

JAN 09 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, Joe Schwader, 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.

*In addition to the 1895.36 bu. @ 3.50/bu. previously determined by PUC staff,*

\* 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
(See attached copies of Bill of Lading tickets)		Corn	20,074.87	\$3.25/bu.	N/A

As discussed previously on the phone with Judy and Jim, these 10 loads (double trailers) were picked up on my farm and hauled directly to ethanol plants at Marion and Chancellor by H & I Grain. On Jan. 20th, 2017 I stopped in at the H & I elevator at Arlington and made the sale face to face with Jared Steffenon. I offered him 20,000 bushels if he could get me 3.25 picked up on my farm. He said he was quite sure he could make that happen... would check markets, etc. to make sure and let me know. The next day (Jan. 21) I talked with Jared on the phone

Explanation of Claim: Attach additional paper if necessary

for delivery sometime by early spring. He said he was quite sure he could make that happen... would check markets, etc. to make sure and let me know. The next day (Jan. 21) I talked with Jared on the phone (see back)

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 1-8-18

Address city 22432 437th Ave. Howard, State SD Zip 57349

Phone # (605) 772-5256

☐ Check box if email only service is acceptable Email address: \_\_\_\_\_

Subscribed and sworn to me this 8th day of JANUARY 20 18

Notary [Signature]

County of: MUSKEGEE State of: SOUTH DAKOTA

My Commission Expires: 11/15/21 Affix Seal:



and confirmed with him that the sale had in fact been made (as noted at the time on my monthly calendar of which I have included a copy of). Jarod said it would probably be a month or two before he would haul the corn. I never received a contract from H&I, but this was not unusual for how they operated. Over the years I had made many verbal agreements with Jarod, and up to this point he had always honored them.

The corn was hauled from my farm in March and April by Jarod's sister, Tonya, except for 1 load hauled by Jason Matheson. The only paperwork I was given were the Bill of Lading tickets given to me by the truckers at the time of loading (copies enclosed). Tonya would usually text or call with the bushels and moisture which I then wrote on the BOL's.

I assumed I would be getting paid after the last load was hauled, but H&I was often slow about paying. Various times I had called the girls in the office and got responses such as Tami being gone, checks won't go out till the next Friday, check should be in the mail, etc. Between these type of stall tactics and me getting really busy with spring planting, it got put on the "back burner" and I never got paid.

On Dec. 20th Judy from your office emailed information to me and it was only at that time I discovered that 8 of these 10 loads were put on phony price later contracts which were never sent out to me. The other 2 loads (Loading #354340 + 5478) didn't show up at all.

Please call me at (605) 772-5256 if you have any questions.

*[Signature]*



TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE <u>3-2-17</u>

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO.	<u>54340</u>
<input type="checkbox"/> Arlington	
<input type="checkbox"/> Hetland	
<input type="checkbox"/> DeSmet	
DESTINATION WGHT.	
SCALE TICKET NO.	

CONSIGNEE TO: <u>Noben</u>		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>	OUT BOUND <input checked="" type="checkbox"/>
		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS	
GRAIN <u>Corn</u>	GRADE & FACTORS		SHIPPER'S WEIGHT		TARE POUNDS
DESTINATION ELEVATOR		NET POUNDS			
LOCATION (CITY & STATE)		GROSS BUSHELS			
FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER		NET BUSHELS			
COMMENTS: <u>Joe Schwaders</u> <u>Tain</u>	H <sub>2</sub> O	TW	DMG		
	<u>16.4</u>				
	FM	HTDMG	OTHER	<u>2012</u>   <u>00</u>	

**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 H & I Grain

CARRIER Hvel

LOADED BY \_\_\_\_\_

ADDRESS \_\_\_\_\_

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY [Signature]

Driver's Signature & Contract No. [Signature]

\* plus another load by Tom  
on this same date (#5433)

TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE <u>4-4-17</u>

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO.
54784
<input type="checkbox"/> Arlington
<input type="checkbox"/> Hetland
<input type="checkbox"/> DeSmet
DESTINATION WGT.
SCALE TICKET NO.

CONSIGNEE TO: <u>Nuber</u>		APPLY ON CONTRACT NO.		IN BOUND	OUT BOUND
				<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS	
GRAIN <u>corn</u>	GRADE & FACTORS		SHIPPER'S WEIGHT	TARE POUNDS	
DESTINATION ELEVATOR				NET POUNDS	
LOCATION (CITY & STATE)				GROSS BUSHELS	
FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER				NET BUSHELS	
COMMENTS: <u>Joe Schwader</u>		H <sub>2</sub> O <u>14.7</u>	TW	DMG	
		FM	HTDMG	OTHER	
					<u>1921</u> <u>43</u>

**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 H & I Grain

CARRIER H & I

LOADED BY \_\_\_\_\_

ADDRESS \_\_\_\_\_

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY Tonye

Driver's Signature  
& Contract No. \_\_\_\_\_

TRUCK LICENSE NO.		<h2 style="margin: 0;">H &amp; I Grain</h2> <p style="margin: 0;">205 Main Ave. Hetland, SD 57212 (605) 983-3211</p>		LADING NO.					
TRAILER LICENSE NO.				54341					
DATE <b>3-2-17</b>									
CONSIGNEE TO:		APPLY ON CONTRACT NO.	IN BOUND	OUT BOUND	<input type="checkbox"/> Arlington  <input type="checkbox"/> Hetland  <input type="checkbox"/> DeSmet				
New Gen Marion		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE	<input type="checkbox"/>	<input type="checkbox"/>					
			GROSS POUNDS						
			TARE POUNDS						
GRAIN <b>Corn</b>	GRADE & FACTORS		SHIPPER'S WEIGHT	NET POUNDS					
DESTINATION ELEVATOR		GROSS BUSHELS							
LOCATION (CITY & STATE)		NET BUSHELS							
COMMENTS: <b>Joe Schnacker Farms</b>		FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER							
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">H<sub>2</sub>O</td> <td style="width: 25%;">TW</td> <td style="width: 25%;">DMG</td> <td style="width: 25%;"></td> </tr> <tr> <td>FM</td> <td>HTDMG</td> <td>OTHER</td> <td></td> </tr> </table>		H <sub>2</sub> O	TW	DMG		FM	HTDMG
H <sub>2</sub> O	TW	DMG							
FM	HTDMG	OTHER							
		1976   07 - according to Jo Ann 6-28-17 on pk							

**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 <b>H &amp; I Grain</b>  LOADED BY _____  1) WHITE - Elevator Copy 2) YELLOW - Truckers Copy 3) PINK - Destination Copy 4) GOLDENROD - Mail Copy	CARRIER <b>H &amp; I Grain</b>  ADDRESS <b>Hetland SD</b>  BY <b>#32</b>  Driver's Signature & Contract No. <b>Joan M. [Signature]</b>
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TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE <b>3-3-17</b>

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO.	<b>54552</b>
<input type="checkbox"/> Arlington	
<input type="checkbox"/> Hetland	
<input type="checkbox"/> DeSmet	
DESTINATION WGHT.	
SCALE TICKET NO.	

CONSIGNEE TO: <b>Nugen</b>		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>		OUT BOUND <input checked="" type="checkbox"/>	
		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS			
GRAIN <b>Corn</b>		GRADE & FACTORS		TARE POUNDS			
DESTINATION ELEVATOR				NET POUNDS			
LOCATION (CITY & STATE)		FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER		GROSS BUSHELS			
COMMENTS: <b>Joe Schwader</b>	H <sub>2</sub> O <b>16.8</b>	TW	DMG	SHIPPER'S WEIGHT • NET BUSHELS <b>2031 79</b>			
	FM	HTDMG	OTHER				

**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 **H & I Grain**

CARRIER **H & I**

LOADED BY

ADDRESS

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY **Tracy**

Driver's Signature & Contract No. **plus another load by Joe**

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE <u>3-8-17</u>

LADING NO.  <b>54583</b>
<input type="checkbox"/> <b>Arlington</b>
<input type="checkbox"/> <b>Hetland</b>
<input type="checkbox"/> <b>DeSmet</b>
DESTINATION WGHT.
SCALE TICKET NO.

CONSIGNEE TO: <u>Nugen</u>		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>		OUT BOUND <input checked="" type="checkbox"/>	
		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		SHIPPER'S WEIGHT • GROSS POUNDS TARE POUNDS NET POUNDS GROSS BUSHELS NET BUSHELS  <u>2011</u>   <u>79</u>			
GRAIN <u>corn</u>		GRADE & FACTORS					
DESTINATION ELEVATOR							
LOCATION (CITY & STATE)		FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER					
COMMENTS: <u>Joe Schwoden</u>		H <sub>2</sub> O <u>15.6</u> FM TW HTDMG DMG OTHER					

**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 H & I Grain

CARRIER H & I

LOADED BY \_\_\_\_\_

ADDRESS \_\_\_\_\_

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY Joe

Driver's Signature  
& Contract No. \_\_\_\_\_

TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE <b>3-2-17</b>

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO. <b>54339</b>
<input type="checkbox"/> Arlington
<input type="checkbox"/> Hetland
<input checked="" type="checkbox"/> DeSmet
DESTINATION WGHT.
SCALE TICKET NO.

CONSIGNEE TO: <b>Chancellor</b>		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>	OUT BOUND <input checked="" type="checkbox"/>
		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS	
GRAIN <b>corn</b>	GRADE & FACTORS				
DESTINATION ELEVATOR					
LOCATION (CITY & STATE)				FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER	
COMMENTS: <b>Joe Schwader</b>	H <sub>2</sub> O	TW	DMG	SHIPPER'S WEIGHT	GROSS BUSHELS
	FM	HTDMG	OTHER		NET BUSHELS

**2012 50-45 per JoAnn on phone 6-28-17**

**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 **H & I Grain**

CARRIER **H & I**

LOADED BY

ADDRESS

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY **Joanne**  
Driver's Signature & Contract No.



TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE <u>3-9-17</u>

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO.

54585

CONSIGNEE TO: <u>Allen Chancellor</u>		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>	OUT BOUND <input checked="" type="checkbox"/>
		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS	
GRAIN <u>corn</u>	GRADE & FACTORS				
DESTINATION ELEVATOR					
LOCATION (CITY & STATE)				FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER	
COMMENTS: <u>Joe Schwader</u>	H <sub>2</sub> O	TW	DMG	SHIPPER'S WEIGHT • GROSS BUSHELS NET BUSHELS <u>2080</u>   <u>00</u>	
	15.0				
	FM	HTDMG	OTHER		

☐ Arlington

☐ Hetland

☐ DeSmet

DESTINATION WGHT.

SCALE TICKET NO.

**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 H & I Grain

CARRIER Ar. I

LOADED BY \_\_\_\_\_

ADDRESS \_\_\_\_\_

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY [Signature]

Driver's Signature  
& Contract No. \_\_\_\_\_

TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE 3-29-17

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO. 54556
<input type="checkbox"/> Arlington
<input type="checkbox"/> Hetland
<input type="checkbox"/> DeSmet
DESTINATION WGHT.
SCALE TICKET NO.

CONSIGNEE TO: POET		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>	OUT BOUND <input checked="" type="checkbox"/>
Chancellor		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS	
GRAIN Corn	GRADE & FACTORS				
DESTINATION ELEVATOR					
LOCATION (CITY & STATE)				FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER	
COMMENTS: Joe Schwadner	H <sub>2</sub> O 16.4	TW	DMG	SHIPPER'S WEIGHT GROSS BUSHELS NET BUSHELS 2089 29	
	FM	HTDMG	OTHER		

**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 H & I Grain	CARRIER H-I
LOADED BY	ADDRESS
1) WHITE - Elevator Copy 2) YELLOW - Truckers Copy 3) PINK - Destination Copy 4) GOLDENROD - Mail Copy	BY Tonya
	Driver's Signature & Contract No.

TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE 3-29-17

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO.  54557
<input type="checkbox"/> Arlington
<input type="checkbox"/> Hetland
<input checked="" type="checkbox"/> DeSmet
DESTINATION WGHT.
SCALE TICKET NO.

CONSIGNEE TO: POET		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>	OUT BOUND <input checked="" type="checkbox"/>
Chancellor		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS	
GRAIN corn	GRADE & FACTORS		SHIPPER'S WEIGHT		TARE POUNDS
DESTINATION ELEVATOR		NET POUNDS			
LOCATION (CITY & STATE)		FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER		GROSS BUSHELS	
COMMENTS: Joe Schwader	H <sub>2</sub> O 14.5	TW	DMG	NET BUSHELS	
	FM	HTDMG	OTHER	2084   29	

**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 **H & I Grain**

CARRIER **H & I**

LOADED BY

ADDRESS

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY **Long**

Driver's Signature  
& Contract No.



TRUCK LICENSE NO.
TRAILER LICENSE NO.
DATE 3-31-17

# H & I Grain

205 Main Ave.  
Hetland, SD 57212  
(605) 983-3211

LADING NO.  54560
<input type="checkbox"/> Arlington
<input type="checkbox"/> Hetland
<input type="checkbox"/> DeSmet
DESTINATION WGHT.
SCALE TICKET NO.

CONSIGNEE TO: Nulien		APPLY ON CONTRACT NO.		IN BOUND <input type="checkbox"/>	OUT BOUND <input checked="" type="checkbox"/>
		<input type="checkbox"/> SELL ON ARRIVAL <input type="checkbox"/> STORAGE		GROSS POUNDS	
GRAIN Corn	GRADE & FACTORS				
DESTINATION ELEVATOR		FREIGHT TO BE PAID BY <input type="checkbox"/> SHIPPER <input type="checkbox"/> BUYER		TARE POUNDS	
LOCATION (CITY & STATE)				NET POUNDS	
COMMENTS: Joe Schwader	H <sub>2</sub> O 15.2	TW	DMG	SHIPPER'S WEIGHT GROSS BUSHELS NET BUSHELS 1855 71	
	FM	HTDMG	OTHER		

**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 H & I Grain

CARRIER H & I

LOADED BY \_\_\_\_\_

ADDRESS \_\_\_\_\_

- 1) WHITE - Elevator Copy
- 2) YELLOW - Truckers Copy
- 3) PINK - Destination Copy
- 4) GOLDENROD - Mail Copy

BY Jorge

Driver's Signature  
& Contract No. \_\_\_\_\_