibit 1L. Based on company records, Commission Staff supported an amount of $600.00 for the sunflowers. TR. at 18. Staff recommended disallowance of the $14.00 for pallets because pallets are not covered by the bond which is for the specific purpose of grain purchases. *Id.* The Commission agrees with Staff and finds that the claimant has a valid claim for $600.00.

15. David Hulscher submitted a claim for $7,878.88 for oats. Exhibit 1M. Based on company records, Commission Staff supported this amount. TR. at 19; Exhibit 3C. The Commission finds that the claimant has a valid claim for $7,878.88.

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20. Amkota Coop submitted a claim for $90,781.25 for sunflowers and milo. Exhibit 1R. Based on company records, Commission Staff supported this amount. TR. at 20. The Commission finds that the claimant has a valid claim for $90,781.25.

21. Burton Hoovestol submitted a claim for $8,056.94 for oats. Exhibit 1S. Based on company records, Commission Staff recommended a claim of $8,045.96. TR. at 20; Exhibit 3H. Staff stated

27. Jay Grinols submitted a claim for $2,557.19 for oats. Exhibit 1Y. Based on company records, Staff recommended a claim for $1,967.07. TR. at 24; Exhibit 3L. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim for $1,967.07.

28. At the end of the hearing, Commission Staff asked that the record be kept open because Staff had received information that approximately 15 patrons of ABT may be subject to a demand for the return of money paid for grain under the theory that the payment was a preferential transfer under the bankruptcy code. TR. at 26. Some of the affected patrons were not on the Commission's mailing list giving notice of this bond proceeding because they were not owed any money for grain *Id.* Staff stated that "[d]epending on the outcome of this issue there may be additional claims on the bond." *Id.* at 26-27. The Commission kept the record open.

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| | | |
|---|---|---|
| STATE OF SOUTH DAKOTA | ) | IN CIRCUIT COURT |
| | ) SS | |
| COUNTY OF CODINGTON | ) | THIRD JUDICIAL CIRCUIT |
| IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC. | ) | CIV. 01-0447 |
| | ) | |
| | ) | CERTIFICATE OF SERVICE |

I hereby certify that copies of Proposed Findings of Fact and Conclusions of Law and Decision of Receiver and proposed Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver were served on the following by mailing the same to them by United States Post Office First Class mail, postage thereon prepaid, at the addresses shown below on this the 7th day of November, 2002.

See Attached Exhibit A.

Rolayne Ailts Wiest
Special Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

# EXHIBIT A

AMKOTA COOP
PO BOX Q
WESSINGTON SPRINGS SD 57382

BERLIN FARMERS
PO BOX 28
BERLIN ND 58415

BURTON HOOVESTOL
3655 CO RD 139
NEW SALEM ND 58563

BYRL LOGAN
PO BOX 187
CLARK SD 57225

CHARLES OLSON
21163 456TH AVE
ARLINGTON SD 57212

CLARIE ORTHAUSE
44446 159TH ST
FLORENCE SD 57235

CONAGRA FLOUR MILLING
VERN SANDHURST
9 CONAGRA DRIVE CIG295
OMAHE NE 68102

DAVID HULSCHER
RR 1 BOX 137
GOODWIN SD 57238

DOUG BENDEMER
31250 300TH AVE
MORGAN MN 56266-3011

FARMLAND ATWOOD
ATTN RON DINGA
PO BOX 15226
MINNEAPOLIS MN 55415-0226

GARY THEISEN
RT 5 BOX 367
CANBY MN 56220

GREEN THUMB
PO BOX J
OLDHAM SD 57051

HITTLE TRUCKING
44354 415TH AVE
SAUK CENTRE MN 56378

JAY GRINOLS
16473 461ST AVE
SOUTH SHORE SD 57263-6202

KNIGHT SEED COMPANY INC
PO BOX 989
BURNSVILLE MN 55337

KUECKER SEED FARM
RT 3 BOX 41
WEBSTER SD 57274

LONE PRAIRIE GRAIN
2373 65 1/2 ST NE
RUGBY ND 58368

MINNERATH FARMS
272 S LAKE DR
WATERTOWN SD 57201-5431

NORTH PACIFIC GROUP INC
NORTH PACIFIC TRADING
PO BOX 3968 ATTN: JOHN BARNES
PORTLAND OR 97208-3968

PACHULSKI STANG ZIEHL YOUNG AND JONES PC
ATTN: MAHLAR PAGAY
10100 SANTA MONICA BLVD STE 1100
LOS ANGELES CA 90067

PAUL THEISEN
RT 5 BOX 367
CANBY MN 56220

RANDY HAUSVIK
16049 410TH AVE
CONDE SD 57434

ROLLING PRAIRIE GRAIN
PO BOX 722
HOWARD SD 57349

SOUTH SHORE ELEVATOR
PO BOX 657
SOUTH SHORE SD 57263

ST PAUL FIRE AND MARINE INS CO
ATTN: JESSICA ARNOLD
5801 SMITH AVE - PO BOX 1138
BALTIMORE MD 21203-1138

TSB BROKERS
PO BOX 45
PEMBINA ND 58271

VANDERVEEN COMMODITIES
BOX 1071
CARMAN MB R0G 0J0

VINCENT RIES
1700 7TH AVE NE
WATERTOWN SD 57201-5709

WISHEK FARMERS ELEVATOR
PO BOX 278
WISHEK ND 58495

RECEIVED
NOV 13 2002
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Rolayne Ailts Wiest. 11-11-02

In regard to your letter dated Nov. 7, 2002 You stated I do not have a valid claim against ABT inc.

I delivered to ABT (Discount seeds of Watertown) oats from my bin. The oats had been harvested the previous summer & stored in a bin until Jan. I did not clean the oats or process it in any way. I do not understand why my claim is not valid just because the buyer may or may not intend to sell the oats for seed to some other party.

I buy registered oats each spring. If it passes field inspection it then can be classified as certified oats. Does this mean the only use for it is to be replanted? I think it could still be fed to livestock or processed in some other way.

A reply would be appreciated.

Charlie Olson
21163 456 Av
Arlington, SD
57212



# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

November 14, 2002

Ms. Darlene Bailey
Clerk of Courts
P. O. Box 1054
Watertown, SD 57201

RE: In the Matter of the Grain Dealer's
Bond of AgriBioTech, Inc.
Civ. 01-0447

Dear Ms. Bailey:

Enclosed for filing you will find original Notice of Entry of Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver with reference to the above captioned matter.

Very truly yours,

Rolayne Ailts Wiest
Special Assistant Attorney General

RAW:dk
Enc.

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# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

November 14, 2002

TO: All Interested Parties and Entities:

RE: In the Matter of the Grain Dealer's
Bond of AgriBioTech, Inc.
Civ. 01-0447

Enclosed each of you will find copies of Notice of Entry of Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver with reference to the above captioned matter. This is intended as service upon you by mail.

Very truly yours,

Rolayne Ailts Wiest
Special Assistant Attorney General

RAW:dk
Enc.

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
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Consumer Hotline
1-800-332-1782

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Relay South Dakota
1-800-877-1113

Internet Website
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Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Bob Sahr
Commissioner

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Karen E. Cremer
Tina Douglas
Christopher W. Downs
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Tom Graham
Mary A. Healy
Terri Iverson
Lisa Hull
Dave Jacobson
Amy Kayser
Bob Knadle
Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Ailts Wiest

| | | |
|---|---|---|
| STATE OF SOUTH DAKOTA | ) | IN CIRCUIT COURT |
| | ) SS | |
| COUNTY OF CODINGTON | ) | THIRD JUDICIAL CIRCUIT |
| IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC. | ) | CIV. 01-0447 |
| | ) | NOTICE OF ENTRY OF |
| | ) | JUDGMENT AND ORDER |
| | ) | APPROVING PROPOSED |
| | ) | FINDINGS OF FACT AND |
| | ) | CONCLUSIONS OF LAW AND |
| | ) | DECISION OF RECEIVER |

TO: ALL INTERESTED PARTIES AND ENTITIES:

Notice is hereby given that a Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver, a copy of which is attached hereto, was entered and filed by the Court on the 12th day of November, 2002, in the office of the Clerk of Courts of Codington County, South Dakota.

Dated this 14th day of November, 2002.

Rolayne Ailts Wiest

Rolayne Ailts Wiest
Special Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Telephone (605) 773-3201

CERTIFICATE OF SERVICE

I hereby certify that copies of Notice of Entry of Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver were served on the following by mailing the same to them by United States Post Office First Class mail, postage thereon prepaid, at the addresses shown below on this the 14th day of November, 2002.

See Attached Exhibit A.

Rolayne Ailts Wiest

Rolayne Ailts Wiest
Special Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

RECEIVED
NOV 14 2002
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

STATE OF SOUTH DAKOTA )
) SS
COUNTY OF CODINGTON )

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

IN THE MATTER OF THE GRAIN DEALER'S BOND OF AGRIBIOTECH, INC.

CIV. 01-0447

JUDGMENT AND ORDER APPROVING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND DECISION OF RECEIVER

## PROCEDURAL HISTORY

This action comes before the Court upon petition of the South Dakota Public Utilities Commission (Commission) to be appointed receiver to take possession of the bond proceeds of AgriBioTech, Inc. (ABT) for the grain dealer's bond commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire & Marine Insurance Company, being the surety, pursuant to SDCL 49-45-16 and SDCL Chapter 21-21. On August 2, 2001, the Commission filed with this Court a Petition to Appoint South Dakota Public Utilities Commission as a receiver. On August 29, 2001, the Commission was appointed receiver by this Court.

ABT had filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Nevada on January 25, 2000. The Commission filed a Motion for Relief from Automatic Stay which was granted by the bankruptcy court by order dated June 18, 2001.

A hearing was held on the claims against the $50,000.00 grain dealer's bond, as described above, on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota. The only person testifying was Bob Knadle, Director of the Transportation/Warehouse Division of the Commission, hereafter referred to as Commission Staff or Staff. At the end of the hearing, Commission Staff asked that the record be kept open because Staff had received information that approximately 15 patrons of ABT may be subject to a demand by the Creditor Trustee for the return of money paid to them by ABT for grain because the Creditor Trustee considered the payments to be preferential transfers under the bankruptcy code. Staff explained that some of the affected patrons were not on the Commission's mailing list giving notice of the hearing because they were not owed any money for grain. The Commission granted Staff's request and kept the record open.

On September 6, 2002, the Commission received Staff's Motion to Receive Evidence. In the motion, Staff stated that, since the hearing, five additional claims were submitted based on the claimants' settlements with the Creditor Trustee of payments that were alleged by the Creditor to be preferential transfers. The last claim was received on August 15, 2002. Staff asked that the Commission receive the claims into the record. At its October 17, 2002, meeting, the Commission considered Staff's motion to receive the additional claims into evidence. No one objected to the motion. The Commission granted the motion. In addition, the Commission voted to accept Staff's recommendations concerning the validity and amount of each claim, including the claims received into evidence after the hearing, and accepted Staff's recommendations regarding the distribution of the bond proceeds. The Commission found that the claims against the bond covering the period of July 1, 1999, through June 30, 2000, should be distributed based on Staff's recommendations regarding the amount and validity of each claim, on a pro rata basis, including accrued interest.

The Commission submitted its proposed decision to the Court along with the transcripts and all exhibits. The Commission made the following proposed findings of fact and conclusions of law:

## FINDINGS OF FACT

1. On August 2, 2001, the Commission filed with the Third Judicial Circuit a Petition to Appoint South Dakota Public Utilities Commission as a receiver of ABT pursuant to SDCL 49-45-16 and SDCL Chapter 21-21, to take possession of the cash proceeds of the $50,000.00 grain dealer's bond commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire & Marine Insurance Company, being the surety. On August 29, 2001, the Commission was appointed receiver by the Honorable Judge Ronald K. Roehr of the Third Judicial Circuit of South Dakota.

2. ABT filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Nevada on January 25, 2000. The Commission filed a Motion for Relief from Automatic Stay which was granted by the bankruptcy court by order dated June 18, 2001.

3. The Commission scheduled a hearing to receive evidence of claims against the bond. The hearing was held as scheduled on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota. Potential claimants were mailed a copy of the notice of hearing and notice was published in the Watertown Public Opinion and the Sioux Falls Argus Leader. TR. at 11. All of the claims submitted to the Commission were entered into the record. Exhibit 1.

4. Wishek Farmers Elevator submitted a claim for $12,631.05 for rye. Exhibit 1B. Based on company records, Commission Staff supported this amount. TR. at 15. The Commission finds that the claimant has a valid claim for $12,631.05.

5. Farmland Atwood submitted a claim for $4,922.30 for millet. Exhibit 1C. Based on company records, Commission Staff supported this amount. TR. at 16 The Commission finds that the claimant has a valid claim for $4,922.30.

6. North Pacific Trading submitted a claim for $25,245.00 for nyger seed. Exhibit 1D. Based on company records, Commission Staff supported this amount. TR. at 16. The Commission finds that the claimant has a valid claim for $25,245.00.

7. Vincent Ries submitted a claim for $1,443.37 for rye, $5.00 for a bank handling fee, and attorney fees. Exhibit 1E. Based on company records, Commission Staff supported the $1,443.37 for the rye. TR. at 16. Commission Staff did not recommend payment of the $5.00 bank handling fee or attorney fees on the basis that these claims are not covered by the bond which is for the specific purpose of grain purchases. *Id.* The Commission agrees that a bank handling fee and attorney fees are not covered by the bond and finds that the claimant has a valid claim for $1,443.37.

8. Hittle Trucking submitted a claim for $4,189.53 for rye. Exhibit 1F. Based on company records, Commission Staff supported this amount. TR. at 16-17. The Commission finds that the claimant has a valid claim for $4,189.53.

9. Minnerath Farms submitted a claim for $83,074.09 for rye and oats. Exhibit 1G. Based on company records, Commission Staff supported this amount. TR. at 17; Exhibit 3A. The Commission finds that the claimant has a valid claim for $83,074.09.

10. Douglas Bandemer submitted a claim for $411.96 for rye. Exhibit 1H. Based on company records, Commission Staff supported this amount. TR. at 17. The Commission finds that the claimant has a valid claim for $411.96.

11. TBS Brokers submitted a claim for $6,785.74 for rye. Exhibit 1I. Based on company records, Commission Staff supported this amount. TR. at 17. The Commission finds that the claimant has a valid claim for $6,785.74.

12. Randy Hausvik (Spink County FSA/ Farmers State Bank of Turton as lienholders) submitted a claim for $3,227.66 for rye. Exhibit 1J. Based on company records, Commission Staff supported this amount. TR. at 18. The Commission finds that the claimant has a valid claim for $3,227.66.

13. Vanderveen Commodity Service LTD submitted a claim for $16,665.89 for rye. Exhibit 1K. Based on company records, Commission Staff supported this amount. TR. at 18; Exhibit 3B. The Commission finds that the claimant has a valid claim for $16,665.89.

14. Green Thumb Commodities submitted a claim for $600.00 for sunflowers and $14.00 for pallets. Exhibit 1L. Based on company records, Commission Staff supported an amount of $600.00 for the sunflowers. TR. at 18. Staff recommended disallowance of the $14.00 for pallets because pallets are not covered by the bond which is for the specific purpose of grain purchases. *Id.* The Commission agrees with Staff and finds that the claimant has a valid claim for $600.00.

15. David Hulscher submitted a claim for $7,878.88 for oats. Exhibit 1M. Based on company records, Commission Staff supported this amount. TR. at 19; Exhibit 3C. The Commission finds that the claimant has a valid claim for $7,878.88.

16. Gary Theisen (Farm Credit Services as lienholder) submitted a claim for $364.46 for rye. Exhibit 1N. Based on company records, Commission Staff supported this amount. TR. at 19; Exhibit 3D. The Commission finds that the claimant has a valid claim for $364.46.

17. Paul Theisen (Farm Credit Services as lienholder) submitted a claim for $735.91 for rye. Exhibit 1O. Based on company records, Commission Staff supported this amount. TR. at 19; Exhibit 3E. The Commission finds that the claimant has a valid claim for $735.91.

18. Berlin Farmers Elevator submitted a claim for $13,583.81 for rye. Exhibit 1P. Based on company records, Commission Staff recommended a claim of $13,397.26. TR. at 19; Exhibit 3F. Staff explained that the difference of $186.55 was due to dockage. *Id.* The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim for $13,397.26.

19. Claire Orthaus submitted a claim for $850.00 for soybeans. Exhibit 1Q. Based on company records, Commission Staff recommended a claim of $778.15. TR. at 20; Exhibit 3G. The Commission agrees with Staff's recommendation and finds the claimant has a valid claim for $778.15.

20. Amkota Coop submitted a claim for $90,781.25 for sunflowers and milo. Exhibit 1R. Based on company records, Commission Staff supported this amount. TR. at 20. The Commission finds that the claimant has a valid claim for $90,781.25.

21. Burton Hoovestol submitted a claim for $8,056.94 for oats. Exhibit 1S. Based on company records, Commission Staff recommended a claim of $8,045.96. TR. at 20; Exhibit 3H. Staff stated

the slight difference in the numbers is due to the amount of bushels. TR. at 20. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim for $8,045.96.

22. Dakota Mill & Grain submitted a claim for $17,446.04 for millet and safflowers. Exhibit 1T. Based on company records, Commission Staff recommended a claim of $15,384.62. TR. at 21; Exhibit 3I. Staff stated that the difference was due to dockage of $806.41 and a mathematical error of $1,255.01 on Dakota Mill & Grain's claim form. TR. at 21. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim for $15,384.62.

23. Kuecker Seed Farm submitted a claim for $15,914.60 for certified sharp wheat and rye. Exhibit 1U. Based on company records, Commission Staff recommended a claim of $12,519.26. TR. at 21-22. The difference in the amount was due to Staff's recommended disallowance of the $3,395.34 for certified sharp wheat. TR. at 22. Commission Staff stated that the certified sharp wheat is not included in the definition of grain and is, therefore, not covered by the bond. TR. at 21-22. The Commission agrees that the certified sharp wheat is not grain as defined by SDCL 49-45-1.1(2) which excludes "grain that has been cleaned, processed and specifically identified for intended use of planting for reproduction and for which a grain warehouse receipt has not been issued." The Commission finds that the claimant has a valid claim for $12,519.26.

24. South Shore Elevator submitted a claim for $17,146.47 for rye, canola, and buckwheat seed. Exhibit 1V. Based on company records, Commission Staff recommended a claim of $10,900.83. TR. at 22-23; Exhibit 3J. The difference in the amount was due to Staff's recommended disallowance of the $6,245.64 for buckwheat seed. TR. at 22. Commission Staff stated that buckwheat seed is not included in the definition of grain and is therefore not covered by the bond. TR. at 22-23. The Commission agrees that buckwheat seed is not grain as defined by SDCL 49-45-1.1(2) which excludes "grain that has been cleaned, processed and specifically identified for intended use of planting for reproduction and for which a grain warehouse receipt has not been issued." The Commission finds that the claimant has a valid claim for $10,900.83.

25. Charles Olson submitted a claim for $3,854.50 for certified jerry oats. Exhibit 1W. Commission Staff recommended that the entire claim be disallowed because certified jerry oats are not included in the definition of grain and are, therefore, not covered by the bond. TR. at 23; Exhibit 3K. The Commission agrees that certified jerry oats are not grain as defined by SDCL 49-45-1.1(2) which excludes "grain that has been cleaned, processed and specifically identified for intended use of planting for reproduction and for which a grain warehouse receipt has not been issued." The Commission finds that the claimant does not have a valid claim.

26. Byrl Logan submitted a claim for $6,307.69 for rye, plus $166.00 of interest. Exhibit 1X. Commission Staff recommended that the entire claim be disallowed because the sale of the rye was subject to a deferred payment contract dated March 3, 1999. TR. at 24. Staff stated that deferred payment contracts are not protected by the bond under South Dakota law. The Commission agrees that deferred payment contracts are not covered by the bond. Pursuant to SDCL 49-45-9, a grain dealer's bond "may not benefit any person entering into a voluntary credit sale with a grain dealer." A voluntary credit sale is defined as "a sale of grain or seeds pursuant to which the sale price is to be paid more than thirty days after the delivery or release of the grain for sale, including those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts and price-later contracts." SDCL 49-45-1.1(5). Thus, deferred payment contracts are statutorily excluded from bond coverage and the Commission finds that the claimant may not receive any of the bond proceeds.



# South Dakota
# Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

November 15, 2002

TO: All Interested Parties and Entities

RE: In the Matter of the Grain Dealer's
Bond of AgriBioTech, Inc.
Civ. 01-0447

Enclosed each of you will find a copy of page 5 of the Judgment and Order Approving Proposed Findings of Fact and Conclusions of Law and Decision of Receiver with reference to the above captioned matter. We mailed you this Judgment and Order on November 14, 2002. After we mailed the Judgment and Order, it was discovered that some of the copies were missing page 5.

Very truly yours,

Rolayne Ailts Wiest

Rolayne Ailts Wiest
Special Assistant Attorney General

RAW:dk
Enc.

Capitol Office
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Jim Burg
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Tom Graham
Mary A. Healy
Terri Iverson
Lisa Hull
Dave Jacobson
Amy Kayser
Bob Knadle
Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Ailts Wiest

# EXHIBIT A

AMKOTA COOP
PO BOX Q
WESSINGTON SPRINGS SD 57382

BERLIN FARMERS
PO BOX 28
BERLIN ND 58415

BURTON HOOVESTOL
3655 CO RD 139
NEW SALEM ND 58563

BYRL LOGAN
PO BOX 187
CLARK SD 57225

CHARLES OLSON
21163 456TH AVE
ARLINGTON SD 57212

CLARIE ORTHAUSE
44446 159TH ST
FLORENCE SD 57235

CONAGRA FLOUR MILLING
VERN SANDHURST
9 CONAGRA DRIVE CIG295
OMAHE NE 68102

DAVID HULSCHER
RR 1 BOX 137
GOODWIN SD 57238

DOUG BENDEMER
31250 300TH AVE
MORGAN MN 56266-3011

FARMLAND ATWOOD
ATTN RON DINGA
PO BOX 15226
MINNEAPOLIS MN 55415-0226

GARY THEISEN
RT 5 BOX 367
CANBY MN 56220

GREEN THUMB
PO BOX J
OLDHAM SD 57051

HITTLE TRUCKING
44354 415TH AVE
SAUK CENTRE MN 56378

JAY GRINOLS
15473 451ST AVE
SOUTH SHORE SD 57263-6202

KNIGHT SEED COMPANY INC
PO BOX 989
BURNSVILLE MN 55337

KUECKER SEED FARM
RT 3 BOX 41
WEBSTER SD 57274

LONE PRAIRIE GRAIN
2373 65 1/2 ST NE
RUGBY ND 58368

MINNERATH FARMS
272 S LAKE DR
WATERTOWN SD 57201-5431

NORTH PACIFIC GROUP INC
NORTH PACIFIC TRADING
PO BOX 3968 ATTN: JOHN BARNES
PORTLAND OR 97208-3968

PACHULSKI STANG ZIEHL YOUNG AND JONES PC
ATTN: MAHLAR PAGAY
10100 SANTA MONICA BLVD STE 1100
LOS ANGELES CA 90067

PAUL THEISEN
RT 5 BOX 367
CANBY MN 56220

RANDY HAUSVIK
16049 410TH AVE
CONDE SD 57434

ROLLING PRAIRIE GRAIN
PO BOX 722
HOWARD SD 57349

SOUTH SHORE ELEVATOR
PO BOX 657
SOUTH SHORE SD 57263

ST PAUL FIRE AND MARINE INS CO
ATTN: JESSICA ARNOLD
5801 SMITH AVE - PO BOX 1138
BALTIMORE MD 21203-1138

TSB BROKERS
PO BOX 45
PEMBINA ND 58271

VANDERVEEN COMMODITIES
BOX 1071
CARMAN MB R0G 0J0

VINCENT RIES
1700 7TH AVE NE
WATERTOWN SD 57201-5709

WISHEK FARMERS ELEVATOR
PO BOX 276
WISHEK ND 58495

34. Lone Prairie Grain, Inc. filed a claim with the Commission on August 15, 2002, for $350.00 as a settlement of alleged preferential transfers in the amount of $4,861.59 for rye delivered on November 10 and 11, 1999. Exhibit 16. Based on company records, Commission Staff recommended that Lone Prairie Grain, Inc. has a valid claim in the amount of $350.00 for the settlement of the preferential transfer issue. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim of $350.00.

## CONCLUSIONS OF LAW

1. The Court has jurisdiction over this matter pursuant to SDCL 49-45-16, and SDCL Chapter 21-21.

2. The Commission has jurisdiction over this matter as a receiver appointed by the Court pursuant to SDCL Chapter 21-21, and SDCL Chapter 49-45, specifically 49-45-16.

3. All of the above claims found valid by the Commission are legitimate claims on the proceeds of the $50,000.00 grain dealer's bond, commencing July 1, 1999, and ending June 30, 2000. All such claims shall be paid out of the proceeds of the bond on a pro rata basis, along with accrued interest.

ORDERED:

1. The Commission's Proposed Findings of Fact, Conclusions of Law, and Decision is approved as it applies to claims submitted for the grain dealer's bond commencing July 1, 1999, and ending June 30, 2000.

2. The Commission, as receiver, shall pay the above claims from the grain dealer's bond on a pro rata basis. Accumulated interest on the grain dealer's bond shall be distributed on a pro rata basis to the eligible claimants of the bond proceeds.

Dated this 12th day of November, 2002.

BY THE COURT:

Circuit Court Judge

ATTEST:

Michelle Schmit
Clerk of Courts

(SEAL)

FILED

NOV 12 2002

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
3RD CIRCUIT CLERK OF COURT

By: _____



State of South Dakota )
County of Codington )

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on record in my office.

Codington County Clerk of Courts / Deputy

11-13-02

27. Jay Grinols submitted a claim for $2,557.19 for oats. Exhibit 1Y. Based on company records, Staff recommended a claim for $1,967.07. TR. at 24; Exhibit 3L. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim for $1,967.07.

28. At the end of the hearing, Commission Staff asked that the record be kept open because Staff had received information that approximately 15 patrons of ABT may be subject to a demand for the return of money paid for grain under the theory that the payment was a preferential transfer under the bankruptcy code. TR. at 26. Some of the affected patrons were not on the Commission's mailing list giving notice of this bond proceeding because they were not owed any money for grain. *Id.* Staff stated that "[d]epending on the outcome of this issue there may be additional claims on the bond." *Id.* at 26-27. The Commission kept the record open.

29. On September 6, 2002, the Commission received Staff's Motion to Receive Evidence. In the motion, Staff stated that, since the hearing, five additional claims were submitted based on the claimants' settlements with the Creditor Trustee of payments that were alleged by the Creditor to be preferential transfers. Staff asked that the Commission receive the claims into the record. On October 17, 2002, the Commission considered Staff's motion to receive the additional claims into evidence. No one objected to the motion. The Commission granted the motion.

30. As explained in the motion, Amkota Coop filed a claim with the Commission on February 22, 2002, for $5,000.00 as a settlement of alleged preferential transfers in the amount of $63,322.54 for sunflowers and milo, and trucking costs of $5,411.95, during the period of October 12, 1999, to November 19, 1999. Exhibit 10. Based on company records, Commission Staff recommended that Amkota Coop has a valid claim in the amount of $5,000.00 for the settlement of the preferential transfer issue relating to the grain sales. The Commission agrees with Staff's recommendation and finds that the claimant has a valid, additional claim of $5,000.00.

31. Knight Seed Company, Inc. filed a claim with the Commission on May 21, 2002, for $1,000.00 as a settlement of alleged preferential transfers in the amount of $7,838.00 for canary, peas, sunflowers, flax, canola, and oats, and for pallets in the amount of $150.00, delivered on October 22, 1999. Exhibit 11. Based on company records, Commission Staff recommended that Knight Seed Company, Inc. has a valid claim in the amount of $1,000.00 for the settlement of the preferential transfer issue relating to the grain sales. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim of $1,000.00.

32. Rolling Prairie Grain Company, Inc. filed a claim with the Commission on June 5, 2002, for $500.00 as a settlement of alleged preferential transfers in the amount of $4,819.30 for rye delivered on November 22, 1999. Exhibits 13, 14. Based on company records, Commission Staff recommended that Rolling Prairie Grain Company, Inc. has a valid claim in the amount of $500.00 for the settlement of the preferential transfer issue. The Commission agrees with Staff's recommendation and finds that the claimant has a valid claim of $500.00.

33. Wishek Farmers Elevator filed a claim with the Commission on June 28, 2002, for $2,000.00 as a settlement of alleged preferential transfers in the amount of $7,146.51 for rye delivered during the period of November 12-15, 1999. Exhibit 15. Based on company records, Commission Staff recommended that Wishek Farmers Elevator has a valid, additional claim in the amount of $2,000.00 for the settlement of the preferential transfer issue. The Commission agrees with Staff's recommendation and finds that the claimant has a valid, additional claim of $2,000.00.