

Information to identify the case:

Debtor 1 **Thomas M Delmore**
 First Name Middle Name Last Name

Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court **District of Massachusetts**

Case number: **17-40773 -cjp**

Social Security number or ITIN **xxx-xx-2937**
 EIN -- --
 Social Security number or ITIN -- --
 EIN -- --
 Date case filed for chapter **13 4/28/17**

Official Form 309I**Notice of Chapter 13 Bankruptcy Case**

12/15

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 8 for more information.)

To protect your rights, you may wish to consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other document in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Thomas M Delmore	
2. All other names used in the last 8 years		
3. Address	10 Bridle Path Way Tyngsboro, MA 01879	
4. Debtor's attorney Name and address	Michael B. Feinman Feinman Law Offices Northmark Bank Building 69 Park Street Andover, MA 01810	Contact phone (978) 475-0080 Email: mbf@feinmanlaw.com
5. Bankruptcy trustee Name and address	Denise M. Pappalardo P. O. Box 16607 Worcester, MA 01601	Contact phone 508-791-3300
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	U. S. Bankruptcy Court 595 Main Street Worcester, MA 01608	Hours open Monday-Friday 8:30am-5:00pm Contact phone 508-770-8900 Date: 5/2/17

For more information, see page 2

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

June 9, 2017 at 10:30 AM

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

Location:

Worcester U.S. Trustee Office, 446 Main Street, 1st Floor, Worcester, MA 01608

8. Deadlines

Papers and any required fee must be received by the bankruptcy clerk's office **no later than 4:30 PM (Eastern Time)** by the deadlines listed.

Deadline to file a complaint to challenge dischargeability of certain debts:

Filing deadline: 8/8/17

You must file:

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or
- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: 9/7/17

Deadline for governmental units to file a proof of claim:

Filing deadline: 10/25/17

Deadlines for filing proof of claim:

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form (Official Form 410) may be obtained at www.uscourts.gov or any bankruptcy clerk's office or printed from the Court's website at www.mab.uscourts.gov/mab/creditorinformation. You may also file your claim electronically through the court's website at www.mab.uscourts.gov.

- If you do not file a proof of claim by the deadline listed, you might not be paid any money on your claim.
- **To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.**

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

Deadline for filing surrogate proofs of claim by the debtor or trustee under Fed. R. Bankr. P. 3004:

Filing deadline: 30 days after the applicable bar date or as extended by the Court

In the event a creditor does not timely file a proof of claim, a surrogate claim is not timely filed, or a claim is not allowed by the Court, the creditor may not receive distribution under the Chapter 13 plan.

Deadline to object to exemptions:

Filing deadline: 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

9. Deadline to file §503(b)(9) requests

Requests under Bankruptcy Code §503(b)(9)(goods sold within twenty(20) days of bankruptcy) must be filed in the bankruptcy clerk's office.

Filing deadline: 60 days from the first date set for the meeting of creditors

10. Filing of plan

The debtor has not filed a plan as of this date.

Unless otherwise permitted by the court, **the debtor has 14 days from case filing to file a plan if it has not been filed already.**

Pursuant to Massachusetts Local Bankruptcy Rule 13-8(a), **unless otherwise ordered by the Court, any objection to confirmation of a chapter 13 plan shall be filed on or before the later of (i) thirty (30) days after the date on which the first section 341 meeting is held or (ii) thirty (30) days after service of an amended or modified plan.** If an objection to a plan is filed, the Court may schedule a hearing.

11. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

12. Filing a chapter 13 bankruptcy case

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, [is included with this notice] or [will be sent to you later], and [the confirmation hearing will be held on the date shown in line 10 of this notice] or [the court will send you a notice of the confirmation hearing]. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

For more information, see page 3

13. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov . If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.
14. Discharge of debts	Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.
15. Financial Management Training Program Deadline for the Debtor	Deadline for debtor to attend a financial management training program approved by the United States Trustee: Sixty (60) days from the first date set for the meeting of creditors. The discharge will not enter if the debtor fails to attend a financial management-training program approved by the United States Trustee or if the debtor attends such training and fails to file a certificate of completion with the U.S. Bankruptcy Court. The training is in addition to the pre-bankruptcy counseling requirement. A list of approved courses may be obtained from the United States Trustee or from the court's website at www.mab.uscourts.gov .
16. Abandonment of Estate Property	Notice is hereby given that any creditor or other interested party who wishes to receive notice of the estate representative's intention to abandon property of the estate pursuant to 11 U.S.C. §554(a) must file with the Court and serve upon the estate representative and the United States trustee a written request for such notice within fourteen (14) days from the date first scheduled for the meeting of creditors.

In re Melissa B. SarnerCase No. 1:10-bk-17487

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B R O W N J C	H W J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No.			625 Old Farm Road, Franklin MA, 4 bed 2.5 bath single family residence.					
Mass. Dept. of Revenue Bankruptcy Unit P.O. Box 9564 Boston, MA 02114		-		X	X	X		
			Value \$ 487,000.00				11,425.00	11,425.00
Account No.			1/2005					
Middlesex Savings Bank Attn: Charles Paszkewicz, AVP Managed Assets Dept. 235 West Central Street Natick, MA 01760		X -	Second Mortgage 625 Old Farm Road, Franklin MA, 4 bed 2.5 bath single family residence.			X		
			Value \$ 487,000.00				35,000.00	0.00
Account No.			Various					
Town of [REDACTED] Treasurer / Collector [REDACTED] Street [REDACTED]		-	625 Old Farm Road, Franklin MA, 4 bed 2.5 bath single family residence.			X		
			Value \$ 487,000.00				17,389.25	11,389.25
Account No.								
			Value \$					
Account No.								
			Value \$					
Subtotal (Total of this page)							63,814.25	22,814.25
Total (Report on Summary of Schedules)							509,814.25	22,814.25

Sheet 1 of 1 continuation sheets attached to
Schedule of Creditors Holding Secured Claims

IN RE Goodwin, Guy

Debtor(s)

Case No.

(If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
(Continuation Sheet)**Taxes and Other Certain Debts Owed to Governmental Units**

(Type of Priority for Claims Listed on This Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER. (See Instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT UNLIQUIDATED DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
ACCOUNT NO. Town Of [REDACTED] Tax Collector Town Hall [REDACTED]		4 years back taxes		14,000.00	14,000.00	
ACCOUNT NO.						
ACCOUNT NO.						
ACCOUNT NO.						
ACCOUNT NO.						
ACCOUNT NO.						

Sheet no. 1 of 1 continuation sheets attached to
Schedule of Creditors Holding Unsecured Priority ClaimsSubtotal
(Totals of this page)

\$ 14,000.00 \$ 14,000.00 \$

Total

\$ 14,000.00

Total

(Use only on last page of the completed Schedule E. If applicable,
report also on the Statistical Summary of Certain Liabilities and Related Data.)

\$ 14,000.00 \$

SCHEDULE F--CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <i>(See instructions above.)</i>		CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.	6032203301634068			Credit card purchase from April 2008				\$382
GEMB/ Walmart PO Box 981400 El Paso, TX 79998								
ACCOUNT NO.	4730680126544012, 5201180240897252			Credit card purchases from April 2007 to April 2008				\$1,363
HSBC PO Box 5253 Carol Stream, IL 60197								
ACCOUNT NO.	6276456064380783			Credit Card purchase from December 2009				\$53
Metabank Fingerhut 6250 Ridgewood Rd. Saint Cloud, MN 56305								
ACCOUNT NO.	4036240007388749			Credit card debt incurred from October 2005				\$464
SST/ Columbus Bank & Trust 4315 Picket Rd St. Joseph, MO 64503								
ACCOUNT NO.	5401683049052803			Credit card purchases incurred May 2008				\$488
The Home Depot/ CBSD PO Box 6497 Sioux Falls, SD 57117								
ACCOUNT NO.				Unpaid taxes, 1993 - 2011				\$100,000
Town of								
								\$102,750.00
Total (Use only on last page of the completed Schedule F.) (Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)								\$106,619.00

Document Page 2 of 9
United States Bankruptcy Court
District of Massachusetts

CHAPTER 13 PLAN

Docket#: **08-18676-JNF**

DEBTORS: (H) Dudley, Taimi J. SS# 0782
(W) _____ SS# _____

TERM OF THE PLAN **60** Months.

(If the plan is longer than thirty-six (36) months and debtor's plan is governed by 11 U.S.C § 1322 (d)(2), a statement of cause under must be attached hereto.)

STATEMENT OF CAUSE: The Debtor(s) is hereby required to extend the Plan to 60 Months due to income constraints that would make a shorter Plan unfeasible.

PLAN PAYMENT: Debtor(s) to pay monthly: \$ **630.00**.

I. SECURED CLAIMS:

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
Chase Manhattan Mortgage	Mortgage account opened 5/04	27,166.02
Total of secured claims to be paid through the Plan: \$		<u>27,166.02</u>

B. Claims to be paid directly to creditors (not through plan):

Creditor	Description of Claim
Chase Manhattan Mortgage	Mortgage account opened 5/04

II. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
None		

B. All Other Priority Creditors:

Creditor	Description of Claim	Amount of Claim
Town Of [REDACTED]	Real Estate Tax	3,782.86
Total of Priority Claims to Be Paid Through the Plan: \$		<u>3,782.86</u>

III. ADMINISTRATIVE CLAIMS:

A. Attorneys fees (to be paid through the Plan): \$ **0.00**.

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

IV. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of **6.15%** of their claims.

A. General unsecured claims:\$ 49,941.54

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410**Proof of Claim****04/22**

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 of 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?**

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?**

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Where should payments to the creditor be sent? (if different)

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (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? _____

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? \$ ____ 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 amounts 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 one:

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

Amount entitled to priority

\$ _____

☐ Up to \$3,350* 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 \$15,150*) 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 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

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 acknowledgment 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 a 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 _____
MM / DD / YYYY

Signature _____

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

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

Anytown, MA Tax Lien
101 Main Street, Anytown, MA
Jane Doe, Debtor

Petition Date	3/7/2022			
<u>Obligation Date</u>	<u>Principal</u>	<u>Interest & Fees</u>	<u>Daily Rate</u>	<u>Per Diem</u>
4/27/2017	\$30,481.89	\$20,569.12	0.000438356	\$13.36
		Fees		
		\$5,125.50		
		Costs		
		\$396.62		
Totals	\$30,481.89	\$26,091.24		\$13.36

Plan					Interest &					
Month	Date	Principal	Days	Running Interest	Fee Balance	Payment	Running Balance	Per Diem		
1	4/7/2022	\$30,481.89	30	\$400.86	\$26,492.10	(\$1,260.00)	\$55,713.99	\$13.36		
2	5/7/2022	\$30,481.89	30	\$400.86	\$25,632.96	(\$1,260.00)	\$54,854.85	\$13.36		
3	6/7/2022	\$30,481.89	31	\$414.22	\$24,787.18	(\$1,260.00)	\$54,009.07	\$13.36		
4	7/7/2022	\$30,481.89	30	\$400.86	\$23,928.03	(\$1,260.00)	\$53,149.92	\$13.36		
5	8/7/2022	\$30,481.89	31	\$414.22	\$23,082.25	(\$1,260.00)	\$52,304.14	\$13.36		
6	9/7/2022	\$30,481.89	31	\$414.22	\$22,236.47	(\$1,260.00)	\$51,458.36	\$13.36		
7	10/7/2022	\$30,481.89	30	\$400.86	\$21,377.33	(\$1,260.00)	\$50,599.22	\$13.36		
8	11/7/2022	\$30,481.89	31	\$414.22	\$20,531.55	(\$1,260.00)	\$49,753.44	\$13.36		
9	12/7/2022	\$30,481.89	30	\$400.86	\$19,672.41	(\$1,260.00)	\$48,894.30	\$13.36		
10	1/7/2023	\$30,481.89	31	\$414.22	\$18,826.63	(\$1,260.00)	\$48,048.52	\$13.36		
11	2/7/2023	\$30,481.89	31	\$414.22	\$17,980.85	(\$1,260.00)	\$47,202.74	\$13.36		
12	3/7/2023	\$30,481.89	28	\$374.13	\$17,094.98	(\$1,260.00)	\$46,316.87	\$13.36		
13	4/7/2023	\$30,481.89	31	\$414.22	\$16,249.20	(\$1,260.00)	\$45,471.09	\$13.36		
14	5/7/2023	\$30,481.89	30	\$400.86	\$15,390.06	(\$1,260.00)	\$44,611.95	\$13.36		
15	6/7/2023	\$30,481.89	31	\$414.22	\$14,544.28	(\$1,260.00)	\$43,766.17	\$13.36		
16	7/7/2023	\$30,481.89	30	\$400.86	\$13,685.14	(\$1,260.00)	\$42,907.03	\$13.36		
17	8/7/2023	\$30,481.89	31	\$414.22	\$12,839.35	(\$1,260.00)	\$42,061.24	\$13.36		
18	9/7/2023	\$30,481.89	31	\$414.22	\$11,993.57	(\$1,260.00)	\$41,215.46	\$13.36		
19	10/7/2023	\$30,481.89	30	\$400.86	\$11,134.43	(\$1,260.00)	\$40,356.32	\$13.36		
20	11/7/2023	\$30,481.89	31	\$414.22	\$10,288.65	(\$1,260.00)	\$39,510.54	\$13.36		
21	12/7/2023	\$30,481.89	30	\$400.86	\$9,429.51	(\$1,260.00)	\$38,651.40	\$13.36		
22	1/7/2024	\$30,481.89	31	\$414.22	\$8,583.73	(\$1,260.00)	\$37,805.62	\$13.36		
23	2/7/2024	\$30,481.89	31	\$414.22	\$7,737.95	(\$1,260.00)	\$36,959.84	\$13.36		
24	3/7/2024	\$30,481.89	29	\$387.50	\$6,865.44	(\$1,260.00)	\$36,087.33	\$13.36		
25	4/7/2024	\$30,481.89	31	\$414.22	\$6,019.66	(\$1,260.00)	\$35,241.55	\$13.36		
26	5/7/2024	\$30,481.89	30	\$400.86	\$5,160.52	(\$1,260.00)	\$34,382.41	\$13.36		
27	6/7/2024	\$30,481.89	31	\$414.22	\$4,314.74	(\$1,260.00)	\$33,536.63	\$13.36		
28	7/7/2024	\$30,481.89	30	\$400.86	\$3,455.60	(\$1,260.00)	\$32,677.49	\$13.36		
29	8/7/2024	\$30,481.89	31	\$414.22	\$2,609.82	(\$1,260.00)	\$31,831.71	\$13.36		
30	9/7/2024	\$30,481.89	31	\$414.22	\$1,764.04	(\$1,260.00)	\$30,985.93	\$13.36		
31	10/7/2024	\$30,481.89	30	\$400.86	\$904.90	(\$1,260.00)	\$30,126.79	\$13.36		
32	11/7/2024	\$30,126.79	31	\$409.39	\$0.00	(\$1,260.00)	\$29,276.18	\$13.21		
33	12/7/2024	\$29,276.18	30	\$385.00	\$0.00	(\$1,260.00)	\$28,401.18	\$12.83		
34	1/7/2025	\$28,401.18	31	\$385.94	\$0.00	(\$1,260.00)	\$27,527.13	\$12.45		
35	2/7/2025	\$27,527.13	31	\$374.07	\$0.00	(\$1,260.00)	\$26,641.19	\$12.07		
36	3/7/2025	\$26,641.19	28	\$326.99	\$0.00	(\$1,260.00)	\$25,708.19	\$11.68		
37	4/7/2025	\$25,708.19	31	\$349.35	\$0.00	(\$1,260.00)	\$24,797.54	\$11.27		
38	5/7/2025	\$24,797.54	30	\$326.10	\$0.00	(\$1,260.00)	\$23,863.64	\$10.87		
39	6/7/2025	\$23,863.64	31	\$324.28	\$0.00	(\$1,260.00)	\$22,927.93	\$10.46		
40	7/7/2025	\$22,927.93	30	\$301.52	\$0.00	(\$1,260.00)	\$21,969.44	\$10.05		
41	8/7/2025	\$21,969.44	31	\$298.54	\$0.00	(\$1,260.00)	\$21,007.99	\$9.63		
42	9/7/2025	\$21,007.99	31	\$285.48	\$0.00	(\$1,260.00)	\$20,033.47	\$9.21		
43	10/7/2025	\$20,033.47	30	\$263.45	\$0.00	(\$1,260.00)	\$19,036.92	\$8.78		
44	11/7/2025	\$19,036.92	31	\$258.69	\$0.00	(\$1,260.00)	\$18,035.61	\$8.34		
45	12/7/2025	\$18,035.61	30	\$237.18	\$0.00	(\$1,260.00)	\$17,012.79	\$7.91		
46	1/7/2026	\$17,012.79	31	\$231.19	\$0.00	(\$1,260.00)	\$15,983.98	\$7.46		
47	2/7/2026	\$15,983.98	31	\$217.21	\$0.00	(\$1,260.00)	\$14,941.19	\$7.01		
48	3/7/2026	\$14,941.19	28	\$183.39	\$0.00	(\$1,260.00)	\$13,864.58	\$6.55		
49	4/7/2026	\$13,864.58	31	\$188.41	\$0.00	(\$1,260.00)	\$12,792.98	\$6.08		
50	5/7/2026	\$12,792.98	30	\$168.24	\$0.00	(\$1,260.00)	\$11,701.22	\$5.61		
51	6/7/2026	\$11,701.22	31	\$159.01	\$0.00	(\$1,260.00)	\$10,600.23	\$5.13		
52	7/7/2026	\$10,600.23	30	\$139.40	\$0.00	(\$1,260.00)	\$9,479.63	\$4.65		
53	8/7/2026	\$9,479.63	31	\$128.82	\$0.00	(\$1,260.00)	\$8,348.45	\$4.16		
54	9/7/2026	\$8,348.45	31	\$113.45	\$0.00	(\$1,260.00)	\$7,201.89	\$3.66		
55	10/7/2026	\$7,201.89	30	\$94.71	\$0.00	(\$1,260.00)	\$6,036.60	\$3.16		
56	11/7/2026	\$6,036.60	31	\$82.03	\$0.00	(\$1,260.00)	\$4,858.64	\$2.65		
57	12/7/2026	\$4,858.64	30	\$63.89	\$0.00	(\$1,260.00)	\$3,662.53	\$2.13		
58	1/7/2027	\$3,662.53	31	\$49.77	\$0.00	(\$1,260.00)	\$2,452.30	\$1.61		
59	2/7/2027	\$2,452.30	31	\$33.32	\$0.00	(\$1,260.00)	\$1,225.62	\$1.07		
60	3/7/2027	\$1,225.62	28	\$15.04	\$0.00	(\$1,228.73)	\$11.94	\$0.54		

\$19,007.54 Total Prospective Interest
\$56,573.13 Claim as of Petition Date
\$75,580.67 Total Present Value of Claim

NICKLESS, PHILLIPS AND O'CONNOR

ATTORNEYS AT LAW

625 MAIN STREET

FITCHBURG, MASSACHUSETTS 01420

**DAVID M. NICKLESS
C. DEBORAH PHILLIPS
JAMES L. O'CONNOR, JR.
JAMES M. GALLIHER**

**Telephone: (978) 342-4590
Facsimile: (978) 343-6383**

January 27, 2017

VIA CERTIFIED MAIL R/R/R
AND FIRST CLASS MAIL

RECEIPT NO. 7012 2210 0000 7002 0963

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED], Debtors
Chapter 7 Case No. 16-[REDACTED]-CJP

Dear Sir or Madam:

This office represents David M. Nickless, the appointed Chapter 7 Trustee in the matter of [REDACTED], (the "Debtors") who filed a petition under Chapter 7 of the United States Bankruptcy Code on October 27, 2016 (the "Petition Date") in the United States Bankruptcy Court for the District of Massachusetts—Central Division.

On June 14, 2013, the Town of [REDACTED] issued an Instrument of Taking on property of the Debtors at [REDACTED], condominium unit #3 (the "Real Estate") in consideration of \$1,380.92 paid for the outstanding municipal taxes on the Real Estate. In November, 2013, the Town filed an action in the Massachusetts Land Court, Case No. 13 TL [REDACTED], to foreclose on the tax lien. The Town received a Judgment in the tax lien case. The Judgment was vacated by the Court on December 30, 2014 and after refile, a new Judgment issued on July 1, 2015. Thereafter, the Town completed the sale for the aforementioned sale price.

In addition, municipal taxes on the Real Estate for 2013 and 2014 were included in the respective amounts of \$1,623.52 and \$1,794.36.

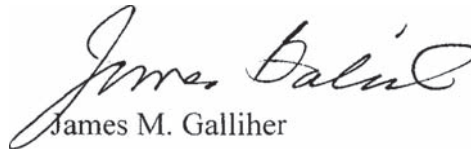
The assessed valuation of the Real Estate in all of 2015, 2016 and 2017 was \$49,100. The fair market value may have been higher.

The transfer of the real property was within two years of the Petition Date and was for far less than the fair market value. The Debtors were insolvent or became insolvent as a result of the transfer. Based upon the records at the Registry of Deeds it appears that the total amount paid for the Real Estate is \$4,937.80. The transfer of the Real Estate is a fraudulent transfer as defined

by 11 U.S.C. §548 and M.G.L. c. 109A and the amount of the fraudulent transfer is recoverable by the Trustee. Accordingly, **demand is hereby made upon you for payment in the amount of \$44,162.20 made payable to David M. Nickless, Trustee of [REDACTED]**. To the extent that you believe you have a defense to the Trustee's demand, please supply any and all documentation evidencing your defense. This should include a record of all funds expended by the Town in acquiring the Real Estate to date.

Should you fail to address this matter by February 28, 2017, the Trustee may initiate a lawsuit in the United States Bankruptcy Court for the District of Massachusetts to recover the payment for the benefit of the bankruptcy estate. Please contact me should you have any questions.

Very truly yours,


James M. Galliher

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
(Eastern Division)

_____)	
In re:)	
)	Chapter 11
YOURELO YOUR FULL-SERVICE)	
RELOCATION CORPORATION,)	
)	Case No. 19-13602-CJP
Debtor.)	
_____)	
YOURELO YOUR FULL-SERVICE)	
RELOCATION CORPORATION,)	Adversary Proceeding
)	No. 19-_____
Plaintiff,)	
v.)	
)	
CITY OF REVERE,)	
Defendant.)	
_____)	

COMPLAINT

Debtor and debtor-in-possession Yourelo Your Full-Service Relocation Corporation (the “Debtor”), by way of complaint against defendant City of Revere (the “City”), alleges as follows:

NATURE OF ACTION

1. The Debtor seeks to avoid the transfer of real property located at 585 North Shore Road, Revere, Massachusetts (the “Property”) of which the Debtor held the fee simple interest prior to the pre-petition tax taking and foreclosure by the City of the Debtor’s right of redemption therein (the “Taking”), and to recover the Property for the benefit of the Debtor and the estate.

JURISDICTION AND VENUE

2. On October 23, 2019 (“Petition Date”) the Debtor filed a voluntary petition under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Massachusetts.

3. This Court has jurisdiction over the subject matter of this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). This Court has the authority to hear and determine, and to enter all appropriate orders and judgments on the claims set forth herein pursuant to 28 U.S.C. § 157(b)(1). The statutory predicates for the relief requested are, *inter alia*, Bankruptcy Code §§ 544(b), 547(b), 548(a), & 550(a), and G.L. ch. 109A, §§ 5(a)(2), 6(a), & 9(b).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

PARTIES

5. The Debtor is the debtor and debtor-in-possession in Case No. 19-13602-CJP pending in this Court.

6. The City is a duly constituted municipality located in the Commonwealth of Massachusetts with an address of City Clerk, 281 Broadway, Revere, Massachusetts 02151.

BACKGROUND

7. The Debtor is a business corporation organized under the laws of the Commonwealth of Massachusetts. At all relevant times prior to the Petition Date, and until the Taking, the Debtor was the fee simple owner of the Property.

8. Before the Petition Date the City assessed real estate taxes and related interest and costs assessed against the Property. As of June 20, 2017 the total unpaid real estate taxes and

related interest and costs the City assessed against the Property was \$120,564.19 (the “Tax Obligations”).

9. On August 21, 2017 the City recorded in the Suffolk County Registry of Deeds (the “Registry”) an *Instrument of Taking* (the “Instrument”) against the Property, by which the City took title to the Property pursuant to applicable state law, subject, also pursuant to applicable state law, to the Debtor’s right of redemption, as security for the repayment of the Tax Obligations. A true and accurate copy of the Instrument is annexed hereto as Exhibit A.

10. Upon information and belief, at the time the City recorded the Instrument it appraised the value of the Property as \$719,600.00. A true and accurate copy of the City’s historical appraised values of the Property downloaded on October 29, 2019 from the City assessor’s web portal is annexed hereto as Exhibit B.

11. Under applicable state law, the City must make a fair cash valuation of the Property for tax assessment.

12. Under applicable state law, the fair cash valuation of the Property is its fair market value.

13. On February 27, 2018 the City commenced a civil action in the Massachusetts Land Court pursuant to applicable state law to foreclose the Debtor’s right of redemption of the Property (the “Foreclosure Action”).

14. Upon information and belief, at the time the City commenced the Foreclosure Action it appraised the value of the Property at \$777,200.00. See Exhibit B.

15. On March 20, 2018 the City recorded in the Registry a notice of the Foreclosure Action. A true and accurate copy of that notice is annexed hereto as Exhibit C.

16. On September 24, 2019 the Land Court entered its *Judgment In Tax Lien Case* in which the Land Court adjudged that the Debtor's right of redemption of the Property was forever foreclosed and barred (the "Foreclosure Judgment").

17. Under applicable state law, the City's title to the Property did not become absolute until the Land Court entered the Foreclosure Judgment.

18. On October 3, 2019 the City recorded the Judgment in the Registry, at which time a transfer, as that term is defined by the state and federal governing the claims set forth herein, of absolute title to the Property from the Debtor to the City occurred (the "Transfer"). A true and accurate copy of the Foreclosure Judgment as recorded in the Registry is annexed hereto as Exhibit D.

19. At the time of the Transfer the City appraised the value of the Property to be \$684,100.00. A true and accurate copy of the City's current appraised value of the Property downloaded on October 29, 2019 from the City assessor's web portal is annexed hereto as Exhibit E.

20. Upon information and belief, the Property, improved as the Debtor intend and was attempting before the Petition Date, has, or will have a fair market and going concern value of no less than \$1 million. A true and accurate copy of the schematic design review drawings dated November 14, 2019 prepared for the Debtor is annexed hereto as Exhibit F.

21. The Debtor's only other assets are motor vehicles and commercial equipment with *de minimis* value.

22. On and as of the Petition Date there were no mortgages or other consensual liens on or encumbering the Property.

23. The Property was the Debtor's principal asset.

24. The Transfer was a transfer of all, or substantially all of the Debtor's assets.
25. The Transfer left the Debtor with an unreasonably small capital.
26. As of the Petition Date, one or more unsecured creditors held claims against the Debtor whose and which claims arose before and after the Transfer.
27. On, and at all times after the Petition Date the Debtor was in, and has continued in possession of the Property.

COUNT I
Avoidance and Recovery of Fraudulent Transfer
Pursuant to Bankruptcy Code §§ 548 and 550

28. The Debtor repeats and re-alleges each of the allegations contained in paragraphs 1 through 27 in their entirety as if fully set forth herein.
29. The Transfer was transfer of an interest of the Debtor in the Property.
30. The Transfer occurred within the two years before the Petition Date.
31. The Debtor received less than a reasonably equivalent value in exchange for the Transfer.

COUNT II
Avoidance and Recovery of Fraudulent Transfer
Pursuant to Bankruptcy Code § 544 and M.G.L. c. 109A, and 11 U.S.C. § 550

COUNT III
Avoidance and Recovery of Preferential Transfer
Pursuant to Bankruptcy Code §§ 547 and 550

COUNT IV
Preliminary Injunction Enjoining Transfer or Encumbrance of the Property

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:)	
)	
)	
STEPHEN A. PAULL,)	Chapter 11
)	Case No. 09-14905-FJB
)	
Debtor.)	
)	
)	

In re:)	
)	
)	
STEPHEN ANDO PAULL,)	Chapter 7
CONTRACTORS, INC.)	Case No. 08-10428-FJB
)	
Debtor.)	
)	
)	

**JOINT MOTION OF STEPHEN A. PAULL AND WARREN E. AGIN, TRUSTEE OF
THE ESTATE OF STEPHEN ANDO PAULL CONTRACTORS, INC., SEEKING AN
ORDER AUTHORIZING THE INTENDED PRIVATE SALE OF ESTATE PROPERTY
FROM TWO SEPARATE BANKRUPTCY ESTATES FREE AND CLEAR OF LIENS**

TO THE HONORABLE Frank J. Bailey, U.S. Bankruptcy Judge:

Stephen A. Paull, debtor (“Paull”), in the Chapter 11 case no. 09-14905-FJB, and Warren E. Agin, the duly-appointed Chapter 7 trustee (the “Trustee”) in the Chapter 7 case of Stephen Ando Paull Contractors, Inc. (“SAPCO”) case no. 08–10428-JNF, (collectively, the “Joint Sellers”), by their respective counsel, respectfully pursuant to sections 105(a) and 363, of title 11 of the United States Code (as amended, the “Bankruptcy Code”), Rules 2002, 6004, and 9014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and MLBR 2002-1, 2002-5 and 6004-1, respectfully requests entry of an order (the “Sale Order”) (a) authorizing and approving the sale of the Combined Property (as that term is defined below) to

Massachusetts Department of Revenue (lien 1 of 2); and (vi) the Massachusetts Department of Revenue (lien 2 of 2).

123 Turnpike Street: (i) South Shore Savings Bank; (ii) Mass-Conn Equipment, Inc.(execution); (iii) Gatehouse Media Massachusetts I, Inc.(execution); (iv) the Internal Revenue Service; (v) Mass-Conn Equipment, Inc.; (v) Town of West Bridgewater (taking); (vi) Holbrook Cooperative Bank (vii) the Massachusetts Department of Revenue (lien 1 of 2).; (viii) the Massachusetts Department of Revenue (lien 2 of 2); (ix) Wells Fargo Equipment Finance, Inc.; and (x) South Shore Savings Bank (judicial lien).

129 Turnpike Street: (i) South Shore Savings Bank; (ii) Gatehouse Media Massachusetts I, Inc.; (iii) the Internal Revenue Service; (iv) Town of West Bridgewater (taking); (v) Massachusetts-Conn Equipment, Inc.; (vi) Wells Fargo Equipment Finance; (vii) Massachusetts-Conn Equipment, Inc. (Execution); (viii) South Shore Savings Banks (judicial lien); (ix) the Massachusetts Department of Revenue (lien 1 of 2); and (x) the Massachusetts Department of Revenue (lien 2 of 2).

147 Turnpike Street: (i) South Shore Savings Bank; (ii) Massachusetts-Conn Equipment, Inc.; (iii) Gatehouse Media Massachusetts I, Inc.(execution); (iv) Wells Fargo Equipment Finance, Inc.; (v) Town of West Bridgewater (taking); (vi) Holbrook Cooperative Bank; (vii) Mass-Conn Equipment, Inc. (execution); (viii) South Shore Savings Bank (judicial lien); (ix) the Massachusetts Department of Revenue (lien 1 of 2); (x) the Internal Revenue Service; and (xi) the Massachusetts Department of Revenue (lien 2 of 2).

SAPCO Piles: in apparent order of priority (i) South Shore Savings Bank; (ii) Holbrook Cooperative Bank; (iii) Financial Federal Credit, Inc.; (iv) North American Specialty Ins. Co., Washington International Insurance Company, and Northamerican Capacity Insurance Company (all at 1200 Arlington Heights Road, Suite 400, Itasca, IL 60143). The SAPCO Piles may also be subject to liens of the Internal Revenue Service and the Massachusetts Department of Revenue, as well as claims of the parties asserting liens against the real estate identified above.

8. For some number of months, Paull through his appointed counsel, has attempted to sell the Paull Real Property in an effort to reduce his secured debt and thus facilitate his reorganization efforts. In furtherance of such efforts, Paull has sought and obtained court authority to hire a real estate broker – Bradford M. Tighe of Corporate Realty Associates – who proceeded to actively and aggressively market the Paull Real Property.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

Kingsbury Corporation
Donson Group, Ltd.
Ventura Industries, LLC

Debtors.

Bk. No. 11-13671-JMD
Bk. No. 11-13700-JMD
Bk. No. 11-13687-JMD
Jointly Administered

**MOTION FOR DETERMINATION OF TAX LIABILITY PURSUANT
TO 11 U.S.C. § 505(a)**

Kingsbury Corporation (the “Debtor” or “Kingsbury”), a debtor and debtor in possession in the above-captioned chapter 11 cases, files this motion (the “505 Motion”) by and through its counsel seeking a determination of tax liability with respect to real property taxes allegedly owed and/or assessed on the real property located at 80 Laurel Street, Keene, New Hampshire (the “Real Property”). In support of this 505 Motion, the Debtor states as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the 505 Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for relief are 11 U.S.C. §§ 105(a) and 505.

II. BACKGROUND

A. General Background

2. On September 30, 2011 (the “Petition Date”), Kingsbury and Ventura Industries, LLC (“Ventura”) each filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in this Court. On October 3, 2011, Donson Group, Ltd. (“Donson”) (collectively, with

Cole Schotz P.C.

Daniel F.X. Geoghan
Member
Admitted in NY and NJ

Reply to New York Office
Writer's Direct Line: 646-563-8925
Writer's Direct Fax: 646-563-7925
Writer's E-Mail: dgeoghan@coleschotz.com

1325 Avenue of the Americas
19th Floor
New York, NY 10019
212-752-8000 212-752-8393 fax

—
New Jersey
—
Delaware
—
Maryland
—
Texas
—
Florida

February 16, 2018

INADMISSIBLE SETTLEMENT COMMUNICATION

Via First Class Mail

Town Of [REDACTED]
Attn: President, General Counsel or Managing Agent
[REDACTED]

Re: In re: SunEdison, Inc., *et al.*, Chapter 11 Case No. 16-10992 (SMB)

Dear Sir/Madam:

Beginning on April 21, 2016 (the "**Petition Date**"), SunEdison, Inc. and certain of its affiliates and subsidiaries (collectively, the "**Debtors**") commenced voluntary cases under chapter 11 of title 11 of the United States Code (the "**Bankruptcy Code**") in the United States Bankruptcy Court for the Southern District of New York (the "**Bankruptcy Court**"). On March 28, 2017, the Debtors filed their Joint Plan of Reorganization of SunEdison, Inc. and its Debtor Affiliates [Dkt. No. 2671] (the "**Plan of Reorganization**") and corresponding disclosure statement [Dkt. No. 2672], each of which subsequently was amended. An order confirming the Debtors' amended Plan of Reorganization was entered on July 28, 2017 [Dkt. No. 3735]. The Plan of Reorganization became effective on December 29, 2017 (the "**Effective Date**").

Pursuant to the Plan of Reorganization, on the Effective Date all of the Debtors' rights, title and interests in all Causes of Action (as that term is defined in the Plan of Reorganization) were transferred to the SunEdison Litigation Trust (the "**Litigation Trust**"). Moreover, on the Effective Date, Drivetrain, LLC was appointed as the trustee for the Litigation Trust (the "**Litigation Trustee**"). We are counsel to the Litigation Trust.

As you may be aware, section 547 of the Bankruptcy Code seeks to ensure fairness to all creditors by requiring the repayment of preferential payments or "transfers," which are (i) made by a debtor to a creditor on or within ninety (90) days before the date of the filing of the debtor's bankruptcy case while the debtor was insolvent; (ii) on account of a debt the debtor owed before making the transfer; and (iii) that allow the creditor to recover more than the distribution on its claim would have been if the debtor's bankruptcy case were a case under chapter 7 of the Bankruptcy Code and the transfer had not been made. Receiving a preferential transfer, by itself,

Cole Schotz P.C.

February 16, 2018

Page 2

does not imply any wrongdoing on your part, nor is any wrongdoing required for the Litigation Trust to establish and recover a preferential transfer.

After reviewing the Debtors' books and records, we have determined that you received transfers from the Debtors in the aggregate amount of at least **\$147,329.82** (the "**Preferential Transfers**") during the ninety-day period preceding the Petition Date (the "**Preference Period**"). A schedule reflecting the Preferential Transfers is attached to this correspondence.

We believe the Preferential Transfers may be avoidable and recoverable by the Litigation Trust. In an effort to resolve this matter promptly without the need for litigation, the Litigation Trust is willing to accept payment in the reduced amount of **\$132,596.84**, which amount reflects a 10% percent discount to the full amount of the Preferential Transfers, provided that payment is received within twenty (20) days of the date of this letter (the "**Response Deadline**"). Checks should be made payable to the SunEdison Litigation Trust, and addressed as follows:

SunEdison Litigation Trust
c/o Drivetrain, LLC as Trustee
630 Third Avenue, 21st Floor
New York, NY 10017

If you wish to send payment by wire transfer, please send your request for wire instructions to sunedison@drivetrainadvisors.com.

If such payment is received by the Response Deadline set forth above, there will be no further action or attempt to recover the Preferential Transfers, and you will be released from all liability with respect to the avoidance of the Preferential Transfers pursuant to section 547 of the Bankruptcy Code.

Should you fail to respond to this demand, the Litigation Trust may take further action to recover the Preferential Transfers, including commencing an adversary proceeding against you in the Bankruptcy Court. If litigation must be commenced to recover the Preferential Transfers, the Litigation Trust will seek to recover all payments received by you during the Preference Period (which may prove to be more than the **\$147,329.82** stated in this letter), along with interest and court costs.

Thank you for your attention to this matter. If you have any questions, you or your attorney should contact Acumen Recovery Services, LLC at (646) 795-6970 or suned@acumenrecovery.com.

Cole Schotz P.C.

February 16, 2018

Page 3

This communication concerns settlement negotiations in an offer to compromise a claim. As such, this letter, and any further correspondence regarding settlement of this matter is inadmissible under Federal Rule of Evidence 408.

Very truly yours,

COLE SCHOTZ P.C.

A handwritten signature in black ink, appearing to read "Daniel F.X. Geoghan", written in a cursive style.

Daniel F.X. Geoghan

DFG:emm

Debtors: SunEdison, Inc., et al.
Case No.: 16-10992 (SMB)

SCHEDULE A

Bankruptcy Court: Southern District of New York
Preference Period: 1/22/16 to 4/20/16

TRANSFEE	TRANSFER TYPE	PAYMENT DATE	PAYMENT AMOUNT
Town Of [REDACTED]	Payment	1/26/2016	\$ 73,664.91
	Payment	2/2/2016	\$ 73,664.91
			<u>\$ 147,329.82</u>

OFFER TO SETTLE AND COMPROMISE.
CORRESPONDENCE SUBJECT TO F.R.E. 408 AND
ALL BANKRUPTCY AND STATE LAW EQUIVALENTS.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In Re:

LACOURSE CONSTRUCTION
COMPANY, INC.,

Debtor

ANNE J. WHITE,
CHAPTER 7 TRUSTEE,

Plaintiff,

v.

Defendant

Chapter 7

Case No. [REDACTED]

Adversary Proceeding
No. [REDACTED]

COMPLAINT

This is an adversary proceeding by means of which the plaintiff, Anne J. White, the duly appointed Chapter 7 trustee (the "Trustee") of the bankruptcy estate of Lacourse Construction Company, Inc. (the "Debtor"), seeks to recover a preferential transfer made by the Debtor to the defendant, [REDACTED].

JURISDICTION AND VENUE

1. This adversary proceeding arises under and relates to the Debtor's Chapter 7 case, which case is pending before the United States Bankruptcy Court for the District of Massachusetts as Case No. [REDACTED], and is brought pursuant to 11 U.S.C. §§ 547 and 550.