

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. Who is the current creditor?	<u>Anchor Technical Services, LLC</u> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	<u>Anchor Technical Services, LLC</u> <u>H. Brandon Jones</u> <u>Bonds Ellis Eppich Schafer Jones LLP</u> <u>420 Throckmorton Street, Suite 1000</u> <u>Fort Worth, TX 76102</u>	
	Contact phone <u>817-405-6900</u>	Contact phone _____
	Contact email <u>brandon@bondsellis.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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <div style="text-align: right;">MM / DD / YYYY</div>	
5. Do you know if anyone else has filed a proof of claim for this claim?	<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? \$ 15571.76. 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.

Services performed/goods delivered and installed

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: Mechanics and Materialmens Lien. See attached
 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: \$ Unknown
Amount of the claim that is secured: \$ 15571.76
Amount of the claim that is unsecured: \$ 0 (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 09/09/2019
MM / DD / YYYY

/s/Rory McKean
Signature

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

Name Rory McKean
First name Middle name Last name

Title General Counsel

Company Junction Industries/Anchor Technical Services LLC
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: 19-11566 - Superior Silica Sands LLC		
District: District of Delaware		
Creditor: Anchor Technical Services, LLC H. Brandon Jones Bonds Ellis Eppich Schafer Jones LLP 420 Throckmorton Street, Suite 1000 Fort Worth, TX, 76102 Phone: 817-405-6900 Phone 2: Fax: Email: brandon@bondsellis.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: Services performed/goods delivered and installed	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 15571.76	Includes Interest or Charges: No	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: Yes: 15571.76 Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Other Value of Property: Unknown Annual Interest Rate: Arrearage Amount: Basis for Perfection: Mechanics and Materialmens Lien. See attached Amount Unsecured: 0	
Submitted By: Rory McKean on 09-Sep-2019 4:33:57 p.m. Eastern Time Title: General Counsel Company: Junction Industries/Anchor Technical Services LLC		

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

In re:	§	Chapter 11
	§	
EMERGE ENERGY SERVICES LP, <i>et al</i>	§	Case No. 19-11563
	§	
Debtor.	§	Jointly Administered

**NOTICE OF PERFECTION OF MECHANIC’S AND MATERIALMEN’S LIEN BY
ANCHOR TECHNICAL SERVICES, LLC PURSUANT TO 11 U.S.C. § 546(b)(2)**

Anchor Technical Services, LLC (“Anchor”), by and through the undersigned counsel, hereby provides Notice of Perfection of its Mechanics’ and Materialmen’s lien under 11 U.S.C. § 546(b)(2) and respectfully shows as follows:

1. Anchor is a company which delivered and provided labor and goods for the improvement and construction of the project located at 24068 Pleasonton Road, San Antonio, Texas 78264 (the “Real Property”) for Superior Silica Sands, LLC (“Debtor”) . The amount due and owing Anchor up through July 15, 2019 (the “Petition Date”), is at least \$15,571.76, exclusive of accruing interest, costs, fees, and other charges, with additional amounts owed and accrued after the Petition Date. The Section 546 interests perfected, maintained or continued, hereby extends in and to the proceeds, products, off spring, rent, or profits of such Real Property. A true and correct copy of the invoice supporting Anchor’s lien claims is attached hereto as Exhibit A.

2. A contractor perfects a lien under the statutory mechanic’s and materialmen’s lien laws of Texas (Texas Property Code § 53.052) by, among other things, filing an affidavit claiming its entitlement to a lien with the county clerk of the county in which the real property at issue is located within a specific period of time that contains the information proscribed by Texas

Property Code § 53.054. Further, the inception of the lien is the commencement of construction or improvements or delivery of materials to the real property on which the improvements are to be located and on which the improvements are being made. Texas Property Code 53.124.

3. The Texas Property Code further requires commencement of suit to foreclose a lien within two years after the last day a claimant may file the lien affidavit or within one year after completion, termination, or abandonment of the work under the original contract under which the lien is claimed, whichever is later. Texas Property Code 53.158.

4. Section 546(b)(2) of the Bankruptcy Code provides that when applicable law requires seizure of property or commencement of an action to accomplish perfection, or maintenance or continuation of perfection of an interest in property, the claimant may file a notice with the Bankruptcy Court, in lieu of such seizure or commencement.

5. Pursuant to Section 546(b)(2), Anchor hereby provides notice to the Debtors, the Debtors' counsel, and the Office of the United States Trustee, of Anchor's rights as a perfected lienholder in the Real Property pursuant to the Texas mechanic's and materialmen's lien law, *i.e.* Texas Property Code Chapter 53, and also Anchor's claimed Texas Constitutional Lien on the Real Property under Article 16, Section 37 of the Texas Constitution.

6. Anchor is filing this notice to preserve, perfect, maintain, and continue its rights in the Real Property under Texas state law in order to comply with the requirements of the Texas mechanic's and materialmen's lien laws and Section 546(b)(2) of the Bankruptcy Code, and this notice constitutes the legal equivalent of having recorded a mechanic's and materialmen's lien in the public records for the county where the Real Property is located and then having commenced a suit to foreclose the lien in the proper court. Accordingly, by reason of this Notice, the Debtor and other parties in interest are estopped from claiming that any notice, filing, or lawsuit

to enforce the mechanic's lien was not timely commenced or conducted pursuant to applicable Texas law. Anchor may but is not required to further perfect its mechanic's and materialmen's lien rights to the fullest extent permitted by applicable law as allowed under Section 362(b)(3) of the Bankruptcy Code.

7. The filing of this Notice shall not be construed as an admission that any filing is required under the Bankruptcy Code, the application Texas mechanic's and materialmen's lien law, or any other applicable law. Additionally, Anchor hereby makes no admission of fact or law and asserts that its lien is senior to and affective against entities that may have acquired rights in the Real Property previously, and reserves all rights to amend and/or supplement this notice.

Date: August 9, 2019

Respectfully submitted,

**BONDS ELLIS EPPICH SCHAFFER
JONES, LLP**

420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102
Phone: (817) 405-6914
Fax: (817) 405-6902

By: /s/ Joshua N. Eppich

Joshua N. Eppich
State Bar No. 24050567
Joshua@BondsEllis.com
H. Brandon Jones
State Bar No. 24060043
Brandon@BondsEllis.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Anchor Technical Services, LLC's Notice of Perfection of its Mechanics' and Materialman's lien under 11 U.S.C. § 546(b)(2) was served on the Debtor, Superior Silica Sands, LLC, Debtor's Counsel, Counsel for the Unsecured Creditors' Committee, and the United States Trustee as set forth below, and on all other parties requesting notice or service by and through the Court's ECF system.

Via CMRRR & First Class Mail

Debtor
Superior Silica Sands, LLC
5600 Clearfork Main Street, Suite 400
Fort Worth, Texas 76109

Via CMRRR & First Class Mail

Official Committee of Unsecured Creditors
c/o L Katherine Good
Potter Anderson & Corroon LLP
1313 N. Market Street, 6th Floor
Wilmington, DE

Via CMRRR & First Class Mail

Debtor's Counsel
Brett Michael Haywood
Richards, Layton & Finger, PA
One Rodney Square
920 North King Street
Wilmington, DE 79801

Via CMRRR & First Class Mail

U.S. Trustee
J. Caleb Boggs Federal Building
844 King Street, Suite 2207
Lockbox 35
Wilmington, DE 19801

 /s/ Joshua N. Eppich

Joshua N. Eppich
Counsel for Anchor Technical Services, LLC



Work Order Invoice

Invoice Date

Jul 16/19

Invoice Number

ATW10387

Anchor Technical Services, LLC
PO Box 162058
Fort Worth, TX 76161-2058
(817)607-8873
ar@anchor-technical.com

Please ACH or Wire to Frost Bank:
 Acct Holder: Anchor Technical Services, LLC
 RTN: 114000093
 ACCT: 650063126

Sold To

Superior Silica Sands
 5600 Clearfork Main Ste. 400

Fort Worth, Tx 76109
 Att: kmize@sssand.com

Job Location

24068 Pleasanton Rd
 San Antonio, TX. 78264

Customer Purchase Order
 761101-211STACK

W.O. #
 00000616

Terms
 Net 30

Description	Qty	Price	Total
Work Performed			
Stack inert with baffles			
Fabrication, paint and delivery of Qty 1- 36" o.d. x13' tall stack extension. Shell thickness to be 1/4" A36 carbon steel Cross hatch baffle to be 5' in length Exterior surface to have 1 coat of primer 2 coats battleship grey industrial enamel Both ends will have angle slip flanges with 2 extra flanges shipped loose for install Deliver to Superior Silica Sands in San Antonio Texas Removed top stack at proper location brought stack top to the ground welded flange on bottom and welded flange on remaining erected stack, flew up baffle installed with new bolts and sealant then installed upper half of stack With new bolts and sealant.			
Materials			
stack extension	1.00	9,000.00	9,000.00
welding cutting supplies	1.00	300.00	300.00
miles	550.00	1.50	825.00
per diem/hotel	6.00	150.00	900.00
Labor			
Beaird, Shawn	5.00	90.00	450.00
Sub Total			14,385.00
Sales Tax			1,186.76
Total Invoice			15,571.76

www.anchor-technical.com

ATS is a Facility Performance Management Company
 Fort Worth, Midland, San Antonio, Shreveport, Pittsburgh

Beaird, Shawn	9.00	90.00	810.00
Giddens, Billy M	5.00	75.00	375.00
Giddens, Billy M	9.00	75.00	675.00
Culpepper, Keith	5.00	75.00	375.00
Culpepper, Keith	9.00	75.00	675.00

Sub Total	14,385.00
Sales Tax	1,186.76
Total Invoice	15,571.76