

Fill in this information to identify the case:

Debtor Welded Construction, L.P.

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

Case number 18-12378

**Official Form 410
Proof of Claim**

04/16

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>Bill Miller Equipment Sales, 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 <u>N/A</u>	
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?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<u>Bill Miller Equipment Sales, Inc.</u> 10200 Parkersburg Road Eckhart, MD 21528, USA	
	Contact phone <u>301-689-1013</u>	Contact phone _____
	Contact email <u>lee@bmillerequipmentsales.com</u>	Contact email _____
	(see summary page for notice party information) 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 _____ <small>MM / DD / YYYY</small>	
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? \$ 308,092.85. 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.

See summary page

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 \$2,850* 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 \$12,850*) 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 checked="" type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(<u>2</u>) that applies.	\$ <u>2594.76</u>

* Amounts are subject to adjustment on 4/01/19 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 02/27/2019
MM / DD / YYYY

/s//s/ Lee Murdy
Signature

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

Name /s/ Lee Murdy
First name Middle name Last name

Title Finance Director

Company Bill Miller Equipment Sales, 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 (888) 830-4648 | International (310) 751-2642

Debtor: 18-12378 - Welded Construction, L.P.		
District: District of Delaware		
Creditor: Bill Miller Equipment Sales, Inc. 10200 Parkersburg Road Eckhart, MD, 21528 USA Phone: 301-689-1013 Phone 2: Fax: Email: lee@bmillerequipmentsales.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
		Has Related Claim: No Related Claim Filed By:
		Filing Party: Creditor
Disbursement/Notice Parties: Gary Sanderson 535 Smithfield Street Ste. 1300 Pittsburgh, PA, 15222 United States Phone: 4124562800 Phone 2: Fax: E-mail: gms@muslaw.com		
Other Names Used with Debtor: N/A	Amends Claim: No Acquired Claim: No	
Basis of Claim: Equipment rentals, services performed, maintenance/parts - See Exhibit A for further info	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 308,092.85	Includes Interest or Charges: Yes	
Has Priority Claim: Yes	Priority Under: 11 U.S.C. §507(a)(2): 2594.76	
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: /s/ Lee Murdy on 27-Feb-2019 1:23:32 p.m. Pacific Time Title: Finance Director Company: Bill Miller Equipment Sales, Inc.		

**Welded
Construction -
TOTAL
SUMMARY (as
further detailed
below)**

Total Pre Petition on TransCanada Project \$	173,677.76
Total Pre Petition on ASR Williams Project \$	98,580.00
Total Pre Petition on Other Projects \$	33,240.33
Cumulative Pre- petition Total \$	305,498.09
Post-petition Total \$	2,594.76
TOTAL PREPETITION + POST PETITION CLAIM \$	308,092.85

**Welded
Construction MXP
TransCanada
Project Open
Invoices Summary**

<u>Date</u>	<u>Inv #</u>	<u>Description</u>	<u>Period</u>	<u>Amount</u>	<u>Sales Tax</u>	<u>Total</u>	<u>Payments Received & Applied</u>	<u>Remainder Due</u>
6/20/18	117994	Komatsu PC490LC-11 85278 Rental Hitachi ZX490LC 60197 Rental PO	6-22-18 to 7-21-18	12,000.00	720.00	12,720.00	0	12,720.00
6/22/18	118020	R3243 Hitachi ZX490LC 60197 Delivery PO	6-22-18 to 7-21-18	12,000.00	720.00	12,720.00	0	12,720.00
6/22/18	118021	R3243	Delivery Freight	2,000.00	120.00	2,120.00	0	2,120.00
6/28/18	118072	Cat 16H ATS00719 Rental	6-25-18 to 7-24-18	12,000.00	720.00	12,720.00	0	12,720.00
7/3/18	118132	Cat 930 RHN00595 Rental PO R1375	7-3-18 to 8-2-18	6,250.00	453.13	6,703.13	0	6,703.13
7/19/18	118333	Komatsu PC490LC A41676 Delivery	Delivery Freight	2,000.00	120.00	2,120.00	0	2,120.00
7/19/18	118334	Komatsu PC490LC 85278 Delivery	Delivery Freight	2,000.00	120.00	2,120.00	0	2,120.00
7/23/18	118363	Komatsu PC490LC A41676 Rental	7-22-18 to 8-21-18	12,000.00	720.00	12,720.00	0	12,720.00
7/23/18	118364	Komatsu PC490LC 85278 Rental Hitachi ZX490LC 60197 Rental PO	7-22-18 to 8-21-18	12,000.00	720.00	12,720.00	0	12,720.00
7/23/18	118365	R3243	7-22-18 to 8-21-18	12,000.00	720.00	12,720.00	0	12,720.00
7/23/18	118366	Cat 16H ATS00719 Rental	7-25-18 to 8-24-18	12,000.00	720.00	12,720.00	0	12,720.00
7/30/18	118456	Cat 16H ATS719 Credit Called Off Rent	7-25-18 to 8-24-18	(9,000.00)	(540.00)	(9,540.00)	0	(9,540.00)
8/2/18	118498	Cat 930 RHN00595 Rental PO R1375 Hitachi ZX490LC 60197 Rental PO	8-3-18 to 9-2-18	6,250.00	453.13	6,703.13	0	6,703.13
8/22/18	118704	R3243	8-22-18 to 9-21-18	12,000.00	720.00	12,720.00	0	12,720.00
8/22/18	118705	Komatsu PC490LC 85278 Rental	8-22-18 to 9-21-18	12,000.00	720.00	12,720.00	0	12,720.00

Bill Miller Equipment Sales, Inc. Proof of Claim - Exhibit A - Itemized Summary of Claims (18-12378)

8/22/18	118706	Komatsu PC490LC A41676 Rental	8-22-18 to 9-21-18	12,000.00	720.00	12,720.00	0	12,720.00
9/5/18	118850	Cat 930 RHN00595 Rental PO R1375	9-3-18 to 10-2-18	6,250.00	453.13	6,703.13	0	6,703.13
9/24/18	119052	Komatsu PC490LC A41676 Rental	9-22-18 to 10-21-18	12,000.00	720.00	12,720.00	0	12,720.00
9/24/18	119053	Komatsu PC490LC 85278 Rental	9-22-18 to 10-21-18	12,000.00	720.00	12,720.00	0	12,720.00

10/2/18	119144	Cat 930 RHN00595 Rental PO R1375	10-3-18 to 11-2-18	6,250.00	453.13	6,703.13	0	4,108.37
			***PRE PETITION - 10-3-18 to 10-21-18 (see analysis below re calculation of pre-petition and post-petition amounts)					

**Total Pre
Petition on
TransCanada
Project \$ 173,677.76**

**Welded
Construction ASR
Williams Project -
Open Invoices
Summary**

<u>Date</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Period</u>	<u>Amount</u>	<u>Sales Tax</u>	<u>Total</u>	<u>Payment Received & Applied</u>	<u>Remainder Due</u>
6/20/18	117995	Cat 420F JWJ00384 Rental PO 71024	6-20-18 to 7-19-18	4,000.00	240.00	4,240.00	0	4,240.00
6/20/18	117996	Cat 740 L4E00773 PO 70987-A	6-19-18 to 7-18-18	12,000.00	720.00	12,720.00	0	12,720.00
7/9/18	118172	Cat 740B L4E00573 Rental PO 72405	7-8-18 to 8-7-18	12,000.00	720.00	12,720.00	0	12,720.00
7/19/18	118327	Cat 740B L4E00773 Rental PO 70987-A	7-19-18 to 8-18-18	12,000.00	720.00	12,720.00	0	12,720.00
7/19/18	118328	Cat 420F JWJ00384 Rental PO 71024	7-20-18 to 8-19-18	4,000.00	240.00	4,240.00	0	4,240.00
8/6/18	118540	Cat 740B L4E00573 Rental PO 72405	8-8-18 to 9-7-18	12,000.00	720.00	12,720.00	0	12,720.00
8/17/18	118663	Cat 740B L4E00773 Rental PO 70987-A	8-19-18 to 9-18-18	12,000.00	720.00	12,720.00	0	12,720.00
8/27/18	118755	Cat 420F JWJ00384 Rental PO 71024	Return Freight	1,000.00	60.00	1,060.00	0	1,060.00
9/11/18	118903	Cat 740B L4E00573 Rental PO 72405	9-8-18 to 10-7-18	12,000.00	720.00	12,720.00	0	12,720.00
9/18/18	118986	Cat 740B L4E00773 Rental PO 70987-A	9-19-18 to 10-18-18	12,000.00	720.00	12,720.00	0	<u>12,720.00</u>

**Total Pre
Petition on
ASR Williams
Project \$ 98,580.00**

**Welded
Construction NOT
Part of
TransCanada or
ASR Williams
Projects - Open
Invoices Summary**

<u>Date</u>	<u>Number</u>	<u>Description</u>	<u>Period</u>	<u>Amount</u>	<u>Sales Tax</u>	<u>Total</u>	<u>Payment Received</u>	<u>Remainder Due</u>
8/27/18	118754	Cat 16H ATS00719 Return	Return Freight	1,500.00	90.00	1,590.00	0	1,590.00
			General work on Welded machines					
8/27/18	118756	Cat 594 5138 Service and Parts		22,118.20	643.69	22,761.89	0	22,761.89
8/30/18	118797	Hitachi ZX490LC 60197 Credit PO R3243	Called Off Rent	(8,000.00)	(480.00)	(8,480.00)	0	(8,480.00)
9/6/18	118873	Transport 594 from Marietta PA to BME	BME to Bridgeport WV	5,250.00	315.00	5,565.00	0	5,565.00
10/15/18	119274	Cat 594H 62H00642 Parts & Service	General work on Welded machines	11,496.17	307.27	11,803.44	0	<u>11,803.44</u>

**Total Pre
Petition Not
on TC or ASR
Project \$ 33,240.33**

10/2/18 119144 *Cat 930 RHN00595 Rental Pre and Post Petition Analysis - Trans Canada Project**

30 Day Rental Charge 6,250.00

Sales Tax 453.13

Total 6,703.13

Divided By Number of Days 31.00

Daily 216.23

Pre-Petition 10-3-18 to 10-21-18 Days 19

Daily 216.23

Pre-Petition 930 RHN00595 Rent \$ 4,108.37

Post Petition 930 RHN00595 Rent - 10-

22-18 to 11-2-18 Days 12

Daily 216.23

**Included
Proof of
Claim,**

Post-Petition 930 RHN00595 Rent \$ 2,594.76 Section 12.

**** Full purchase orders, invoices and rental/sales agreements are already in possession of debtor and too voluminous to attach hereto, but can be made available upon request as needed.

