

Chris Nelson, Chair
Kristie Fiegen, Vice Chair
Gary Hanson, Commissioner

South Dakota

PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
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Capitol Office
(605) 773-3201
1-866-757-6031 fax

Grain Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

October 9, 2012

Mr. Jason Nagel
15627 – 316th Ave.
Gettysburg, SD 57442

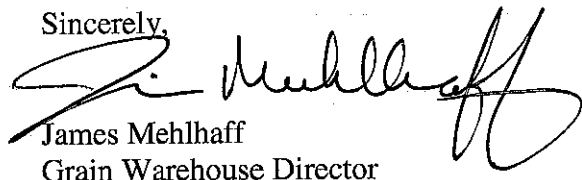
Re: **Proof of Claim for Cash Grain**

Dear Mr. Nagel,

The South Dakota Public Utilities Commission regulates grain buyers in this state. As you know, we are working through issues connected to Anderson Seed in Redfield, SD. Specifically, due to Anderson Seed's failure to pay for grain, its bond has been surrendered and now must be distributed. We understand from the information you sent, you believe you are entitled to some of the bond proceeds. Your submission was, however, missing a notarized signature. Please resign the enclosed form, obtain the necessary notary and return it to our office by November 19, 2012, for your claim to be considered in this matter.

The Commission's Grain Warehouse Staff has also evaluated your claim. Staff's findings indicate that your claim is for grain that was jointly owned by you and Gary Nagel. We have not received a claim from Gary Nagel. If Gary has assigned the full amount of the claim to you we will need a signed and notarized statement from Gary to indicate this. We will need to have this statement by November 19, 2012. Otherwise, Staff's findings show you are entitled to a claim in the amount of \$10,399.07. If you have questions about the process or would like to discuss your claim please call our office at 605-773-5278.

Sincerely,


James Mehlhaff
Grain Warehouse Director

Jason & Gary Nagel

Amount Claimed: \$20,797.81

Staff Findings: Jason: \$10,399.07

Gary: \$10,398.74

Claimant (Jason Nagel) submitted a claim for full amount of ticket 40556. The ticket submitted with the claim shows a split 50%/50% between Jason and Gary Nagel. This ticket split is supported by the assembly sheet obtained from Anderson Seed by Staff. Gary Nagel did not submit a claim. Staff's position is that the claim submitted may have been intended to cover both Jason and Gary Nagel. Staff recommends remitting bond proceeds based on the amount claimed, but also recommends requiring further documentation that Jason is authorized to make the claim for the portion that appears to belong to Gary.

Additionally, the claim form submitted has not been notarized.

RECEIVED

JUL 09 2012

PROOF OF CLAIM FOR CASH GRAIN

(Grain which is priced and sold and payment has not been made), SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

I, Jason Nagel, 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 buyer named Anderson Seed located at Redfield, SD.

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

Scale ticket number	Date	Kind of grain	Bushels	Price	Lien Holder, N/A if no liens
40556	11-10-11	OV SF	620,85	33.50	

Explanation of Claim: Non payment on delivered sunflowers

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 [Signature] Date 7-6-12

Address city Gettysburg State SD Zip 57442

Phone # 605 769-1967

Check box if email only service is acceptable.

Email address: nageljasong@lycos.com

Subscribed and sworn to me this _____ day of _____ 20____

Notary _____

County of: _____ State of: _____

My Commission Expires: _____ Affix Seal: