

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF BON HOMME )

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

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**IN THE MATTER OF  
FARMERS COOPERATIVE  
ELEVATOR, AVON, SOUTH  
DAKOTA**

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\* **04CIV21-037**  
\*  
\* **STIPULATION FOR PAYMENT**  
\* **NOT IN THE ORDINARY COURSE**  
\* **OF BUSINESS**  
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The Parties hereby stipulate and agree that a payment in the amount of \$159,880.08 shall be made by Farmers Cooperative Elevator (FCE) to FCStone Merchant Services, LLC (FCStone). The Parties state and agree as follows:

1. Pursuant to the Court’s Order Appointing Receiver, payments outside of those made in the ordinary course of business may not be made without prior court approval.
2. FCE has a contractual obligation to make a final payment to FCStone on August 31, 2021.
3. The amount due to FCStone is \$159,880.08.
4. Pursuant to a Forbearance and Release Agreement (Agreement), FCStone waived all right to collection of interest, fees, and penalties associated with a prior deficiency on the part of FCE, contingent upon the August 31, 2021 payment.
5. Should this payment not be made to FCStone, all waived interest and fees will become due and FCE will be responsible for any attorneys’ fees.
6. The Agreement is venued in the State of Missouri.
7. The Parties agree that the penalties and fees associated with breaching the Agreement make it necessary for a breach to be avoided.
8. The Parties further agree that FCE does have the financial means to fulfill this agreement at this time without incurring additional unnecessary financial risk to other creditors. This ability to pay is largely due to the hard work of Receiver and FCE over the last several weeks to put FCE in a position to make payment to all creditors, including FCStone.

FOR RECEIVER:

  
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FOR FARMERS COOPERATIVE ELEVATOR:

Charlie Zouhar

Name:

Title: Board President

Date: 8-27-21