

**SOUTH DAKOTA BOND FOR USE BY PUBLIC GRAIN WAREHOUSEMEN AND GRAIN BUYERS**  
(MUST BE COMPLETED AND ACKNOWLEDGED BY PRINCIPAL AND SURETY)

**KNOW ALL MEN BY THESE PRESENTS:**

**BOND NUMBER** \_\_\_\_\_

That \_\_\_\_\_, as Principal, and  
(Name & Address of Principal)  
\_\_\_\_\_, a corporate surety company organized and existing under the laws of the State  
(Name of Surety Company)  
of \_\_\_\_\_, with an office located at \_\_\_\_\_ and  
(State of Incorporation) (Address, City, State, Zip Code of Surety's Main Office)

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 owners of grain (1) storing grain in the warehouse(s) set forth below and for which a 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 buyer and demand the purchase price of grain sold to the Principal; or (3) both of these transactions which this bond covers as defined below, to which payment will and truly be made, we each jointly 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 BUYER'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 in the location(s) indicated below. (Please attach an additional sheet if necessary and indicate on it that it is for a grain buyer's bond).

<u>Licensing as</u>		
Warehouse	Buyer	Location
1. <input type="checkbox"/>	<input type="checkbox"/>	_____
2. <input type="checkbox"/>	<input type="checkbox"/>	_____

<u>Licensing as</u>		
Warehouse	Buyer	Location
3. <input type="checkbox"/>	<input type="checkbox"/>	_____
4. <input type="checkbox"/>	<input type="checkbox"/>	_____

**Please check which license(s) this bond pertains to:**

**Warehouse License**

For the period commencing \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_, and ending June 30, 20\_\_\_\_\_, and as a condition for the granting of said license(s)  
(Month) (Day) (Year) (Year)

is required to provide a bond in the amount of \_\_\_\_\_  
(Amount of Bond)

dollars (\$) \_\_\_\_\_ for the benefit of all persons storing grain in said warehouse(s) and for which a designation of storage has been made  
(Amount of Bond)

by the warehouseman at the time of receipt of the grain.

**Grain Buyer License**

For the period commencing \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_, and ending June 30, 20\_\_\_\_\_, and as a condition for the granting of said license(s) is required to  
(Month) (Day) (Year) (Year)

provide a bond in the amount of \_\_\_\_\_ dollars (\$) \_\_\_\_\_ for the benefit of all persons selling  
(Amount of Bond) (Amount of Bond)

**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 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 the 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 chapter 49-43.

**Condition 2:** Condition 2 is applicable to purchase of grain by Principal under a grain buyer 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 buyer and shall fully and unreservedly comply with the laws of the State of South Dakota and the rules of the South Dakota Public Utilities Commission relating to the purchase of grain, 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 provision of SDCL chapter 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
(Day) (Month) (Year)

**If the Principal is a corporation, two officers  
(President, Vice-President, Secretary, Treasurer) must sign**

Name of Principal \_\_\_\_\_

DBA \_\_\_\_\_

Officer 1 Signature \_\_\_\_\_ Title \_\_\_\_\_

Type Name of Officer 1 \_\_\_\_\_

Officer 2 Signature \_\_\_\_\_ Title \_\_\_\_\_

Type Name of Officer 2 \_\_\_\_\_

Name of Surety \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Type Name of Above \_\_\_\_\_, Attorney-In-Fact

**Individual signing on behalf of Surety as attorney-in-fact must be authorized as such as evidenced in attached current and valid power of attorney.**

(Principal Corporate Seal)

(Surety Corporate Seal)

**ACKNOWLEDGEMENT FOR PRINCIPAL**

**Principal, mark the line that applies. If the Principal is a corporation two officers must sign.**

\_\_\_\_ Corporation \_\_\_\_ Company \_\_\_\_ Partnership \_\_\_\_ Sole Proprietorship \_\_\_\_ Other \_\_\_\_\_

**Signature Notarization of Officer 1**

STATE OF \_\_\_\_\_)

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same of his/her own free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(NOTARIAL SEAL)

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires \_\_\_\_\_

**Signature Notarization of Officer 2**

STATE OF \_\_\_\_\_)

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same of his/her own free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(NOTARIAL SEAL)

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires \_\_\_\_\_

**ACKNOWLEDGEMENT OF SURETY - \* ATTACH POWER OF ATTORNEY\***

STATE OF \_\_\_\_\_)

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same of his/her own free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(NOTARIAL SEAL)

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires \_\_\_\_\_

Approved as to form of execution this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SPECIAL ASSISTANT ATTORNEY GENERAL