

Fill in this information to identify the case:

Debtor D & I Silica, LLC

United States Bankruptcy Court for the: Southern District of Texas
(State)

Case number 20-33501

**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>Buffalo Pittsburgh Railroad Inc.</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. 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?	Where should notices to the creditor be sent? See summary page	Where should payments to the creditor be sent? (if different) <u>Buffalo Pittsburgh Railroad Inc.</u> 27606 Network Place Chicago, IL 60673
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Contact phone <u>585-463-3366</u> Contact email <u>bperry@gwrr.com</u>	Contact phone _____ Contact email _____
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on <u>August 17, 2020</u> <small>MM / DD / YYYY</small>	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Who made the earlier filing? <u>Buffalo Pittsburgh Railroad Inc.</u>	



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? \$ 1482.00. 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

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 08/17/2020
MM / DD / YYYY

/s/Beth A. Perry
Signature

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

Name Beth A. Perry
First name Middle name Last name

Title Director, Credit and Collections

Company Genesee Wyoming Railroad Services, Inc.
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 (866) 554-5810 | International (781) 575-2032

Debtor: 20-33501 - D & I Silica, LLC		
District: Southern District of Texas, Houston Division		
Creditor: Buffalo Pittsburgh Railroad Inc. Beth Perry 200 Meridian Centre, Ste 300 Rochester, NEW YORK, 14618 United States Phone: 585-463-3366 Phone 2: Fax: Email: bperry@gwrr.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: Yes Related Claim Filed By: Buffalo Pittsburgh Railroad Inc.	
	Filing Party: Authorized agent	
Disbursement/Notice Parties: Buffalo Pittsburgh Railroad Inc. 27606 Network Place Chicago, IL, 60673 Phone: Phone 2: Fax: E-mail: DISBURSEMENT ADDRESS		
Other Names Used with Debtor:	Amends Claim: Yes, August 17, 2020 Acquired Claim: No	
Basis of Claim: Services performed	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 1482.00	Includes Interest or Charges: No	
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: No	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	
Submitted By: Beth A. Perry on 17-Aug-2020 5:01:08 p.m. Eastern Time Title: Director, Credit and Collections Company: Genesee Wyoming Railroad Services, Inc.		

DEMURRAGE INVOICE USING STRAIGHT CALCULATIONS

#9741

In account of:

HI-CRUSH PARTNERS LP
 1330 POST OAK BLVD
 SUITE 600
 HOUSTON, TX 77056

Please Remit to:

BUFFALO & PITTSBURGH RAILROAD
 27606 NETWORK PLACE
 CHICAGO, IL 60673-1276

Attn: TERMS: NET 15 INFO: 800-603-3385

Station: KITTAN KITTANNING

Run Date: 8/17/20

Demurrage Agreement: D&IDEMURA

Invoice # 10180 1

Invoice Date: 11/02/17

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Seq	Held For	Car	Car Typ	Commodity	-PCON/Ordered- Date Time	----Placed---- Date Time	---Released--- Date Time	Total Days	Credit Days	Amount Due
1	UNLD	NW	C	SANDFRAC4070MES	9/28/17 19:01	10/03/17 23:59	10/06/17 5:34	8	5	90.00
2	UNLD	SOU	C	SANDFRAC4070MES	9/28/17 19:01	10/03/17 23:59	10/06/17 5:34	8	5	90.00
TOTAL UNLOADING							2 CARS	16	10	180.00
TOTAL FOR KITTANNING							2 CARS	16	10	180.00
TOTAL FOR HI-CRUSH PARTNERS LP							2 CARS	16	10	180.00

STORAGE INVOICE

For cars released from 10/01/18 thru 10/31/18

#9741

In account of:
 HI-CRUSH PARTNERS LP
 3 RIVERWAY
 SUITE 1550
 HOUSTON, TX 77056

Please Remit to:
 BUFFALO & PITTSBURGH RAILROAD
 27606 NETWORK PLACE
 CHICAGO, IL 60673-1276

Attn: TERMS: NET 15 INFO: 800-603-3385

Station: SENECA SENECA

Invoice Number 10736 1

Run Date: 11/05/18
 Invoice Date: 11/05/18

Storage Agreement: D&ISTORE

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Seq	L	E	Car	Car	Commodity	Start	Storage	End	Storage	Days	Amount	Tax	Tax
				Typ		Date	Time	Date	Time	Billed	Due	Cde	Percent
1	L		AOKX 480226	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
2	L		AOKX 480858	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
3	L		AOKX 480951	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
4	L		AOKX 480956	C	SANDFRAC30	10/01/18		1 10/31/18	23:59	31	31.00		
5	L		AOKX 481800	C	SANDFRAC30	10/01/18		1 10/31/18	23:59	31	31.00		
6	L		AOKX 483826	C	SANDFRAC30	10/01/18		1 10/31/18	23:59	31	31.00		
7	L		AOKX 496703	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
8	L		AOKX 497796	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
9	L		AOKX 499889	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
10	L		CBFX 305244	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
11	L		CBFX 305349	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
12	L		CBFX 306156	C	SANDFRAC30	10/01/18		1 10/31/18	23:59	31	31.00		
13	L		CBFX 306159	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
14	L		CBFX 306226	C	SANDFRAC30	10/01/18		1 10/31/18	23:59	31	31.00		
15	L		CBFX 306294	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
16	L		CBFX 306412	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
17	L		CBFX 306435	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
18	L		CEFX 304902	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
19	L		CITX 221578	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
20	L		CMHX 30107	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
21	L		CRDX 20006	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
22	L		FURX 808207	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
23	L		HWCX 6118	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
24	L		HWCX 7141	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
25	L		HWCX 8434	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
26	L		HWCX 8469	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
27	L		HWCX 11874	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
28	L		HWCX 11907	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
29	L		HWCX 11918	C	SANDFRAC30	10/01/18		1 10/31/18	23:59	31	31.00		
30	L		HWCX 12862	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
31	L		HWCX 12876	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
32	L		HWCX 300105	C	SANDFRAC30	10/01/18		1 10/31/18	23:59	31	31.00		
33	L		MRMX 131621	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
34	L		NDYX 807360	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		
35	L		TILX 334356	C	SANDFRAC10	10/01/18		1 10/31/18	23:59	31	31.00		

STORAGE INVOICE

For cars released from 10/01/18 thru 10/31/18

In account of:
 HI-CRUSH PARTNERS LP
 3 RIVERWAY
 SUITE 1550
 HOUSTON, TX 77056

Please Remit to:
 BUFFALO & PITTSBURGH RAILROAD
 27606 NETWORK PLACE
 CHICAGO, IL 60673-1276

Attn: TERMS: NET 15 INFO: 800-603-3385

Station: SENECA SENECA

Invoice Number 10736 1

Run Date: 11/05/18
 Invoice Date: 11/05/18

Storage Agreement: D&ISTORE

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Seq	L	E	Car	Car Typ	Commodity	Start Date	Storage Time	End Date	Storage Time	Days Billed	Amount Due	Tax Cde	Tax Percent	
36	L		TILX	C	SANDFRAC30	10/01/18		10/31/18	23:59	31	31.00			
37	L		TILX	C	SANDFRAC30	10/01/18		10/31/18	23:59	31	31.00			
38	L		TILX	C	SANDFRAC10	10/01/18		10/31/18	23:59	31	31.00			
39	L		TILX	C	SANDFRAC30	10/01/18		10/31/18	23:59	31	31.00			
40	L		TILX	C	SANDFRAC10	10/01/18		10/31/18	23:59	31	31.00			
41	L		TILX	C	SANDFRAC10	10/01/18		10/31/18	23:59	31	31.00			
42	L		TILX	C	SANDFRAC10	10/01/18		10/31/18	23:59	31	31.00			
TOTAL STORAGE										42 CARS	1302	1302.00		
TOTAL FOR SENECA										42 CARS	1302	1302.00		
TOTAL FOR HI-CRUSH PARTNERS LP										43 CARS	1331	1331.00		
Total Amount											1331.00			

PAID 29.00

 BAL. DUE \$ 1,302.00