

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF GRAND FORKS

NORTHEAST CENTRAL JUDICIAL DISTRICT

North Dakota Department of Agriculture,

Petitioner,

-vs-

C & F Foods, Inc., a California Corporation, d/b/a
Turtle River Bean Company;

and

Zurich American Insurance Company;

and

Colonial American Casualty and Surety Company;

and

Fidelity and Deposit Company of Maryland,

Respondents.

Case No. 18-2020-CV-00671

**ORDER APPOINTING
TRUSTEE**

¶1 The North Dakota Department of Agriculture, (the “Ag Commissioner”) acting by and through the North Dakota Department of Agriculture (the “Ag Department”) moved the Court for the Ag Commissioner, acting by and through the Ag department, be appointed as Trustee of C & F Foods, Inc., a California Corporation, d/b/a Turtle River Bean Company (hereinafter “C & F Foods d/b/a Turtle River Bean”), under North Dakota Century Code chapter 60-04. C & F Foods d/b/a Turtle River Bean operates a licensed grain warehouse at Manvel, North Dakota, under North Dakota Century Code chapters 60-02 and 60-04.

¶2 It appears from the records that C & F Foods d/b/a Turtle River Bean is insolvent under North Dakota Century Code chapter 60-04 as of the date on or before February 6, 2020, that it is

in the best interest of the potential claimants and the parties to this proceeding that a trustee be appointed.

ORDER

¶3 **THEREFORE, IT IS ORDERED** on the Application and Motion of the Ag Commissioner, acting by and through the Ag Department, as follows:

¶4 C & F Foods, Inc., a California Corporation, d/b/a Turtle River Bean Company is **INSOLVENT** within the meaning of North Dakota Century Code chapter 60-04.

¶5 The date of insolvency of C & F Foods, Inc. is a date that is on or before February 6, 2020, the February 6, 2020 date being the date the Ag Department received the first complaint for collection of outstanding funds owed for grain sold.

¶6 The Ag Commissioner, acting by and through the Ag Department, is **APPOINTED** as trustee of the trust fund under North Dakota Century Code § 60-04-03 and is to take all action necessary and appropriate to secure and act as trustee, including but not limited to marshalling all trust assets of the insolvent C & F Foods, Inc. (including trust assets that may have been assigned to and/or in the possession or control of CMBG Advisors, Inc., the Assignee for the Benefit of Creditors of C & F Foods, Inc. or any other party) in the manner provided by law.

BY THE COURT

Signed: 5/1/2020 4:18:27 PM



The Honorable Donald Hager
Judge of the District Court