

INSTRUCTIONS FOR FILING A GRAIN DEALER DEFAULT CLAIM FORM

Wis. Stats. ch. 126, Subchapter II
(Form TR-GR-105)

WHO CAN FILE A DEFAULT CLAIM?

A grain producer or producer agent may file a default claim if all the following applies:

- The grain producer or producer agent sold grain to a Grain Dealer who is licensed, or required to be licensed
- The grain producer did not waive eligibility to file a default claim against the Grain Dealer
- The Grain Dealer failed to pay, when due, for producer grain that the Grain Dealer procured in this state

FILING DEADLINE FOR DEFAULT CLAIMS:

Default claims must be filed within 30 days after the claimant first learns of the default, unless the department has specified a later claim-filing deadline date.

HOW TO COMPLETE THE DEFAULT CLAIM FORM:

The producer shall specify the nature and amount of the default and provide any supporting documentation.

1. Enter the date the form is completed.
2. Enter name of Grain Dealer that has failed to pay for grain delivered.
3. Enter the legal name of the claimant / producer.
4. Enter the claimant / producer's business address (Street Address/PO Box, City, State, and ZIP).
5. Enter the best way to reach the contact person (telephone, email, cell and/or fax number), if more than one way to reach then list all ways to contact.
6. Enter the date the claimant first learned about the default and non-payment of grain.
7. Circle Yes or No whether you have filed a claim for grain sales to this grain dealer under any federal bankruptcy or Wis. Stats. ch. 128 receivership proceeding. Attach a copy of the filing if the answer is yes. Please note your claim may be disallowed per Wis. Stats. § 126.70(4)(L) if you were eligible to file a claim, but did not file a claim, under a federal bankruptcy proceeding initiated by another party prior to filing a claim with the DATCP. Your claim with DATCP may also be disallowed if a receivership proceeding under Wis. Stats. ch. 128 was initiated by another party or the claimant, or both, and you did not file a claim under that proceeding prior to filing with the state.
8. Complete the table for grain delivered and not paid –
 - a. The date grain was delivered for sale or purchased from storage.
 - b. The type of grain sold according to contract or verbal agreement.
 - c. Net bushel amount of grain that payment has not been received.
 - d. The contract or agreed price of the grain sold.
 - e. The net amount due to the producer less any amounts owed to the Grain Dealer for services including trucking, drying and storage.
9. The claim form must be signed by the claimant or the claimant's agent.
10. Supporting documentation includes but isn't limited to:
 - a. Copies of scale tickets, contracts, settlement sheets, NSF checks issued and storage bills.
 - b. Any relevant information that was not included on this form.

HOW TO SEND CLAIM FORM:

Send the claim and supporting documentation by mail, email, or fax using the information at the bottom of the form.

QUESTIONS:

Please direct any questions you may have filing or completing this form to Chris Oie at (608)224-4969.

(Personal information you provide may be used for purposes other than that for which it was originally collected. [Wis. Stats. § 15.04(1)(m)])