

Your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/welded>.

ID: 24567793

PIN: yxCs3jjl

United States Bankruptcy Court for the District of Delaware	
Indicate Debtor against which you assert a claim by checking the appropriate box below. <b>(Check only one Debtor per claim form.)</b>	
<input checked="" type="checkbox"/> Welded Construction, L.P. (Case No. 18-12378)	<input type="checkbox"/> Welded Construction Michigan, LLC (Case No. 18-12379)

## 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. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

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.

<b>Part 1: Identify the Claim</b>		NameID: 13732669
1. Who is the current creditor?	C&D Equipment Company, LLC 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?	<b>Where should notices to the creditor be sent?</b> C&D Equipment Company, LLC 27709 Muse Rd PO Box 87 Muse, OK 74949	<b>Where should payments to the creditor be sent? (if different)</b> Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Country _____ Contact phone _____ Contact email _____
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) <div style="border: 1px solid black; padding: 2px; display: inline-block; font-weight: bold;">RECEIVED</div> JUN 28 2019 KURTZMAN CARSON CONSULTANTS	Contact phone (715) 558-5236 Contact email p-howard@ymail.com	
	_____ form 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 MM / DD / YYYY	
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? \$ 1,500.00 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.

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate: If the claim is secured by the debtor's principal 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.)

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**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)?

No

Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ \_\_\_\_\_

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). \$ \_\_\_\_\_

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). \$ \_\_\_\_\_

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ \_\_\_\_\_

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ \_\_\_\_\_

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 identifying which of the Debtors such goods were shipped to and the date such goods were received by such Debtors, stating whether the value of the goods asserted herein represents a combination of goods and services and, if applicable, the percentage of alleged value related to services and related to goods, and attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted.

\$ \_\_\_\_\_

**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 06 24 2019

William P. Howard Jr.  
Signature

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

Name William Paul Howard Jr.  
First name Middle name Last name

Title owner

Company C & D Equipment Co, LLC  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address P.O. Box 87  
Number Street

MUSE OK 74949 LaFlore  
City State ZIP Code Country

Contact phone 715-558-5236 Email p-howard@lymail.com

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JUN 28 2019

KURTZMAN CARSON CONSULTANTS



**From:** Cd  
**Sent:** Monday, April 22, 2019 4:08 PM  
**To:** p\_howard@ymail.com; Dian Howard  
**Subject:** Fwd: Welded Construction

Begin forwarded message:

**From:** Accounts Payable <ap@welded.com>  
**Date:** April 22, 2019 at 1:15:41 PM EDT  
**To:** "jessica@cdequipmentco.com" <jessica@cdequipmentco.com>  
**Subject: Re: Welded Construction**

Good afternoon,

We received the invoices you mailed to us finally. Kami hasn't worked for us since at least late September of last year. So, apologies but we never received your invoices till now. All invoices and mailings need to come to our corporate office, PO Box 470, Perrysburg, OH 43552 so please update our address in your system.

I have entered the 3 invoices in our system that you mailed us (18131, 18136, 18138). Since we had not received your invoices previously, you may not be aware that we filed Chapter 11 bankruptcy on 10/22/18. So, anything that was incurred prior to that date cannot be paid at this time and would go through our bankruptcy court case. Please visit our website immediately to file your pre-petition claim for \$4,583.33 on the MXP project. ([www.welded.com](http://www.welded.com))

That amount is calculated: invoice 18131 in full for \$2,500.00 and partial invoice 18136 (25 days fell pre-petition (9/27-10/21) so take 25 times daily rate of 83.333 and you get 2,083.33 that falls pre-petition on that invoice. There are 5 days that fell post-petition (10/22-10/26) and once reviewed by our bankruptcy team and TransCanada (MXP), that should be paid for \$416.67 for those 5 days. Then all of invoice 18138 fell post-petition and once that gets reviewed it should be paid in full to you as well since it all falls post 10/22/18.

Please let me know if you have any questions... but you need to file your claim right away. The deadline has already passed but hoping you can still get this submitted if you haven't already done so. Make sure you file the claim against the MXP project if they ask.

Recap:  
Pre-petition—file claim for \$4,583.33  
Post-petition—should be paid soon \$2,916.67  
Total on account: \$7,500.00

Thank you and apologies for any inconvenience.

Kindest Regards,

***Rachel Fetchik | Accounts Payable Supervisor | Welded Construction, L.P***  
26933 Eckel Road | Perrysburg, OH 43551 | Direct: 419-931-8829

P.O. Box 470 | Perrysburg, OH 43552 | F: 419-874-4883

**C&D Equipment Company, LLC**

27709 Muse Road  
P.O. Box 87  
Muse, OK 74949  
PH: (715) 558-5236

**Equipment Lease**

Contract#: 2018-01  
Payment Terms: NET 30

THIS AGREEMENT (called this "Lease"), made by and between C&D Equipment Company LLC, hereinafter called "Lessor," and the entity described below, hereinafter called "Lessee." Lessor and Lessee, for the consideration described below, agree as follows:

Under the terms stated below, Lessor leases to Lessee, and Lessee agrees to rent from Lessor, all equipment identified in the following LIST OF EQUIPMENT (called the "Leased Equipment"), for the use at the location, at the rental rate, and for approximately the work as is stated below.

<b>Name of Lessee:</b>	<b>Welded Construction</b>	<b>PO#:</b>
<b>Address for Billing:</b>	1591 Wheeling Avenue Glendale, West Virginia	
<b>Jobsite Location:</b>	West Virginia	<b>Contact:</b> Steve Zwieden
<b>Gas Company:</b>		

**Start Date: August 27, 2018**

Qty	Description	Serial No.	Rental Rate			Replacement Value	Hours
			Hour	Wk	Mo		
1	Schulte Rock Windrower	R20011324805			\$2,500	\$20,000	

Lessee is responsible for freight to and from project. Lessee is responsible for all maintenance, damages, and liabilities; including inspections, filters, fluid levels, tire pressure, etc. Lessee is to provide Proof of Insurance to the above address, along with a copy emailed to [jessica@cdequipmentco.com](mailto:jessica@cdequipmentco.com).

Lessee will not sublease any of the leased equipment, and will not allow any other person or entity to use or to have any interest in the leased equipment without Lessor's express written permission. Lessee will use equipment in a careful manner and will not misuse or abuse equipment. Equipment shall be operated by an experienced and competent operator. Lessee is responsible for all damage that occurs to the equipment while in possession of the lessee until the equipment is returned and inspected by Lessor. Any and all repairs required to be made by Lessee shall be made to the satisfaction of the lessor. Lessor shall not, under any circumstances, be liable to customer or customers operations or any third party, for consequential, incidental, special or exemplary damages arising out of or relating to the transaction(s) contemplated under this agreement. Lessee agrees to reimburse, defend and hold Lessor, its affiliated companies, and their respective directors, officers, and employees, harmless from all losses, claims, suits, fines, penalties, forfeitures, costs, and expenses, including attorney's fees and other costs.

Executed on the 25 day of August, 2018.

Lessor:  
C&D Equipment Company, LLC  
By: *Jessica Howard*

Lessee:  
**RENTER NAME**  
By: Steve Zwieden

Any individual signing this Agreement represents and warrants that he/she is of legal age, and has the authority to sign this Agreement on their own behalf or for another entity, listed as Lessee.

C & D Equipment Company, LLC  
Pere  
P.O. Box 87  
Muse, OK 74949  
[www.cdequipmentco.com](http://www.cdequipmentco.com)

Welded Construction, L.P  
PO Box 470  
Perrysburg, OH 43552

\* Side Note

Our equipment was rented to a Bonded Contract, therefore payment of the three invoices should be covered.

C & D Equipment Company, LLC  
 22709 Muse Road  
 P.O. Box 87  
 Muse, OK 74949  
 www.cdequipmentco.com

<b>Date:</b>	<b>9/28/2018</b>
<b>Invoice #:</b>	<b>18131</b>

<b>Bill To</b>
<b>Welded Construction</b>
<b>1591 Wheeling Ave</b>
<b>Glen Dale, WV 26038</b>
Steve Zwieden

Contract #: \_\_\_\_\_  
 PO # 93265

Description		Amount
<i>Rental Period: 8/27/2018 to 9/26/2018</i>		
<u>Description</u>	<u>Serial Number</u>	
Schulte Rock Windrower	R20011324805	\$ 2,500.00
For Questions please contact: 715-558-5236 or jessica@cdequipmentco.com		
		<b>SUBTOTAL</b> \$ 2,500.00
		<b>TOTAL</b> \$ <b>2,500.00</b>



C & D Equipment Company, LLC  
 22709 Muse Road  
 P.O. Box 87  
 Muse, OK 74949  
 www.cdequipmentco.com

<b>Date:</b>	<b>11/1/2018</b>
<b>Invoice #:</b>	<b>18136</b>

<b>Bill To:</b>
<b>Welded Construction</b> 1591 Wheeling Ave Glen Dale, WV 26038
Steve Zwieden

Contract #: \_\_\_\_\_  
 PO # 93265

Description		Amount
Rental Period: 9/27/2018 to 10/26/2018		
<u>Description</u>	<u>Serial Number</u>	
Schulte Rock Windrower	R20011324805	\$ 2,500.00
For Questions please contact: 715-558-5236 or jessica@cdequipmentco.com		
SUBTOTAL		\$ 2,500.00
<b>TOTAL</b>		<b>\$ 2,500.00</b>

C & D Equipment Company, LLC  
 22709 Muse Road  
 P.O. Box 87  
 Muse, OK 74949  
 www.cdequipmentco.com

<b>Date:</b>	<b>12/10/2018</b>
<b>Invoice #:</b>	<b>18138</b>

<b>Bill To</b>
<b>Welded Construction</b>
<b>1591 Wheeling Ave</b>
<b>Glen Dale, WV 26038</b>
Steve Zwieden

Contract #: \_\_\_\_\_  
 PO # 93265

Description		Amount
Rental Period: 10/27/2018 to 11/26/2018		
<u>Description</u>	<u>Serial Number</u>	
Schulte Rock Windrower	R20011324805	\$ 2,500.00
For Questions please contact: 715-558-5236 or jessica@cdequipmentco.com		
		<b>SUBTOTAL</b> \$ 2,500.00
		<b>TOTAL</b> \$ <b>2,500.00</b>