October 25, 1990

Arbitration Case Number 1670

Plaintiff: Harvey Kobobel, Wiggins, Colo.
Defendant: Scoular Grain Co., Fort Collins, Colo.

Statement of the Case

This case involved a claim by the plaintiff, Harvey Kobobel, against the defendant, Scoular Grain Co., concerning a $15,000 partial prepayment against two contracts involving 10,000 bushels of corn, or a total of 20,000 bushels. Harvey Kobobel demanded a refund of the prepayment on the grounds that Scoular Grain Co. failed to deliver.

Scoular Grain Co. counter-claimed that it was due a prior debt of $8,811. Scoular Grain Co. said that a third contract involving 15,000 bushels of corn also was made to Harvey Kobobel, and subsequently was canceled. Scoular Grain Co. demanded damages on the cancellation of the three corn contracts of $8,274.

The Decision

In reviewing all of the documentation submitted in this case, the arbitrators unanimously determined the following:

<table>
<thead>
<tr>
<th></th>
<th>Cash Contract</th>
<th>September Futures</th>
<th>December Futures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 31, 1989</td>
<td>$2.74 1/2</td>
<td>$2.62 1/4</td>
<td>$2.57 3/4</td>
</tr>
<tr>
<td>Apr 3, 1989</td>
<td>2.71 1/2</td>
<td>2.58 1/2</td>
<td>2.55 3/4</td>
</tr>
<tr>
<td>Apr 6, 1989</td>
<td>2.74 1/2</td>
<td>2.61 3/4</td>
<td>2.60 1/4</td>
</tr>
<tr>
<td>Average Price (per bushel)</td>
<td>$2.60 3/4</td>
<td>$2.58</td>
<td></td>
</tr>
<tr>
<td>Aug 21, 1989</td>
<td>2.34 1/2 - 2.35</td>
<td>2.36 - 2.37 1/4</td>
<td></td>
</tr>
<tr>
<td>Difference (per bushel)</td>
<td>26 cents</td>
<td>21 1/4 cents</td>
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found to be accurate and reasonable (as depicted in the chart on page 1).

The Award

The arbitrators decided that Harvey Kobobel should be refunded the advance payment of $15,000, less the cost of bringing the canceled contracts to market, minus 35,000 bushels at 23.64 cents per bushel, amounting to $8,274. The balance of $6,726 was awarded to Harvey Kobobel, plus 8 percent interest on $6,726 from Aug. 21, 1989 to the date of payment.

Submitted with the consent and approval of the arbitration committee, whose names are listed below:

James Jordan, chairman
Union Equity Cooperative Exchange
Kansas City, Mo.

Dave Duncan
Metamora Elevator Co.
Metamora, Ohio

Rick Robinette
McMaster Grain Co.
South Sioux City, Neb.