Fill in this information to identify the case:

Debtor Ascend Elements, Inc.

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

Case number 26-90440

Modified Official Form 410
Proof of Claim

04/25

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?**

Alberici Constructors, Inc.

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?**

☑ No

☐ Yes. From whom?

3. **Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?	**Where should payments to the creditor be sent?** (if different)
See summary page	Alberici Constructors, Inc. Amanda Powell 8800 Page Avenue St. Louis, MO 63114
Contact phone 502-681-0542	Contact phone
Contact email bpollock@stites.com	Contact email apowell@alberici.com

Uniform claim identifier (if you use one):

4. **Does this claim amend one already filed?**

☑ No

☐ 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?**

☑ No

☐ Yes. Who made the earlier filing?

26904402607200000000000011

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?** $ 1,108,158.00 . **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.

Goods and 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: Mechanics and Materialmen Lien Statement

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: $ Unknown

Amount of the claim that is secured: $ Unknown

Amount of the claim that is unsecured: $ Unknown (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: _____

26904402607200000000000011

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
☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	$_____
☐ Up to $3,800* 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 $17,150*) 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 4/01/28 and every 3 years after that for cases begun on or after the date of adjustment.

13. **Is all or part of the claim entitled to administrative priority 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)(3) 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 07/20/2026
MM / DD / YYYY

/s/Brian R Pollock
Signature

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

Name: Brian R Pollock
First name Middle name Last name

Title: Attorney

Company: Stites and Harbison PLLC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Contact phone _____ Email _____

26904402607200000000000011

Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 927-7078 | International (310) 751-2651

Debtor:
26-90440 - Ascend Elements, Inc.
District:
Southern District of Texas, Houston Division

Creditor:
Alberici Constructors, Inc.
Stites and Harbison, PLLC, Attn: Brian Pollock
400 W. Market Street, Suite 1800

Louisville, KY, 40202

Phone:
502-681-0542
Phone 2:

Fax:

Email:
bpollock@stites.com

Has Supporting Documentation:
Yes, supporting documentation successfully uploaded
Related Document Statement:

Has Related Claim:
No
Related Claim Filed By:

Filing Party:
Authorized agent

Disbursement/Notice Parties:
Alberici Constructors, Inc.
Amanda Powell
8800 Page Avenue

St. Louis, MO, 63114

Phone:

Phone 2:

Fax:

E-mail:
apowell@alberici.com
DISBURSEMENT ADDRESS

Other Names Used with Debtor:

Amends Claim:
No
Acquired Claim:
No

Basis of Claim:
Goods and Services Performed

Last 4 Digits:
No

Uniform Claim Identifier:

Total Amount of Claim:
1,108,158.00

Includes Interest or Charges:
No

Has Priority Claim:
No

Priority Under:

Has Secured Claim:
Yes: Unknown
Amount of 503(b)(9):
No
Based on Lease:
No
Subject to Right of Setoff:
No

Nature of Secured Amount:
Real Estate
Value of Property:
Unknown
Annual Interest Rate:

Arrearage Amount:

Basis for Perfection:
Mechanics and Materialmen Lien Statement
Amount Unsecured:
Unknown

Submitted By:
Brian R Pollock on 20-Jul-2026 1:57:00 p.m. Pacific Time
Title:
Attorney
Company:
Stites and Harbison PLLC

VN: 32DAF13595A0724AAA733E92A81D12A4

Filed: 03/12/2025 03:21:44 PM
BK 8 PG 89 - 94 (6) DOC# 10062619
Melinda A. Humphries, County Clerk
Christian County, KY
Received By: Y. WICKHAM
Transfer Tax Paid: $0.00

MECHANICS' AND MATERIALMEN'S LIEN STATEMENT
KRS § 376.010, ET SEQ.

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF CHRISTIAN)

The lien claimant is Alberici Constructors, Inc., a Missouri corporation whose principal office is located at 8800 Page Avenue, St. Louis, MO 63114 (hereinafter "Alberici"), and whose agent for service of process in Kentucky is CT Corporation System, 306 W. Main Street, Suite 512, Frankfort, KY 40601.

The Affiant, Steven M. Henderson, states that he is authorized to make and file this Statement of Mechanics' and Materialmen's Lien on behalf of Alberici.

The Affiant states that on or about December 20, 2023, Alberici entered into an agreement with Murphy Company Mechanical Contractors and Engineers (hereinafter "Murphy"), pursuant to which Alberici furnished labor and materials for a project commonly known as Ascend Elements Apex 1 that resulted in improvements to real property located at 6505 Johns Rivers Road, Hopkinsville, Christian County, Kentucky (the "Property"). The Property is owned by Ascend Elements, Inc., as described and evidenced by the deed of record in the Christian County Clerk's Office recorded in Deed Book 797, Pages 420-423, a copy of which is attached as **Exhibit 1**.

In accordance with the terms and conditions of its agreement with Murphy, Alberici has furnished labor and materials for the construction of said improvements to the Property. The amount due to Alberici under the agreement, with all just credits and set offs known to it, is One Million One Hundred Eight Thousand One Hundred and Fifty-Eight Dollars and Zero Cents ($1,108,158.00), plus interest. Alberici last furnished labor or materials to the Property on or about November 6, 2024.

Alberici does hereby claim, assert, and assess a Mechanic's Lien and Materialmen's Lien pursuant to the provisions of Kentucky Revised Statute 376.010, et seq., on all of the ownership rights, title and interest of Ascend Elements, Inc. as described herein to secure said lien claimant in the payment of $1,108,158.00 with interest thereon, and for $49.00, the cost of filing this statement, and for all costs incurred in enforcing this lien.

IN WITNESS THEREOF, the Affiant has hereunto placed his hand this 12th day of March, 2025.

ALBERICI CONSTRUCTORS, INC.

BY: Steven M. Henderson

Steven M. Henderson
ITS: Authorized Agent and Attorney

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged, subscribed, and sworn to before me this 12th day of March, 2025, by Steven M. Henderson, for and on behalf of Alberici Constructors, Inc.

Brenda M Brown
NOTARY PUBLIC, KENTUCKY

Notary Commission ID # KYNP91700

My Commission Expires: August 19, 2028

THIS INSTRUMENT PREPARED BY:

Steven M. Henderson

Steven M. Henderson, P.E., Esq.
STITES & HARBISON, PLLC
400 West Market Street, Suite 1800
Louisville, KY 40202
Telephone: (502) 779-5826
Email: shenderson@stites.com

NOTARY ID # KYNP91700 BRENDA M. BROWN NOTARY PUBLIC STATE AT LARGE, KENTUCKY MY COMMISSION EXPIRES AUG. 19, 2028

9883853:v2

EXHIBIT 1

Documentary Tax Paid: $5,798.00
Doc No: 10038903 DocType: DEED
Recorded: 11/18/2022 04:14:14 PM

Christian County Kentucky By: K.COLEMAN
Michael A. Kem, Clerk
BK 797 PG 420 - 423 (4)

GENERAL WARRANTY DEED

This GENERAL WARRANTY DEED is made and entered into this 16th day of November, 2022, by and between HOPKINSVILLE INDUSTRIAL FOUNDATION, INC., a Kentucky non-profit corporation having a mailing address of 2800 Fort Campbell Boulevard, Hopkinsville, Kentucky 42240 ("**Grantor**") and ASCEND ELEMENTS, INC., a Delaware corporation, having a mailing address of 133 Flanders Road, Westborough, Massachusetts 01581 ("**Grantee**"). Pursuant to KRS 382.135, the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent is: 133 Flanders Road, Westborough, Massachusetts 01581.

W-I-T-N-E-S-S-E-T-H:

For a total consideration of Five Million Seven Hundred Ninety-Eight Thousand and No/100 Dollars ($5,798,000.00), the receipt and sufficiency of which is hereby acknowledged, Grantor has bargained and sold and does hereby grant, bargain, sell, transfer, and convey all of its right, title, and interest unto Grantee, in fee simple, with covenant of GENERAL WARRANTY, its successors and assigns, forever, the following tracts or parcels of land located in Christian County, Kentucky, being more particularly described on **EXHIBIT A** attached hereto and made a part hereof together with all applicable appurtenances thereto (the "**Property**).

Grantor covenants (a) lawful seisin of the Property (b) full right and power to convey same, and (c) that the Property is free and clear of all liens and encumbrances by or in favor of any party claiming by, through or under Grantor except liens for real property taxes and assessments due and payable in 2022 and thereafter, which Grantee assumes and agrees to pay. This conveyance is made subject to all (i) easements, restrictions and stipulations of record, and (ii) governmental laws, ordinances and regulations affecting the Property.

For purposes of KRS 382.135, Grantor and Grantee certify that the consideration set forth above is the full consideration paid for the Property. Grantee joins in the execution of this Deed for the purpose of certifying the amount of the consideration of the Property.

[signatures on next page]

Delivered to Cobbhoffs Willen

IN WITNESS WHEREOF, Grantor and Grantee executed this General Warranty Deed as of the date first set forth above.

GRANTOR:

HOPKINSVILLE INDUSTRIAL FOUNDATION, INC.,
a Kentucky non-profit corporation

By: _____
John B. Crenshaw, President

By: _____
J. Calvin Givens, Secretary

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF CHRISTIAN)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 16, 2022, by John B. Crenshaw as President of Hopkinsville Industrial Foundation, Inc., a Kentucky non-profit corporation, on behalf of said corporation.

DAVID L. COTTHOFF
ID NO. KYNP15712
NOTARY PUBLIC-NOTARY SEAL
STATE AT LARGE, KENTUCKY

MY COMMISSION EXPIRES 10-22-2024

_____
Notary Public
My Commission Expires: 10/22/2024
Notary ID: KYNP15712

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF CHRISTIAN)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 16, 2022 by J. Calvin Givens, Secretary of Hopkinsville Industrial Foundation, Inc., a Kentucky non-profit corporation, on behalf of said corporation.

DAVID L. COTTHOFF
ID NO. KYNP15712
NOTARY PUBLIC-NOTARY SEAL
STATE AT LARGE, KENTUCKY

MY COMMISSION EXPIRES 10-22-2024

_____
Notary Public
My Commission Expires: 10/22/2024
Notary ID: KYNP15712

GRANTEE:

ASCEND ELEMENTS, INC.,
a Delaware corporation

By: _____
Andrew Aberdale, Chief Financial Officer

STATE OF Massachusetts)
)
COUNTY OF Worcester)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 15, 2022, by Andrew Aberdale, as Chief Financial Officer of Ascend Elements, Inc, a Delaware corporation, on behalf of said corporation.

_____
Notary Public
My Commission Expires: 9/7/2029 Sept 7 2029
Notary ID: _____

COURTNEY ANN FRANK
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
September 07, 2029

THIS INSTRUMENT PREPARED BY:

_____
Stephen Mercer, Esq.
FROST BROWN TODD LLC
400 West Market Street, Suite 3200
Louisville, Kentucky 40202
Telephone: 502.779.8402
Facsimile: 502.581.1087

EXHIBIT A

Legal Description

Parcel I:

Lot 1 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Parcel II:

Lot 2 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Each parcel being a portion of the property acquired by Grantor pursuant to (a) that Deed, dated November 16, 2022 and recorded at Deed Book 797 Page 308 in the Christian County, Kentucky Clerk's Office and (b) that Deed, dated January 24, 2022, recorded at Deed Book 786, Page 334 in the Christian County, Kentucky Clerk's Office.