

RECEIVED

JAN 17 2018

PROOF OF CLAIM FOR CASH GRAIN

(Grain which is priced and sold and payment has not been made).

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

I, David McDonald, the undersigned, do hereby submit this claim against any grain funds or applicable bond(s) for H & I Grain of Hetland with locations in Hetland, De Smet and Arlington SD.

Check this box and proceed to the signature line if you are in agreement with staff findings with respect to your bond claim.

Below are the loads delivered for cash sale which were not paid for: *Attach additional paper if necessary*

| Scale ticket number | Date | Kind of grain | Bushels | Price | Lien Holder, N/A if no liens |
|---------------------|------|---------------|---------|-------|------------------------------|
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Explanation of Claim: *Attach additional paper if necessary*

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 *David McDonald* Date 1/5/18

Address city 20544 407th Ave Huron State SD Zip 57350

Phone # 605-352-0602

Check box if email only service is acceptable Email address: _____

Subscribed and sworn to me this 5th day of January 20 18

Notary Whitney Ward

County of: Beadle State of: South Dakota

My Commission Expires: September 22 2022 Affix Seal:



DAVID MCDONALD & AMERICAN BANK & TRUST

20544 407TH AVE.

HURON, SD 57350

The Public Utilities Commission has reviewed the records of the Licensee and determined the following totals for the potential claimant:

| | CORN | SOYBEANS |
|----------------------|----------|----------|
| TOTAL UNPAID BUSHELS | 54804.68 | 8503.66 |
| VCS BUSHELS* | 53973.37 | 8503.66 |
| OPEN TICKET BUSHELS | 830.98 | -- |
| TOTAL DOLLARS | 2617.59 | -- |
| VCS DOLLARS* | -- | -- |
| OPEN TICKET DOLLARS | 2617.59 | -- |

Staff has determined your eligible claim is for 830.98 bushels, totaling \$2617.59.

*Bushels and dollars determined to be on or from a Voluntary Credit Sale contract (Price Later or Deferred Payment) are ineligible for claim against the bond, per SDCL 49-45-9.



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

South Dakota

PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201

Grain Warehouse
(605) 773-5280

Consumer Hotline
1-800-332-1782

Email
puc@state.sd.us

July 21, 2017

Notice to the customers of H & I Grain of Hetland Inc:

On June 23, 2017, pursuant to SDCL 49-45-16, the South Dakota Public Utilities Commission (Commission) suspended the grain buyer license of H & I Grain of Hetland, Inc. (H & I Grain) located at 205 Main Ave., Hetland, SD 57212. The Commission also ordered an examination of H & I Grain's scale tickets to determine the extent to which grain was received at the H & I Grain facilities located in Hetland, DeSmet and Arlington South Dakota, for which no payment was made. Our examination shows you sold grain to H & I Grain.

On July 21, 2017, the Commission issued an order permanently revoking the grain buyer license of H & I Grain. They also ordered staff to take custody of the \$400,000 surety bond that is required under SDCL 49-45-9 and to develop a plan to distribute the proceeds to those who have a valid claim against the bond. The bond was provided by North American Specialty Insurance Company located at 1450 American Lane, Suite 1100, Schaumburg, IL 60173.

We have completed our examination of the scale tickets and have identified you as a customer of H & I Grain. I have enclosed a summary sheet of our finding with respect to your account. This shows what we believe you are owed for grain that was delivered for which payment was not received. It also shows our determination as to what, if any, portion of the payable is covered by the surety bond. Grain that is subject to the terms of a voluntary credit sale contract, such as a price-later or deferred payment contract, is not covered by the bond. Grain that is determined to be on an open ticket is bond eligible.

We have also included a bond claim form. If you are in agreement with staff findings regarding your bond claim, fill in your name at the top of the claim form, check the box indicating agreement with staff, sign the form in the presence of a notary, and return it to the Commission by January 24, 2018. If you are not in agreement, fill in the rest of the form, provide supporting documentation for your claim, sign the form in the presence of a notary, and return it to the Commission along with the supporting documents by January 24, 2018. Pursuant to South Dakota law 49-45-19, claims must be filed within six months of receiving the notice of revocation. This letter is intended to serve as your notice.

If you have any questions about the claims process or any other items please do not hesitate to contact me.

Sincerely,

Jim Mehlhaff
Director, Grain Warehouse Division



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

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January 3, 2018

Second Notice to the Customers of H & I Grain of Hetland, Inc.:

You are receiving this notice because our examination of H & I Grain records appears to indicate that you may have a valid bond claim. As of January 3, 2018, we have not received a claim form from you. **All claims must be postmarked on or before January 24, 2018 to be included in the bond distribution process.**

On June 23, 2017, pursuant to South Dakota Codified Law 49-45-16, the South Dakota Public Utilities Commission (Commission) suspended the grain buyer license of H & I Grain of Hetland, Inc. (H & I Grain) located at 205 Main Ave., Hetland, SD 57212. The Commission also ordered an examination of H & I Grain's scale tickets to determine the extent to which grain was received at H & I Grain facilities located in Hetland, De Smet and Arlington, South Dakota, for which no payment was made. Our examination shows you sold grain to H & I Grain.

On July 21, 2017, the Commission issued an order permanently revoking the grain buyer license of H & I Grain. They also ordered staff to take custody of the \$400,000 surety bond required by SDCL 49-45-9, and to develop a plan distributing the proceeds to those with a valid claim against the bond. The bond was provided by North American Specialty Insurance Company, 1450 American Lane, Suite 1100, Schaumburg, IL 60173.

PUC staff conducted an examination of the scale tickets and identified you as a customer of H & I Grain. Enclosed is a summary sheet of the findings with respect to your account. This shows what staff believes you are owed for grain delivered for which payment was not received. It also shows the determination as to what, if any, portion of the payable is covered by the surety bond. Grain that is determined to be on an open ticket is bond eligible. Grain that is subject to the terms of a voluntary credit sale contract, such as a price-later or deferred payment contract, is not covered by the bond.

Enclosed is a bond claim form. If you are in agreement with staff's findings regarding your bond claim, fill in your name at the top of the claim form, check the box indicating agreement with staff, sign the form in the presence of a notary, and return it to the Commission by January 24, 2018. If you are not in agreement, fill in the rest of the form, provide supporting documentation for your claim, sign the form in the presence of a notary, and return it to the Commission along with the supporting documents by January 24, 2018. Pursuant to SDCL 49-45-19, claims must be filed within six months of receiving the notice of revocation, and this letter is intended to serve as your notice.

If you have any questions about the claims process or any other items, please do not hesitate to contact me.

Sincerely,

Jim Mehlhaff
Director, Grain Warehouse Division