

Fill in this information to identify the case:

Debtor Emerge Energy Services LP

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

Case number 19-11563

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. **Who is the current creditor?** Carmen C Polito
Name of the current creditor (the person or entity to be paid for this claim)
Other names the creditor used with the debtor _____

2. **Has this claim been acquired from someone else?** No
 Yes. From whom? _____

3. **Where should notices and payments to the creditor be sent?**

Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
<u>Carmen C Polito</u> <u>5409 Sycamore Lane</u> <u>Hamburg, NY 14075, us</u>	
Contact phone <u>716-208-6528</u>	Contact phone _____
Contact email <u>POLITOC@CTT.COM</u>	Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	

4. **Does this claim amend one already filed?** No
 Yes. Claim number on court claims registry (if known) _____ Filed on _____
MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?** No
 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? \$ 24673.39. 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.
Money lost

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)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

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 09/05/2019
MM / DD / YYYY

/s/Carmen C. Polito
Signature

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

Name Carmen C. Polito
First name Middle name Last name

Title Owner

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

Address _____

Contact phone _____ Email _____



KCC ePOC Electronic Claim Filing Summary

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

Debtor: 19-11563 - Emerge Energy Services LP		
District: District of Delaware		
Creditor: Carmen C Polito 5409 Sycamore Lane Hamburg, NY, 14075 us Phone: 716-208-6528 Phone 2: 716-200-5880 Fax: Email: POLITOC@CTT.COM	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Creditor	
Other Names Used with Debtor:	Amends Claim: No Acquired Claim: No	
Basis of Claim: Money lost	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 24673.39	Includes Interest or Charges: Yes	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: No Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: Yes	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	
Submitted By: Carmen C. Polito on 05-Sep-2019 4:19:45 p.m. Eastern Time		
Title: Owner		
Company:		

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INDIVIDUAL - TOD (X49558923)

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Account: INDIVIDUAL - TOD (X49558923)

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 - Trade Conditional
 - Trade/View Baskets
- View
 - Balances
 - Positions
 - Closed Positions
 - Orders
 - History
 - YTD Tax Activity
 - Statements/ Records

Symbol	Description	Quantity	Most Recent Market Value	Total Cost Basis	Unrealized Gain/Loss	Unrealized Gain/Loss %	Type	
EMESQ	EMERGE ENERGY SVCS LP COM REP PARTN	1,796.0000	\$17.96	\$24,691.35	-\$24,673.39	-99.93%	Cash	Trade News Research

Open Lots Closed Lots

Long-Term		Avg cost basis/share: \$13.75								
Date Acquired	Quantity	Cost Basis per Share	Most Recent Market Value	Cost Basis	Unrealized Gain/Loss	Unrealized Gain/Loss %	Holding Period	Share Source	Grant Date	
03/13/2015	134.000	\$44.81	\$1.34	\$6,004.45	-\$6,003.11	-99.98%	Long			Feedback
03/13/2015	21.000	\$45.03	\$0.21	\$945.60	-\$945.39	-99.98%	Long			
05/06/2015	39.000	\$38.30	\$0.39	\$1,493.85	-\$1,493.46	-99.97%	Long			
08/07/2015	100.000	\$19.63	\$1.00	\$1,962.95	-\$1,961.95	-99.95%	Long			
08/07/2015	52.000	\$19.55	\$0.52	\$1,016.60	-\$1,016.08	-99.95%	Long			
09/02/2015	250.000	\$15.13	\$2.50	\$3,782.95	-\$3,780.45	-99.93%	Long			
06/21/2017	1,200.000	\$7.90	\$12.00	\$9,484.95	-\$9,472.95	-99.87%	Long			

** In the case of a short sale, total cost ordinarily equals the cost of the asset (including commissions, if any) when purchased for delivery when the sale is closed or covered. However, as cost basis is unknown until the date the short sale is closed or covered, the value Fidelity reports in the Cost Basis column is equal to the price at which the short sale was transacted (total sales proceeds). When calculating the unrealized gain/loss, Fidelity adds the negative value reported in the Closing Mkt Value Column to the positive value reported in the Cost Basis column.

- NFS will report certain cost basis and holding period information to you and to the IRS on your annual Form 1099-B as required or allowed by law, but such information may not reflect adjustments required for your tax reporting purposes. Taxpayers should verify such information when calculating reportable gain or loss. Fidelity and NFS specifically disclaim any liability arising out of a customer's use of, or any tax position taken in reliance upon, such information. Unless otherwise specified, NFS determines cost basis at the time of sale based on the average cost-single category (ACSC) method for open-end mutual funds and based on the first-in, first-out (FIFO) method for all other securities. Consult your tax advisor for further information.

If securities held in your account are restricted for sale under your company's stock plan rules, Fidelity will use the FIFO method for lots available for sale.

For holdings purchased in a currency other than USD, the cost basis provided in USD was determined by converting the foreign currency cost into USD based on exchange rates on the trade date of purchase. For tax reporting purposes, you may be required to determine your actual USD cost basis based on exchange rates on the settlement date of purchase. Consult a tax advisor for further information.

For certain foreign security holdings, Unrealized USD Gain/Loss is broken down into market gain/loss and currency fluctuation components for informational purposes only. The market gain/loss and currency fluctuation components should not be used for tax reporting purposes. For details regarding how market gain/loss and currency fluctuation were calculated, please refer to Help/Glossary.



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