

**Fill in this information to identify the case:**

Debtor Superior Silica Sands LLC

United States Bankruptcy Court for the: \_\_\_\_\_ District of Delaware  
(State)

Case number 19-11566

**Official Form 410  
Proof of Claim**

04/19

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

1. <b>Who is the current creditor?</b>	<u>Chippewa Sand Company</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small>	
	Other names the creditor used with the debtor _____	
2. <b>Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. <b>Where should notices and payments to the creditor be sent?</b>	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<u>Chippewa Sand Company</u> <u>Zachary S. McKay</u> <u>17171 Park Row, Suite 160</u> <u>Houston, TX 77084</u>	
	Contact phone <u>281-829-1555</u>	Contact phone _____
	Contact email <u>zmckay@dorelawgroup.net</u>	Contact email _____
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. <b>Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <small>MM / DD / YYYY</small>	
5. <b>Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_ \_

7. How much is the claim? \$ 41,695.97. Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
Goods sold and services provided

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature or property:**  
 Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amount should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check all that apply:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.	\$ _____

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 09/06/2019  
MM / DD / YYYY

/s/Faron DeHart  
Signature

**Print the name of the person who is completing and signing this claim:**

Name Faron DeHart  
First name Middle name Last name

Title Credit Manager

Company Chippewa Sand Company  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 8032 Main Street, Houma, Louisiana, 70360

Contact phone \_\_\_\_\_ Email fdehart@rpc.net



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (877) 634-7165 | International 001-310-823-9000

<b>Debtor:</b> 19-11566 - Superior Silica Sands LLC		
<b>District:</b> District of Delaware		
<b>Creditor:</b> Chippewa Sand Company Zachary S. McKay 17171 Park Row, Suite 160  Houston, TX, 77084  <b>Phone:</b> 281-829-1555  <b>Phone 2:</b>  <b>Fax:</b> 281-200-0751  <b>Email:</b> zmckay@dorelawgroup.net	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded  <b>Related Document Statement:</b>	
	<b>Has Related Claim:</b> No  <b>Related Claim Filed By:</b>	
	<b>Filing Party:</b>	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No  <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Goods sold and services provided	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 41,695.97	<b>Includes Interest or Charges:</b> Yes	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No  <b>Amount of 503(b)(9):</b> No  <b>Based on Lease:</b> No  <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b>  <b>Annual Interest Rate:</b>  <b>Arrearage Amount:</b>  <b>Basis for Perfection:</b>  <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Faron DeHart on 06-Sep-2019 11:16:25 a.m. Eastern Time  <b>Title:</b> Credit Manager  <b>Company:</b> Chippewa Sand Company		
<b>Optional Signature Address:</b> Faron DeHart 8032 Main Street  Houma, Louisiana, 70360  <b>Telephone Number:</b>  <b>Email:</b> fdehart@rpc.net		

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<b>In re:</b>	§	<b>Chapter 11</b>
	§	
<b>SUPERIOR SILICA SANDS LLC</b>	§	<b>Case No. 19-11566</b>
	§	
<b>DEBTOR.</b>	§	

**Addendum to Proof of Claim of Chippewa Sand Company**

1. Claimant expressly reserves all rights including, without limitation, the right to: (i) amend, modify or supplement in any respect this Proof of Claim including any exhibit, or to file an amended or supplemental Proof of Claim for the purpose of asserting additional claims, modifying or liquidating the extent of any lien claimed, the amount of any interest, fee, cost or expense accrued or incurred subsequent to the petition date, or to include any other amounts authorized by the contractual agreements, 11 U.S.C. §§ 365, 506, other provisions of Title 11 of the United States Code, or applicable state law; and (ii) supplement this claim with other documents evidencing the perfection of any lien or security interest, or amounts recoverable under 11 U.S.C. § 506(b).

2. Claimant has incurred and continues to incur post-petition legal fees and expenses related to this claim against Debtor. Claimant reserves the right to amend this proof of claim to include its attorneys' fees and expense amounts as and when incurred and related to Claimant's claims against Debtor to the extent authorized by applicable statute. Such fees are allowed by the parties' contract, applicable state law and applicable federal law. *See* 11 U.S.C. §§ 502, 506.

WK# 991  
00801

Σ = \$ 34,498.65



105 COUNTY HWY Q  
NEW AUBURN, WI 54757  
PHONE: 715.237.3108  
FAX: 715.237.3188

INVOICE #: 19.027  
DATE: 3.18.19

BILL TO: SUPERIOR SILICA SANDS *23433* PO: 391  
PO BOX 103  
NEW AUBURN, WI 54757  
AP: brittany@sssand.com, brian@sssand.com & ap@sssand.com

PRODUCT	CODE	BOL	QTY	PRICE / TON	AMOUNT
100	30750-0581-130		1487.55	\$21.00	\$31,238.55

*CSC-OP* *PMT Recd* \$5,000.00  
*Bal Due* \$26,238.55

OPINION # 45546  
Thank you!

PAYMENT TERMS: NET 30 DAYS BY WIRE OR ACH  
 Chippewa Sand Company  
 Sun Trust Bank  
 Attn: Wire Dept  
 7455 Chancellor Dr.  
 Orlando, FL 32807  
 Account: 1000 14304 1563  
 ABA: 061 000 104  
 First Vice President Treasury & Payment Solutions Consultant:  
 Cynthia MacGeagh Phone:704.526.4386

SUBTOTAL \$31,238.55  
SALES TAX \_\_\_\_\_  
BALANCE DUE \$31,238.55



# CHIPPEWA SAND COMPANY

105 COUNTY HWY Q  
NEW AUBURN, WI 54757  
PHONE: 715.237.3108  
FAX: 715.237.3188

INVOICE #: 19.031  
DATE: 3.31.19

*23433*

BILL TO: SUPERIOR SILICA SANDS  
PO BOX 103  
NEW AUBURN, WI 54757  
AP: brittany@sssand.com, brian@sssand.com & ap@sssand.com

PO: 392

PRODUCT	CODE	BOL	QTY	PRICE / TON	AMOUNT
100	30750-0581-130		689.45	\$20.00	\$13,789.00

*CSC - AP*

## OPINION #

Thank you!

PAYMENT TERMS: NET 30 DAYS BY WIRE OR ACH

Chippewa Sand Company  
Sun Trust Bank  
Attn: Wire Dept  
7455 Chancellor Dr.  
Orlando, FL 32807  
Account: 1000 14304 1563  
ABA: 061 000 104  
First Vice President Treasury & Payment Solutions Consultant:  
Cynthia MacGeagh Phone: 704.526.4386

SUBTOTAL \$13,789.00  
SALES TAX \_\_\_\_\_  
BALANCE DUE **\$13,789.00**

# PROOF OF CLAIM EXHIBIT “B”

## BASIS FOR CHIPPEWA SAND COMPANY’S CLAIM Through July 15, 2019

Amount of Secured Invoices:	\$ 40,027.55
Interest on Secured Invoices:	<u>\$ 1,668.42</u>
<b>Total Amount of Claim:</b>	<b>\$ 41,695.97</b>

Chippewa Sand Company (“Chippewa”), provided goods and services to Superior Silica Sands LLC (“Superior Silica”) in connection with oil and gas operations owned and/or operated by Superior Silica in the state of Wisconsin.

Upon best information and belief, Superior Silica was an owner and/or operator of the wells and directly benefited from the work performed by Chippewa. Chippewa submitted its invoices directly to Superior Silica who failed to timely pay the invoices. The invoices are attached as **Exhibit “A”** to the Proof of Claim.

To calculate the interest owed on this claim, Chippewa applied the interest rate of 18% per annum beginning 30 days from the date of each invoice through the date of bankruptcy case filing. Interest will continue to accrue at the rate of 18% per annum until paid. *See* 11 U.S.C. §§ 502, 506.

Chippewa is entitled to attorney’s fees incurred to seek the collection of amounts due. The legal basis for this recovery is pursuant to the parties’ contract, applicable federal law and applicable state law. *See* 11 U.S.C. §§ 502, 506.