

**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**

<b>1. Who is the current creditor?</b>	<u>Brandenburg Drainage, Inc.</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	<u>Brandenburg Drainage, Inc.</u> <u>Dan Langdon</u> <u>242 Carlton Avenue SE</u> <u>Grand Rapids, Michigan 49506</u>	<u>Brandenburg Drainage, Inc.</u> <u>Audrey Brandenburg</u> <u>2236 312th Avenue</u> <u>Maquoketa, IA 52060</u>
	Contact phone <u>616-901-2379</u>	Contact phone <u>563-689-5334</u>
	Contact email <u>See summary page</u>	Contact email <u>audrey@brandenburgdrainage.com</u>
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
<b>4. Does this claim amend one already filed?</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>65</u> Filed on <u>See summary page</u> MM / DD / YYYY	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<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? \$ 41,058.41. 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.  
Clearing 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: \_\_\_\_\_



<p>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</p> <p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p>	<input checked="" type="checkbox"/> No	
	<input type="checkbox"/> Yes. Check all that apply:	<b>Amount entitled to priority</b>
	<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.		
<p>13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?</p>	<input checked="" type="checkbox"/> No	
	<input type="checkbox"/> 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 02/18/2019  
MM / DD / YYYY

/s/Daniel J. Langdon  
Signature

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

Name Daniel J. Langdon  
First name Middle name Last name

Title Corporate Counsel and Secretary

Company Brandenburg Capital Management/Brandenburg Drainage, 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

<b>Debtor:</b> 18-12378 - Welded Construction, L.P.		
<b>District:</b> District of Delaware		
<b>Creditor:</b> Brandenburg Drainage, Inc. Dan Langdon 242 Carlton Avenue SE  Grand Rapids, Michigan, 49506  <b>Phone:</b> 616-901-2379 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> dan@brandenburgcapitalmanagement.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>Disbursement/Notice Parties:</b> Brandenburg Drainage, Inc. Audrey Brandenburg 2236 312th Avenue  Maquoketa, IA, 52060  <b>Phone:</b> 563-689-5334 <b>Phone 2:</b>  <b>Fax:</b> 563-689-5333 <b>E-mail:</b> audrey@brandenburgdrainage.com <b>DISBURSEMENT ADDRESS</b>		
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> Yes - 65, November 20, 2018  <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Clearing services performed.	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 41,058.41	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No	<b>Nature of Secured Amount:</b>	
<b>Amount of 503(b)(9):</b> No	<b>Value of Property:</b>	
<b>Based on Lease:</b> No	<b>Annual Interest Rate:</b>	
<b>Subject to Right of Setoff:</b> No	<b>Arrearage Amount:</b>	
	<b>Basis for Perfection:</b>	
	<b>Amount Unsecured:</b>	
<b>Submitted By:</b> Daniel J. Langdon on 18-Feb-2019 1:06:26 p.m. Pacific Time  <b>Title:</b> Corporate Counsel and Secretary  <b>Company:</b> Brandenburg Capital Management/Brandenburg Drainage, Inc.		

# EXHIBIT A



## CONSTRUCTION SUBCONTRACT

Subcontractor: Brandenburg Drainage

Subcontract No.: **2016-SL\_ME2-014**

Address: 2236 312<sup>th</sup> Avenue,  
Maquoketa, IA 52060

Work Location: Washington County, PA to  
Westmoreland County, PA (PPP1)

Contact: Joe Brandenburg, President  
Audrey Brandenburg, Admin. Mgr.

Yard Address: 1221 Green St.,  
Washington, PA 19543

Telephone: (o) (563)-689-5334

Email: [audrey@brandenburgdrainage.com](mailto:audrey@brandenburgdrainage.com)

This subcontract is effective as of the 2<sup>nd</sup> day of July 2018, between Welded Construction, L.P., a Delaware Limited Partnership (CONTRACTOR) and the above named SUBCONTRACTOR who hereby agree that all Work specified below shall be performed by the SUBCONTRACTOR understanding that CONTRACTOR is committed to safety, health and the protection of the environment as core values reflected in all aspects of its operations. In the event of any conflict between the terms and conditions of this Agreement, the Description of Services, the request for proposal and the Subcontractor Proposal, the Terms and Conditions of this Agreement shall govern. SUBCONTRACTOR shall perform all activities in accordance with these principles and all provisions of this subcontract, consisting of the following Subcontract Documents:

### Subcontract Form of Agreement

Exhibit "A" – Labor and Equipment Rates  
Exhibit "B" – Administrative Forms  
Exhibit "C" - Insurance  
Exhibit "D" – Additional Insured  
Exhibit "E" – Baseline Schedule  
Exhibit "F" – Subcontractor Proposal  
Exhibit "G" – General Terms & Conditions  
Exhibit "H" – Safety Requirements  
Exhibit "I" – Client Safety (Client Attachment F)  
Exhibit "J" – Client Standards  
Exhibit "K" - Drawings

- A. WORK TO BE PERFORMED (Work): Except as specified elsewhere in the subcontract, SUBCONTRACTOR shall furnish all project; union labor; materials; tools; supplies; equipment; transportation (other than stipulated in this article); supervision; technical, professional and other services; and shall perform all operations necessary and required to satisfactorily perform the following:
- Clearing/Tree Felling operations on 1 acre of previously uncleared parcel of property in Washington County, PA. Work site is located adjacent to State Route 88.
    - The clearing is to be performed in accordance with all Federal, state, local permit requirements within the boundaries of the designated LOD and PEM ROW provided to Welded and its subcontractor.
    - The stationing outlined within the area to be cleared runs from approximately 1+40 at the edge of RT 88 going back West to Approximately -1+20 by a width of 75' or less to the permanent ROW boundary of 50'
    - BDI will perform operations based on a 10 hr work day for four days to complete the scope as it is outlined.
    - All materials will be cleared and chipped or ground (stumps) in place on the ROW

- Welded will support with all Environmental/ECD installation and maintenance during operations in the work area.
- Mobilization will be a onetime charge for the work outlined herein and the price will be a lump sum for work performed.

The Work is a portion of the goods and services to be provided by CONTRACTOR to Sunoco Pipeline ("OWNER" or "COMPANY") for the Mariner East 2 – PPP1 Project in Pennsylvania.

- B. SCHEDULE: The Work shall be performed in accordance with the dates set forth in the Exhibit "E".
- C. COMPENSATION: As full consideration for the satisfactory performance by SUBCONTRACTOR of this subcontract, CONTRACTOR shall pay to SUBCONTRACTOR compensation in accordance with the prices set forth in Exhibit "A" and with the payment provisions of this subcontract.

**The Not-to-Exceed but not guaranteed Subcontract Value is  
Forty one thousand Fifty eight and 41/100 US Dollars (\$41,058.41 USD).**

- o Exhibit F – Subcontractor Proposal is attached for reference

ITEM	DESCRIPTION	U.O.M.	QTY	PRICE
1	Chip and/or grind (process) all timber, tops and brush	LS	1	\$ 33,558.41
2	Grub and grind all stumps			
3	Mobilization/Demobilization	LS	1	\$ 7,500.00
				<b>\$ 41,058.41</b>

- A- Price does not include any haul off or disposal of processed material.  
All timber, tops, brush, stumps, etc. that are cleared and processed will be left where processed.
- B- Additional or standby time above four (4) days will be charged at \$3,162.70/Day.
- C- BDI shall not support, accommodate or accompany Welded's utility or environmental inspection or other project personnel.

- D. COMMUNICATIONS: All communications pursuant or in connection with this Subcontract shall be identified by the Subcontract No. **2016-SL\_ME2-014** and shall be communicated to the Project Manager as set forth below:

Doug Sutton  
[dsutton@welded.com](mailto:dsutton@welded.com)  
 (419) 250-3096

- E. SCOPE OF WORK: Clearing/Tree Felling operations on 1 acre of previously uncleared parcel of property in Washington County, PA. Work site is located adjacent to State Route 88.

This subcontract embodies the entire agreement between CONTRACTOR and SUBCONTRACTOR and supersedes all other writings. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding not set forth herein.

**CONTRACTOR:**

**Welded Construction, L.P.**

Authorized  
Signature:



Print Name: Doug Sutton

Print Title: Project Manager

**SUBCONTRACTOR:**

**Brandenburg Drainage**

Authorized  
Signature:

\_\_\_\_\_

Print Name:

\_\_\_\_\_

Print Title:

\_\_\_\_\_



(Federal Tax Payer I.D. Number)



EXHIBIT A  
PRICING SCHEDULE & LABOR & EQUIPMENT RATES

As it Pertains to Project	Sunoco Logistics PPP1	Subcontract Number	2016-SL_ME2-014
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**Intentionally left blank**





Subcontractors Proposal

As it Pertains to Project	Sunoco Logistics – ME2 PPP1	Subcontract Number	2016-SL_ME2-014
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2236 312<sup>th</sup> Avenue  
Maquoketa, IA 52060

Tel: (563) 689-5334  
Fax: (563) 689-5333

Welded Construction  
26933 Eckel Road  
Perrysburg, OH 43552

June 25, 2018

**WASHINGTON COUNTY, PA CLEARING**

1 Acre of Clearing

ROW MECHANICAL CLEARING & PROCESSING
<p><b>SCOPE OF WORK:</b> For the price stated below, BDI will provide the labor and equipment for a maximum of four (4) consecutive days to clear approximately one (1) acre as follows: 1.) Chip and/or grind (process) all timber, tops, and brush; and 2.) Grub and grind all stumps.</p>
<p><b>PRICE:</b> Lump Sum of \$33,558.41 PLUS \$7,500.00 for Mobilization/Demobilization</p>

**TERMS, CONDITIONS, AND EXCLUSIONS**

- 1.) The PRICE does not include any haul off or disposal of processed material. All timber, tops, brush, stumps, etc. that are cleared and processed will be left where processed.
- 2.) BDI will provide labor and equipment to perform the SCOPE OF WORK for a maximum of four (4) consecutive days, at ten (10) hours per day. BDI will charge Welded for any additional or standby time above four (4) days in an amount as agreed to by the parties.
- 3.) Any other work or services not specifically included or described in the SCOPE OF WORK will be considered extra and will be an additional charge to Welded as agreed to by the parties.
- 4.) BDI shall not support, accommodate, or accompany Welded's utility or environmental inspection or other project personnel.
- 5.) Any and all applicable taxes and/or fees, traffic control measures, and/or project road permits are not included in this quote and will be an additional charge to Welded.
- 6.) BDI shall be paid on any and all invoices within 30 days from the date received by Welded.

**BDI RESERVES THE RIGHT TO REVISE, MODIFY, AND/OR AMEND THE ABOVE SCOPE OF WORK, PRICING AND TERMS, CONDITIONS, AND EXCLUSIONS IF WELDED MODIFIES ANY SCOPE OF WORK THAT IMPACTS BDI, OR REQUESTS ANY EXTRA OR ADDITIONAL WORK. ANY SUCH MODIFICATIONS OR CHANGES WILL BE AN ADDITIONAL CHARGE TO WELDED.**

Respectfully,

Joseph C. Brandenburg, President  
Brandenburg Drainage, Inc.

Brandenburg Drainage Inc.  
2236 312th Ave  
Maquoketa, IA 52060

Phone: 563-689-5334  
Fax: 563-689-5333

Invoice ID: 47087  
Invoice Date: 08-27-2018  
Customer ID: WELDED

To: Welded Construction  
26933 Eckel Rd.  
Perrysburg, OH 43552

Job Location: S/C# 2016-SL\_ME2-014  
Mariner East 2 Project - Clear  
PO# 88048  
7.20.18 - 7.22.18

Ship Via: None

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<u>Item</u>	<u>Description</u>	<u>Units</u>	<u>Unit of Measure</u>	<u>Unit Price</u>	<u>Amount</u>
1	Bid Amount				\$33,558.41
2	Mobilization/Demobilization				\$7,500.00

Amount Billed \$41,058.41  
Total Tax

Retainage Held 4,105.84

Amount Due \$36,952.57

DATE DUE: 09-27-2018

A monthly finance charge of 1.5% will be charged on balances past due.