

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG DIVISION**

In re: SOUTHCO DEVELOPMENT, LLC

§ Case No. 1:18-00912-DLB

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Debtor(s)

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**TRUSTEE'S FINAL REPORT (TFR)**

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed on September 28, 2018. The undersigned trustee was appointed on September 28, 2018.

2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.

3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized the gross receipts of \$ 182,517.22

Funds were disbursed in the following amounts:

Payments made under an interim distribution	0.00
Administrative expenses	75,410.42
Bank service fees	0.00
Other payments to creditors	0.00
Non-estate funds paid to 3rd Parties	0.00
Exemptions paid to the debtor	0.00
Other payments to the debtor	0.00
Leaving a balance on hand of <sup>1</sup>	\$ <u>107,106.80</u>

The remaining funds are available for distribution.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

<sup>1</sup> The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. § 326(a) on account of the disbursement of the additional interest.

6. The deadline for filing non-governmental claims in this case was 01/01/2019 and the deadline for filing governmental claims was 03/27/2019. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$12,375.86. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$12,375.86, for a total compensation of \$12,375.86.<sup>2</sup> In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$30.47, for total expenses of \$30.47.<sup>2</sup>

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 12/02/2020 By: /s/MARTIN P. SHEEHAN  
Trustee

**STATEMENT:** This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

<sup>2</sup>If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D)

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 1:18-00912-DLB

Trustee: (680060) MARTIN P. SHEEHAN

Case Name: SOUTHCO DEVELOPMENT, LLC

Filed (f) or Converted (c): 09/28/18 (f)

§341(a) Meeting Date: 11/08/18

Period Ending: 12/02/20

Claims Bar Date: 01/01/19

1	2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property <u>Abandoned</u> OA=\$554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #					
1	CHECKING ACCOUNT AT CITY NATIONAL BANK, XXXXXX	50.00	50.00	17.22	FA
2	BREACH OF CONTRACT CLAIM	4,000,000.00	4,000,000.00	182,500.00	FA
<b>2</b>	<b>Assets Totals</b> (Excluding unknown values)	<b>\$4,000,050.00</b>	<b>\$4,000,050.00</b>	<b>\$182,517.22</b>	<b>\$0.00</b>

**Major Activities Affecting Case Closing:**

12/1/20 -- Order entered Approving Settlement, Allowing Expenses of Counsel And For Payment of Expenses, and Allowing a Fee for Counsel, Attaching Liens to the Settlement Proceeds and Extinguishing All Other Lien Claims

11/13/20 -- T/C Motion to Compromise controversy for 12/1/20 @ 10:30 am

11/5/20 - Filed Motion To Allow and to Pay, Expenses of McNeer, Highland, McMunn and Varner, PLLC; Objections due by 11/30/20

10/29/20 -- Filed Motion to Allow Attorneys Fees and Expenses; Objections due by 11/23/20

9/28/20 -- Filed Motion to Settle Litigation; Objections due 10/22/20; Proposed Order filed; T/C hearing 11/10/20 @ 10 am

9/18/19 -- Mediation still ongoing

1/25/19 - Notice of Substitute Attorney filed by Trustee Martin P. Sheehan). Objections due by 2/8/2019

11/30/18 -- Filed Motion to Employ James N. Riley and Debra T. Varner, and Michael A. Secret and McNeer, Highland, McMunn and Varner, L.C.; Objections due by

12/14/2018

11/27/18 -- Email counsel re Affidavits. Copies provided. Waiting on Originals and contract

10/1/18 -- Sent Motion to Employ and Affidavits to counsel

Initial Projected Date Of Final Report (TFR): June 30, 2019

Current Projected Date Of Final Report (TFR): December 30, 2020

## Form 2 Cash Receipts And Disbursements Record

**Case Number:** 1:18-00912-DLB  
**Case Name:** SOUTHCO DEVELOPMENT, LLC

**Trustee:** MARTIN P. SHEEHAN (680060)  
**Bank Name:** Mechanics Bank  
**Account:** \*\*\*\*\*9666 - Checking Account  
**Blanket Bond:** \$3,000,000.00 (per case limit)  
**Separate Bond:** N/A

**Taxpayer ID #:** \*\*-\*\*\*4759  
**Period Ending:** 12/02/20

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
01/15/19	{1	City National Bank	CLOSEOUT OF CHECKING ACCOUNT	1129-000	17.22		17.22
03/24/19	101	SHEEHAN & ASSOCIATES PLLC	BOND PREMIUM PAYMENT ON LEDGER BALANCE AS OF 03/01/2019 FOR CASE #18-00912	2300-000		0.01	17.21
10/23/19		Transition Transfer Debit	Fund Transfer to United Bank	9999-000		17.21	0.00

<b>ACCOUNT TOTALS</b>	<b>17.22</b>	<b>17.22</b>	<b>\$0.00</b>
Less: Bank Transfers	0.00	17.21	
<b>Subtotal</b>	<b>17.22</b>	<b>0.01</b>	
Less: Payments to Debtors		0.00	
<b>NET Receipts / Disbursements</b>	<b>\$17.22</b>	<b>\$0.01</b>	

## Form 2

### Cash Receipts And Disbursements Record

**Case Number:** 1:18-00912-DLB  
**Case Name:** SOUTHCO DEVELOPMENT, LLC

**Trustee:** MARTIN P. SHEEHAN (680060)  
**Bank Name:** People's United Bank  
**Account:** \*\*\*\*\*6608 - Checking Account  
**Blanket Bond:** \$3,000,000.00 (per case limit)  
**Separate Bond:** N/A

**Taxpayer ID #:** \*\*-\*\*\*4759  
**Period Ending:** 12/02/20

1	2	3	4	5	6	7	
Trans. Date	{Ref #} / Check #	Paid To / Received From	Description of Transaction	T-Code	Receipts \$	Disbursements \$	Checking Account Balance
10/23/19		Transfer from 0061 to 6608	Transfer from 0061 to 6608	9999-000	17.21		17.21
02/26/20		Misc Adjustment	Misc Adjustment	9999-000		17.21	0.00

<b>ACCOUNT TOTALS</b>	<b>17.21</b>	<b>17.21</b>	<b>\$0.00</b>
Less: Bank Transfers	17.21	17.21	
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	
Less: Payments to Debtors		0.00	
<b>NET Receipts / Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	

## Form 2 Cash Receipts And Disbursements Record

**Case Number:** 1:18-00912-DLB  
**Case Name:** SOUTHCO DEVELOPMENT, LLC

**Trustee:** MARTIN P. SHEEHAN (680060)  
**Bank Name:** Metropolitan Commercial Bank  
**Account:** \*\*\*\*\*9870 - Checking Account  
**Blanket Bond:** \$3,000,000.00 (per case limit)  
**Separate Bond:** N/A

**Taxpayer ID #:** \*\*-\*\*\*4759  
**Period Ending:** 12/02/20

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
02/26/20		Transition Transfer Credit	Transition Transfer Credit	9999-000	17.21		17.21
03/22/20	20102	SHEEHAN & ASSOCIATES PLLC	BOND PREMIUM PAYMENT ON LEDGER BALANCE AS OF 03/01/2020 FOR CASE #18-00912, Bond renewal Period 3/1/2020 - 3/1/2021	2300-000		0.02	17.19
12/01/20	{2}	Larson Design Group	SETTLEMENT PROCEEDS	1149-000	1,250.00		1,267.19
12/01/20	{2}	Monongalia Co. Development Auth.	SETTLEMENT PROCEEDS	1149-000	86,250.00		87,517.19
12/01/20	{2}	RLI	SETTLEMENT PROCEEDS	1149-000	95,000.00		182,517.19

<b>ACCOUNT TOTALS</b>	<b>182,517.21</b>	<b>0.02</b>	<b>\$182,517.19</b>
Less: Bank Transfers	17.21	0.00	
<b>Subtotal</b>	<b>182,500.00</b>	<b>0.02</b>	
Less: Payments to Debtors		0.00	
<b>NET Receipts / Disbursements</b>	<b>\$182,500.00</b>	<b>\$0.02</b>	

TOTAL - ALL ACCOUNTS	Net Receipts	Net Disbursements	Account Balances
Checking # *****9666	17.22	0.01	0.00
Checking # *****6608	0.00	0.00	0.00
Checking # *****9870	182,500.00	0.02	182,517.19
	<b>\$182,517.22</b>	<b>\$0.03</b>	<b>\$182,517.19</b>

**EXHIBIT C**  
**ANALYSIS OF CLAIMS REGISTER**

**Claims Bar Date:** January 1, 2019

**Case Number:** 1:18-00912-DLB  
**Debtor Name:** SOUTHCO DEVELOPMENT, LLC

Page: 1

**Date:** December 2, 2020  
**Time:** 01:26:58 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
BOND 200	SHEEHAN & ASSOCIATES PLLC 1 Community St., Ste 200 WHEELING, WV 26003	Admin Ch. 7		\$0.03	\$0.03	0.00
ATTEXP 200	DEBRA T. VARNER VARNER & VAN VOLKENBURG 360 WASHINGTON AVENUE CLARKSBURG, WV 26301	Admin Ch. 7	Approved per Order dated 12/1/20 @ Doc 45	\$2,211.73	\$2,211.73	0.00
ATTFEE 200	DEBRA T. VARNER VARNER & VAN VOLKENBURG 360 WASHINGTON AVENUE CLARKSBURG, WV 26301	Admin Ch. 7	Approved per Order dated 12/1/20 @ Doc 45	\$60,833.33	\$60,833.33	0.00
TEEACT 200	JOHN P. LANTZY, CPA SMITH, ELLIOTT, KEARNS & CO., LLC 19405 EMERALD SQUARE, STE 1400 HAGERSTOWN, MD 21742	Admin Ch. 7		\$500.00	\$0.00	500.00
TEEEXP 200	MARTIN P. SHEEHAN BANKRUPTCY TRUSTEE 1 COMMUNITY STREET, SUITE 200 WHEELING, WV 26003	Admin Ch. 7		\$30.47	\$0.00	30.47
TEEFEE 200	MARTIN P. SHEEHAN BANKRUPTCY TRUSTEE 1 COMMUNITY STREET, SUITE 200 WHEELING, WV 26003	Admin Ch. 7		\$12,375.86	\$0.00	12,375.86
ATTY2EX P 200	MCNEER, HIGHLAND, MCMUNN AND VARNER, PLLC PO DRAWER 2040 CLARKSBURG, WV 26301	Admin Ch. 7	Approved per Order dated 12/1/20 @ Doc 45	\$12,365.33	\$12,365.33	0.00
1 610	RFI ENERGY, LP 555 PHILADELPHIA STREET INDIANA, PA 15701	Unsecured		\$70,531.49	\$0.00	70,531.49
2 610	IPFS CORPORATION 30 MONTGOMERY ST. STE 501 JERSEY CITY, NJ 07302	Unsecured		\$3,473.64	\$0.00	3,473.64
3 610	U.S. BANK NA DBA ELAN FINANCIAL SERVICES BANKRUPTCY DEPARTMENT PO BOX 108 ST. LOUIS, MO 63166-0108	Unsecured		\$5,899.67	\$0.00	5,899.67
4 610	JAMES R. CHRISTIE, ESQUIRE PO BOX 1133 BRIDGEPORT, WV 26330	Unsecured		\$22,360.12	\$0.00	22,360.12
SURPLUS 650	SOUTHCO DEVELOPMENT, LLC 13 OVERLOOK DRIVE MT. CLARE, WV 26408	Unsecured		\$116.75	\$0.00	116.75
<b>&lt;&lt; Totals &gt;&gt;</b>				190,698.42	75,410.42	115,288.00

**TRUSTEE'S PROPOSED DISTRIBUTION**

Exhibit D

Case No.: 1:18-00912-DLB  
 Case Name: SOUTHCO DEVELOPMENT, LLC  
 Trustee Name: MARTIN P. SHEEHAN

**Balance on hand:** \$ 107,106.80

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None					

Total to be paid to secured creditors: \$ 0.00

Remaining balance: \$ 107,106.80

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees - MARTIN P. SHEEHAN	12,375.86	0.00	12,375.86
Trustee, Expenses - MARTIN P. SHEEHAN	30.47	0.00	30.47
Attorney for Trustee, Fees - DEBRA T. VARNER	60,833.33	60,833.33	0.00
Attorney for Trustee, Expenses - DEBRA T. VARNER	2,211.73	2,211.73	0.00
Accountant for Trustee, Fees - JOHN P. LANTZY, CPA	500.00	0.00	500.00
Other Expenses: SHEEHAN & ASSOCIATES PLLC	0.03	0.03	0.00
Attorney for Trustee Expenses - MCNEER, HIGHLAND, MCMUNN AND VARNER, PLLC	12,365.33	12,365.33	0.00

Total to be paid for chapter 7 administration expenses: \$ 12,906.33

Remaining balance: \$ 94,200.47

Applications for prior chapter fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
None			

Total to be paid for prior chapter administrative expenses: \$ 0.00

Remaining balance: \$ 94,200.47



In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for priority claims:      \$ 0.00  
 Remaining balance:                                      \$ 94,200.47

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 102,264.92 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 92.1 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	RFI ENERGY, LP	70,531.49	0.00	64,969.49
2	IPFS CORPORATION	3,473.64	0.00	3,199.71
3	U.S. BANK NA DBA ELAN FINANCIAL SERVICES	5,899.67	0.00	5,434.43
4	JAMES R. CHRISTIE, ESQUIRE	22,360.12	0.00	20,596.84

Total to be paid for timely general unsecured claims:      \$ 94,200.47  
 Remaining balance:    \$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$ 0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for tardy general unsecured claims:	\$ <u>0.00</u>
Remaining balance:	\$ <u>0.00</u>

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ 0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for subordinated claims:	\$ <u>0.00</u>
Remaining balance:	\$ <u>0.00</u>

**Trustee's Compensation****Debtor:** SOUTHCO DEVELOPMENT, LLC**Case:** 18-00912**Computation of Compensation**

Total disbursements to other than the debtor are:		182,517.22
Pursuant to 11 U.S.C. 326, compensation is computed as follows:		
25% of First \$5,000	5,000.00 =	1,250.00
10% of Next \$45,000	45,000.00 =	4,500.00
5% of Next \$950,000	132,517.22 =	6,625.86
3% of Balance	0.00 =	0.00
		<hr/>
	<b>Calculated Total Compensation:</b>	<b>\$12,375.86</b>
	Plus Adjustment:	0.00
		<hr/>
	<b>Total Compensation:</b>	<b>\$12,375.86</b>
	Less Previously Paid:	0.00
		<hr/>
	<b>Total Compensation Requested:</b>	<b>\$12,375.86</b>

**Trustee Expenses**

Premium on Trustee's Bond		0.00
Travel	0.0 miles at 0.0 cents per mile	0.00
Copies	0 copies at 0.0 cents per copy	0.00
Postage		0.47
Telephone Charges		0.00
Clerical / Secretarial	0.00 hours at 0.00 dollars per hour	0.00
Paralegal Assistance	0.00 hours at 0.00 dollars per hour	0.00
Supplies / Stationery		10.00
Distribution Expenses		20.00
Professional Expenses		0.00
Other Expenses		0.00
Other Expenses 2		0.00
		<hr/>
	<b>Subtotal Expenses:</b>	<b>\$30.47</b>
	Plus Adjustment:	0.00
		<hr/>
	<b>Total Expenses:</b>	<b>\$30.47</b>
	Less Previously Paid:	0.00
		<hr/>
	<b>Total Expenses Requested:</b>	<b>\$30.47</b>

The undersigned Trustee certifies under penalty of perjury that the foregoing is true and correct to the best of his/her knowledge and requests the United States Trustee to approve this report and accounts and requests the Court to provide for notice and opportunity for a hearing under 11 U.S.C. 330(a), 502(b), and 503(b) and to thereafter award final compensation or reimbursement of expenses and to make final allowance for the purposes of distribution to claims, administrative expenses, and other payments stated in this report and account.

WHEREFORE, the Trustee requests that this application be approved by this Court and that the Trustee be granted an allowance of \$12,375.86 as compensation and \$30.47 for reimbursement of expenses. The Trustee further states that no payments have been made or promised to him/her for services rendered or to be rendered in any capacity in this case. No agreement or understanding exists between applicant and any other person for sharing compensation received or to be received.

Dated: 12/02/20

Signed: /s/ MARTIN P. SHEEHAN

MARTIN P. SHEEHAN  
 BANKRUPTCY TRUSTEE  
 1 COMMUNITY STREET, SUITE 200  
 WHEELING, WV 26003