



INDIANA GRAIN BUYERS & WAREHOUSE LICENSING AGENCY

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September 16th, 2020

RE: Agland Grain, Inc., Grain Failure Update

To whom it may concern,










The Indiana Grain Buyers and Warehouse Licensing Agency (“Agency”) would like to update you on the status of the Agland Grain, Inc., grain failure claims process. By now you should have already received your Findings of Fact and Final Order (“Order”) packet in the mail. Be sure to review this Order and your specific reimbursable loss listed. If you **AGREE** with the Order as issued, no action is required from you at this time. If you **DISAGREE** with the Order as issued, you must file a petition for review with the Agency no later than 4:30 PM EDT, Monday, September 28th, 2020.

The timeline at the bottom of this page illustrates the progress that has been made on all submitted claims and outlines the Next Steps that will occur. You should note that the dates listed for all of the Next Steps in this process are estimated dates and are subject to change.

You will also find a few frequently asked questions on the back of this letter to provide you with some further information about the Next Steps that will occur.

If you have any further questions or concerns regarding your submitted claim or the Next Steps in this claims process, please contact the Agency using the information provided in the letterhead at the top of this page.

TIMELINE

-  06/17/2020 Agency mail information packets to identified potential claimants.
-  07/02/2020 Agency hold public claims hearing for all potential claimants.
-  07/17/2020 All claims completed and postmarked to the Agency.
-  09/04/2020 Agency finalize review of all submitted claims and prepare Order.
-  09/08/2020 Agency issue and mail Order packets to all identified claimants.
-  09/28/2020 Petitions for Review disagreeing with the Order must be postmarked to the Agency.
-  10/06/2020¹ Hold Indiana Grain Indemnity Corporation Board of Directors (“Board”) meeting to request for approval to issue partial or full reimbursement checks to proven claimants who are not in dispute with the Order.
-  10/14/2020¹ Agency mail subrogation forms to proven claimants who are approved by the Board for partial or full reimbursement checks.
-  10/21/2020¹ Agency mail Board approved reimbursement checks to proven claimants who have returned their signed and notarized subrogation form to the Agency.

Legend:  Complete  In Progress  Next Steps

¹ Date is subject to change without notice in the event of unforeseen circumstances. Changes, if necessary, will be updated on the Agency’s website at isda.in.gov/grain.htm.

FREQUENTLY ASKED QUESTIONS

DISCLAIMER: *The information provided herein is for informational purposes only and should strictly be considered a supplemental source of reference. None of the information outlined, explained, and/or defined below shall supersede any State and/or Federal laws. This information shall not be construed as legal advice. You may wish to consult with your own counsel for legal assistance.*

1. Do I need to file a petition for review with the Indiana Grain Buyers and Warehouse Licensing Agency (“Agency”)?

A claimant should **ONLY** submit a petition for review to the Agency **ONLY** if he or she **DISAGREES** with the Agland Grain, Inc., grain failure Findings of Fact and Final Order (“Order”) as issued on September 8th, 2020. If a claimant **AGREES** with the Order as issued on September 8th, 2020, then no action is required from him or her at this time. More information about filing a petition for review can be found on pages seven (7) and eight (8) of the issued Order.

2. Why would I only receive a partial reimbursement check?

Proven claimants may not be fully reimbursed until all petitions for review filed with the Agency are fully settled. In the event the Agency receives any petitions for review disagreeing with the Order issued on September 8th, 2020, partial payments may be made to proven claimants who have not appealed their claim(s) pursuant to Indiana Code section 26-4-6-4(c). Furthermore, any claimant who files a petition for review with the Agency disagreeing with the Order issued on September 8th, 2020, may not receive any dollar amount of reimbursement until his or her petition is fully settled.

3. What is a subrogation form?

Pursuant to Indiana Code section 26-4-6-6, a claimant compensated under chapter six (6) of Indiana Code 26-4 is required to subrogate to the board² or corporation³ all claimant’s rights to collect on a bond issued under Indiana Code 26-3-7 or the United States Warehouse Act and all the claimant’s rights to any other compensation arising from the failure of the grain buyer or warehouse operator. The claimant shall assign all the claimant’s rights, title, and interest in any judgment concerning the failure to the board² or corporation³.

4. May I file a lawsuit directly against Agland Grain, Inc., for the remaining dollar amount of my loss that is not covered by the Agency and/or the Indiana Grain Indemnity Corporation?

Claimants should consult with their own legal counsel if they think they may have a claim over and above the dollar amount they are being reimbursed by the Agency and/or the Indiana Grain Indemnity Corporation.

² As defined in Indiana Code section 26-4-1-4.

³ As defined in Indiana Code section 26-4-1-7.