

**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**

<p><b>1. Who is the current creditor?</b></p>	<p><u>Boger Concrete Company</u></p> <p>Name of the current creditor (the person or entity to be paid for this claim)</p> <p>Other names the creditor used with the debtor _____</p>	
<p><b>2. Has this claim been acquired from someone else?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. From whom? _____</p>	
<p><b>3. Where should notices and payments to the creditor be sent?</b></p> <p>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</p>	<p><b>Where should notices to the creditor be sent?</b></p> <p>See summary page</p>	<p><b>Where should payments to the creditor be sent? (if different)</b></p>
	<p>Contact phone <u>717-237-5405</u></p> <p>Contact email <u>jrudd@mcneeslaw.com</u></p>	<p>Contact phone _____</p> <p>Contact email _____</p>
	<p>Uniform claim identifier for electronic payments in chapter 13 (if you use one):</p> <p>_____</p>	
<p><b>4. Does this claim amend one already filed?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY</p>	
<p><b>5. Do you know if anyone else has filed a proof of claim for this claim?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Who made the earlier filing? _____</p>	



**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? \$ 54,694.84. 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

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 type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.	\$ _____

\* 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/ Jonathan H. Rudd  
Signature

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

Name Jonathan H. Rudd  
First name Middle name Last name

Title Attorney

Company McNees Wallace and Nurick 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 (888) 830-4648 | International (310) 751-2642

<b>Debtor:</b> 18-12378 - Welded Construction, L.P.		
<b>District:</b> District of Delaware		
<b>Creditor:</b> Boger Concrete Company c/o Jonathan H. Rudd, Esquire, McNees Wallace and Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PA, 17108  <b>Phone:</b> 717-237-5405 <b>Phone 2:</b>  <b>Fax:</b> 717-260-1737 <b>Email:</b> jrudd@mcneeslaw.com	<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> Authorized agent	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Goods sold	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 54,694.84	<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> Jonathan H. Rudd on 27-Feb-2019 3:09:15 p.m. Pacific Time  <b>Title:</b> Attorney  <b>Company:</b> McNees Wallace and Nurick LLC		



Concrete • Stone

WEL300  
net 30

CONCRETE CO.

Credit Application Form

Please complete, sign and return this form by fax to (717)279-7411

Thank you for your interest in our products!

COMPANY INFORMATION

Legal Company Name: Welded Construction, LP

DBA: \_\_\_\_\_

Street Address: 26933 Eckel Road Perrysburg OH 43551

Billing Address: PO Box 470 " " 43552

Phone: 419 874-3548

Fax: 419 874-4883

E-mail: AP@Welded.com

Number of Employees: 50-2000 Website: \_\_\_\_\_

Date Established: 1966 Estimated Annual Sales: 100m+

Federal Tax ID number: REDACTED 5008

Exempt from PA Sales and Use Tax: ( ) Yes  No (If yes, please attach copy of sales tax exemption cert)

Company Composition: ( ) Sole Proprietorship  Partnership ( ) Corporation ( ) LLC

BANK REFERENCE

Bank Name: Huntington Acct. No. \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name: Adam Greels

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: 201 IronPond Drive • Lebanon, PA 17042

Plant Location: 202 N. Railroad Street • Annville, PA 17003

Phone (717) 867-4641 • Fax (717) 867-3999 • Concrete Phone (717) 867-3992 or 1-800-525-8014

**AGREEMENT AND SIGNATURE**

I/We expressly consent to BBGY Inc. DBA: Boger Concrete Company to obtain any reports containing credit or personal information that is required in obtaining credit from BBGY Inc. DBA: Boger Concrete Company.

I/We declare that the information given on this application is true and accurate in every aspect. This declaration is made for the purpose of obtaining credit from BBGY Inc. DBA: Boger Concrete Company and will remain confidential

In consideration for the extension of credit and intending to be legally bound hereby, the undersigned applicant hereby agrees that the following terms will govern any charge account established by BBGY Inc. DBA: Boger Concrete Company for applicant's benefit.

*Payment:* Applicant hereby agrees to pay the Time of Sale Price of purchases charged to applicant's account. The Time of Sale price shall consist of the cash sale price, including applicable sales tax and delivery charges, if any, plus service charges and any finance charge, which may accrue pursuant to, paragraph titled Past Due Accounts hereunder.

*Past Due Accounts:* Applicant hereby agrees that interest charges of 1 1/4% per month or 18% per annum will be assessed on any account balance which is not satisfied within 30 days of the Invoice date.

*Seller's Remedies:* In the case of applicant's default, applicant's entire account balance shall become due and payable. Seller's waiver of any default shall not operate as a waiver of any other default. If applicant's account is referred for collection, applicant will pay to the extent permitted by law, reasonable attorney's fees and court costs incurred.

*Seller's Discretion:* The extension of temporary credit pursuant to this agreement is within seller's sole discretion and seller may terminate this agreement at any time for any reason.

D. McD

Dean McDowell CFO

5/22/2017

Authorized Signature

Print name

Title

Date

BOGER CONCRETE

DATE	INVOICE #	PRINCIPAL AMOUNT	Due Date (Net 30 days)
4/30/2018	43018	\$591.80	5/30/2018
5/31/2018	53118	\$1,130.78	6/30/2018
6/30/2018	63018	\$1,025.07	7/30/2018
7/31/2018	73118	\$216.94	8/30/2018
8/9/2018	4394	\$4,563.30	9/8/2018
8/10/2018	4420	\$9,434.00	9/9/2018
8/10/2018	4421	\$614.80	9/9/2018
8/10/2018	4422	\$9,600.00	9/9/2018
8/11/2018	4427	\$1,240.20	9/10/2018
8/20/2018	4608	\$7,840.82	9/19/2018
8/25/2018	4725	\$3,307.20	9/24/2018
8/29/2018	4812	\$716.56	9/28/2018
8/31/2018	83118	\$696.39	9/30/2018
9/4/2018	4884	\$431.95	10/4/2018
9/7/2018	4972	\$3,841.44	10/7/2018
9/8/2018	4974	\$6,794.60	10/8/2018
9/14/2018	5091	\$716.56	10/14/2018
9/21/2018	5242	\$787.58	10/21/2018
9/30/2018	93018	\$591.35	10/30/2018
10/22/2018	102218	\$553.50	11/21/2018
Total Due		\$54,694.84	
Principal		\$49,889.01	
Interest		\$4,805.83	