

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

In re: Morgantown Excavators, Inc.

§ Case No. 1:12-00570-PMF

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Debtor(s)

TRUSTEE'S FINAL REPORT (TFR)

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

1. A petition under Chapter 11 of the United States Bankruptcy Code was filed on April 19, 2012. The case was converted to one under Chapter 7 on March 01, 2013. The undersigned trustee was appointed on March 01, 2013.

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 \$ 913,113.81

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>199,874.42</u>
Administrative expenses	<u>562,731.23</u>
Bank service fees	<u>9,397.17</u>
Other payments to creditors	<u>0.00</u>
Non-estate funds paid to 3rd Parties	<u>0.00</u>
Exemptions paid to the debtor	<u>0.00</u>
Other payments to the debtor	<u>0.00</u>
Leaving a balance on hand of ¹	\$ <u>141,110.99</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.

¹ 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 06/26/2013 and the deadline for filing governmental claims was 06/26/2013. 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 \$48,905.69. 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 \$48,905.69, for a total compensation of \$48,905.69.² In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$439.64, for total expenses of \$439.64.²

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

Date: 08/13/2019 By: /s/Thomas H. Fluharty, Trustee
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.

² 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: 1:12-00570-PMF**Trustee:** (680230) Thomas H. Fluharty, Trustee**Case Name:** Morgantown Excavators, Inc.**Filed (f) or Converted (c):** 03/01/13 (c)**§341(a) Meeting Date:** 04/10/13**Period Ending:** 08/13/19**Claims Bar Date:** 06/26/13

1 Ref. #	Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property <u>Abandoned</u> OA=§554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	8th&Grant; Batson Farm; Hartman Run Rd; Landfill South University (secured lien is on Hartman Run Road, 8th & Grant, South Univeristy properties). (See Footnote)	685,000.00	0.00		178,750.00	FA
2	life insurance cash value	135,000.00	0.00		0.00	FA
3	A/R: AJD of WV, Inc. Eastwood School, 2150 Eldo Road, Monroeville, PA 15146.	10,370.00	0.00		0.00	FA
4	A/R: Al Robert 116 Killarney Drive, Morgantown, WV 26505.	1,636.60	0.00		0.00	FA
5	A/R: Allied Waste Service Morgantown High Renovation.	14,005.30	0.00		0.00	FA
6	A/R: Alpha Technologies Services 3767 Alpha Way, Bellingham, WV 98226.	40,830.62	0.00		0.00	FA
7	A/R: Austin Commercial	4,152.00	0.00		0.00	FA
8	A/R: Bias	5,394.41	0.00		0.00	FA
9	A/R: Blosser	189.77	0.00		0.00	FA
10	A/R: Chapman Corporation 331 South Main Street, Washington, PA 15301	1,560.00	1,560.00		1,560.00	FA
11	A/R: Dale	1,150.00	0.00		0.00	FA
12	A/R: Dixon	846.62	0.00		0.00	FA
13	A/R: Donnie Shaffer	3,774.00	0.00		0.00	FA
14	A/R: Donnie Tucker 215 Riverview Court, Morgantown, WV 26501.	49,300.68	0.00		0.00	FA
15	A/R: East Oak Grove Cemetery 1291 Dorsey Avenue, Morgantown, WV 26505.	322.50	0.00		0.00	FA
16	A/R: Flint Construction Co Inc P.O. Box 146, Gassaway, WV 26624.	29,423.25	0.00		0.00	FA
17	A/R: Garvin	1,100.46	0.00		0.00	FA
18	A/R: General Industries	484.75	0.00		0.00	FA
19	A/R: Granite-Concrete	230.00	0.00		0.00	FA

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	P.O. Box 745, Dellslow, WV 26531.				
20	A/R: HE Neumann P.O. Box 6208, Wheeling, WV 26003.	1.00	0.00	0.00	FA
21	A/R: Jamison Construction 710 Parkside Lane, Morgantown, WV 26501	2,845.80	0.00	0.00	FA
22	A/R: Jefferds Corporation 409 Water Street, Stonewood, WV 26301	289.00	0.00	0.00	FA
23	A/R: Jerry Hall 1015 Chestnut Ridge Road, Morgantown, WV 26505.	1,208.40	0.00	0.00	FA
24	A/R: Key Construction P.O. Box 97, Dellslow, WV 26531.	6,930.00	0.00	0.00	FA
25	A/R: Livengood	15,247.58	0.00	0.00	FA
26	A/R: Lombardi Development MVA Pediatric, 820 Donegal Drive, East, Follansbee, WV 26037.	57,392.47	0.00	0.00	FA
27	A/R: Mark Godfrey	318,980.43	0.00	0.00	FA
28	A/R: Marks Landau Construction Med Express, 9855 Rinaman Road, Wexford, PA 16046.	1,875.00	0.00	0.00	FA
29	A/R: Medco Coml Beechview 129 Carriage Hill Drive, Mars, PA 16046.	155,012.73	0.00	0.00	FA
30	A/R: Metro Property Management 6200 Midatlantic Drive, Morgantown, WV 26508.	2,920.00	0.00	0.00	FA
31	A/R: Mike Brooks	996.40	0.00	0.00	FA
32	A/R: Mon Valley Assoc of Health Centers Inc 1322 Locust Avenue, Fairmont, WV 26555.	100.70	0.00	0.00	FA
33	A/R: Morgan Keller Inc BBT 70 Thomas Johnson Drive, Frederick, MA 21702.	46,695.94	0.00	0.00	FA
34	A/R: Mosites Construction Co Marion Co Info Center, 4839 Campbells Run Road, Pittsburgh, PA 15205.	230,379.62	0.00	0.00	FA

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Ref. #					
35	A/R: Mt Contracting	750.00	0.00	0.00	FA
36	A/R: New Beginnings Community Church	434.50	0.00	0.00	FA
37	A/R: Northeast Natural Energy LLC 707 Virginia St, Charleston, WV 25301.	117.64	0.00	0.00	FA
38	A/R: Ottis Harris	3,438.80	0.00	0.00	FA
39	A/R: Poerio Geary School 467 Lowries Run Road, Pittsburgh, PA 15237.	177,820.43	0.00	0.00	FA
40	A/R: Prairie Transport 110 E. Main St, Ste 320, Ottawa, IL 61350.	1,200.00	0.00	0.00	FA
41	A/R: Professional Land Resources P.O. Box 965, Dellslow, WV 26531.	7,579.70	0.00	0.00	FA
42	A/R: Russ Bonasso 552 Beechurst Avenue, Morgantown, WV 26505.	512.50	0.00	0.00	FA
43	A/R: Southland Properties LLC	84,776.31	0.00	0.00	FA
44	A/R: Techo-Bloc Corp 852 Pennsylvania Avenue, Pen Argyl, PA 18072.	102.41	0.00	0.00	FA
45	A/R: Tedco Construction Tedco Place, Carnegie, PA 15106.	371,521.87	0.00	0.00	FA
46	A/R: Tim Jones	833.85	0.00	0.00	FA
47	A/R: TJR Netl Daycare 1601 Marys Avenue, Pittsburgh, PA 15215.	410.66	0.00	0.00	FA
48	A/R: USCellular	365.17	0.00	0.00	FA
49	A/R: Vance River Terminal P.O. Box 663, Morgantown, WV 26507.	1,790.10	0.00	0.00	FA
50	A/R: Warner Industries Co	68.00	0.00	0.00	FA
51	A/R: WHP Group LLC Whitehall Pharmacy, 51 Southland Drive, Fairmont, WV 26554.	158,879.93	0.00	0.00	FA
52	A/R: Yarborough Development	230.31	0.00	0.00	FA
53	GMC truck	26,000.00	0.00	408.81	FA

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54 truck 2010 Ford F150 (Comm Bk has lien).	7,500.00	0.00		0.00	FA
55 Inventory and miscellaneous	25,000.00	25,000.00		10,179.00	FA
56 Bank Account-MVB Bank, Inc. (u)	0.00	0.00		16,289.75	FA
57 A/R: BBL Carlton (u)	0.00	0.00		153,213.20	FA
58 Lots 1 - 10 on Opekiska Ridge Road, Morgantown, (u) Lots 1, 2, 3, 4, 5, 6, 10 already sold. Sell Lots 7, 8, 9, landfill.	0.00	174,000.00		111,500.00	FA
59 2007 Ford Explorer (u)	0.00	0.00		2,900.00	FA
60 Trust Account proceeds (u) proceeds from trust account of attorney.	0.00	0.00		207.40	FA
61 MEI v. Huntington Nat'l Bank (u) lending violation issue	0.00	800,000.00		438,105.65	FA
61 Assets Totals (Excluding unknown values)	\$2,694,978.21	\$1,000,560.00		\$913,113.81	\$0.00

RE PROP# 1 12/2016: South University real estate is to be sold.

Major Activities Affecting Case Closing:

8-5-19: revised final report and emailed to UST for review.
7-11-19: emailed final report to UST for review.
7-8-19: updated draft final report
6-7-19: drafted final report, appl's for compensation.
4-25-19: filed objection to claims
4-22-19: drafted objection to claims
4-4-19: closing on So Univ Ave property set for April 9th @ 1:00 pm at Trustee's office. /// State Auditor's office will send updated tax number for 2012 & County Clerk will give updated numbers for 2013-2018.
12-21-18: drafted report of sale on So Univ Ave property
12-20-18: closing @ J.Arnett's office, Morgantown on So Univ Ave property.
10-18-18: emailed realtor, Linda K. if she has heard anything from the buyer on getting the So Univ Ave property closed.
10-16-18: spoke w/Jeff Arnett, he has not heard anything from the buyer or realtor. He will contact realtor & get back w/me. I emailed the realtor, Linda Kosten, to find out if she has heard anything from the buyer on setting the closing.
10-8-18: called Arnett again, out of office.
10-5-18: called Mr. Arnett again, left message.
10-4-18: called J. Arnett regarding closing, left message.

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9-20-18: called atty, J. Arnett, he assured me the buyer would be ready to close the first week of October. He will call when he has a date.

9-11-18: called atty, Jeff Arnet regarding closing date on So Univ property, out of office.

8-15-18: email from realtor- Jeff Arnett is the attorney handling the closing for the new buyer on So Univ Ave property.

7-19-18: emailed documents to accountant to complete tax returns.

7-10-18: Order entered on final real estate sale - set up closing.

6-25-18: accountant needs updated information to complete tax returns. Will send when back from vacation on July 12th.

5-29-18: realtor has received a new offer on the So Univeristy Ave property / Trustee will review.

5-22-18: emailed realtor for an update on the listing of So Univ Ave property.

4-5-18: realtor emailed received cash offer on So Univ Ave property, she thinks it would sell for more, ok, list it again.

2-23-18: drafted new appl employ realtor.

2-8-18: emailed realtor any response from buyer? contact 2nd highest offer see if interested.

12-19-17: called Mr. Arnett in am - no answer.

12-18-17: called Mr. Arnett, he has not heard from his client or the bank. He will call his client & get back with me.

12-14-17: called Mr. Arnett, out until pm, will have him call.

12-1-17: called Mr. Arnett, he is out until Monday.

11-21-17: Mr. Arnett called, the bank is not ready to close on this property. He will call me 1st week of Dec & set up a new date.

11-13-17: spent the afternoon emailing documents to the accountant for filing taxes. (2 hrs)

10-26-17: called Mr. Arnett's office set up closing date. His client [Rodney Kovach, Key Construction] reached out to him yesterday, he does not have any info yet. He asked for copy of deed, email: jeffarnett@arnettlaw.org. If already in draft will send today, if not, tomorrow. ok.

10-5-17: spoke w/realtor re: closing. Jeff Arnett will be handling the buyers end.

8-15-17: drafted application to employ accountant. He will send signed affidavit tomorrow.

8-11-17: realtor called, she has another person interested in the So Univ property, will let the trustee know if offer is higher than \$53,000.

7-2017: realtor has received 3 offers on So University property & sending to trustee.

5-2-17: emailed accountant to employ? yes he's interested.

2-6-17: email from realtor, she is listing the So University property at 69k.

12-27-16: the trustee has 1 more piece of real estate to sell, South University, Morgantown. Will employ realtor to sell.

8-17-16: called Sandra Walker (681-404-1740), left message regarding tax returns // Sandra returned call. Were the 2011 & 2012 tax returns filed? She does not know, if so, the CPA would have do them, who was the CPA? She will call back with name, ok.

8-11-16: rec'd tax tickets still in MEI's name. called Mon County tax office - Tishra: she said those tickets are for mineral rights still in MEI's name, along with 1 piece of property & she also has personal property taxes not paid since 2012. She is sending all the tax tickets here for the Trustee to review and decide what to do.

7-12-16: the trial in the AP set for August has been continued to November 7, 2016 // I will contact Sheehan for update on the collection of A/R's.

7-8-16: Tom Cunningham called, asking if the Trustee knew the buyer of the real estate sold in Taylor County and Hartman Run Road; & needs address & phone no. for Sandra Walker. Returned Mr. Cunningham's call. Found S. Walker's address & on

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Pacer, looks like DIP sold real estate, will send copy of motion & order to sell.

4-27-16: called Linda K., realtor for update on getting a copy of the survey done by Williams Engineering - left message.

3-15-16: called Fred Wojcik regarding the corrective deed- left message.

10-23-15: Zane Shuck called. He may be interested in purchasing some of the real estate. He owns the mineral rights under the property. I told him we had offers on the 3 remaining lots. Upset bids would be accepted, Lots 8 & 9 would have to be \$30,000 & Lot 7 would have to be \$25,000.00. Explained the process with filing the motion, Court sending out on notice, and upset bids Court set for hearing & the Trustee would hold an auction there. Told him he should contact the realtor, Linda Kosten for information on the lots.

10-7-15: Tom Cunningham, Atty Wheeling working on the AP w/ Huntington Bk called and asked what documents we had that Sandy Walker provided. We have a ledger account, A/R ledger, etc. When they get a comprehensive list of what they need, he will call again. Ok, I will let the Trustee know.

7-8-15: received new offers on lots 4 & 8 from the realtor.

6-15: buyers for lots 4 & 8 backed out. / Realtor will advertise again.

3-25-15: auctioneer need title to Ford Expedition to sell. Called Todd Johnson's office, they will check w/Mark Godfrey & call me back.

2-24-15: Donna Spurling, purchasing Lot 4 (backed out of lot 8), said the realtor she was using, did not tell our realtor about not affording both lots, wanted lot 4. She is still interested.

2-19-15: email from realtor, buyers for lots 7 & 8 have backed out. They are no longer interested.

2-17-15: called Linda K. realtor regarding closings on 2 lots & offer on landfill - left message.

2-6-15: called Linda K. realtor regarding the offer on landfill, left message.

12-1-14: spoke with Realtor, Linda Kosten

11-3-14: (15 mins) spoke w/ Mon Co Clerk, 2012 & 2013 taxes have been paid on the 5 acres (we have the 5 acres divided into lots-they do not). The 2012 & 2013 taxes on the 15 acres have not been paid (we are selling 3 lots @ approx 5 acres each, the taxes will be divided between the 3 lots being sold).

10-27-14: Realtor, Linda Kosten called, have an offer on Lot 4, other offer fell through, she wants to counter the offer, believes the lot is worth more than offer received. Told her to counter with what she thinks would be the best price. She will go out & look at the dump site, see what the value would be to list and contact Nigel Clark, he is interested in purchasing the site.

10-16-14: Pedesda & Associates (681-285-8159) called inquiring about the clean up of the dump site. Has Trustee settled with the Bank? Let him know Trustee's decision.

8/14: Have Orders to sell for Lots 1, 2, 3, 4, & 7. Offer on Lot 8, will file Motion to Sell / Have to file a release of Unemployment Compensations lien to close on sold lots.

4/13: Trustee sent collection letters to A/R, collected some, rest have been responded that they do not owe the money because of poor workmanship and incomplete work done. I hired atty M. Sheehan & P. Cassidy to litigate collection on A/R.

Sell lots on Opekiska Ridge Road.

5-22-13: Attorneys Sheehan & Cassidy have been employed to assist Trustee in collection of A/R's.

Do Appl to sell one remaining tract / determine if there is any tax liability / Hire accountant - review claims / do final report.

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Employ realtor to sell the last remaining piece of real estate - So. University Avenue.

Monitoring AP with Huntington Bank - AP has settled.

All real property has been sold.

Realtor is engaged to sell property on Opekiska Ridge Road.

Monitor A/P vs. Huntington Bank / employ environmental cleanup company for dump site.

Initial Projected Date Of Final Report (TFR): December 31, 2014**Current Projected Date Of Final Report (TFR):** July 11, 2019 (Actual)

Form 2

Cash Receipts And Disbursements Record

Case Number: 1:12-00570-PMF
Case Name: Morgantown Excavators, Inc.

Trustee: Thomas H. Fluharty, Trustee (680230)
Bank Name: Rabobank, N.A.
Account: *****3566 - Checking Account
Blanket Bond: \$3,000,000.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***2197
Period Ending: 08/13/19

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
03/26/13	{56}	MVB Bank, Inc.	bank account proceeds	1229-000	16,289.75		16,289.75
03/29/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		10.00	16,279.75
04/30/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		24.97	16,254.78
05/28/13	{57}	Thomas H. Fluharty, Trustee	A/R BBL Carlton / original check deposited in wrong estate account	1221-000	153,213.20		169,467.98
05/31/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		38.84	169,429.14
06/17/13	{10}	Chapman Corporation	A/R payment	1121-000	1,560.00		170,989.14
06/28/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		228.20	170,760.94
07/26/13	101	Jack L. Wolfe	payroll from 3/29/13	5300-000		877.39	169,883.55
07/26/13	102	Rodney E. Livengood	payroll from 3/29/13	5300-000		1,621.87	168,261.68
07/26/13	103	Sandra J. Walker	payroll from 3/29/13	5300-000		1,310.95	166,950.73
07/26/13	104	Dale E. Wiles	payroll from 3/18/13 thru 3/24/13	5300-000		191.85	166,758.88
07/26/13	105	Donald J. Horton	payroll from 3/18/13 thru 3/24/13	5300-000		413.35	166,345.53
07/26/13	106	Eric M. Veugeler	payroll from 3/18/13 thru 3/24/13	5300-000		157.82	166,187.71
07/26/13	107	Ralph P. Swaney, Jr.	payroll from 3/18/13 thru 3/24/13	5300-000		444.10	165,743.61
07/31/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		270.17	165,473.44
08/30/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		238.69	165,234.75
09/10/13		Teresa Kee Auctions, LLC.	auction proceeds from sale of personal property		6,545.55		171,780.30
	{55}	Teresa Kee Auctions, LLC.	gross auction proceeds 10,179.00 from sale of personal property	1229-000			171,780.30
		Teresa Kee Auctions, LLC.	auctioneer commission -1,526.85	3610-000			171,780.30
		Teresa Kee Auctions, LLC.	labor costs -1,127.50	3620-000			171,780.30
		Teresa Kee Auctions, LLC.	mileage -596.75	3620-000			171,780.30
		Photocraft	advertising -162.36	2500-000			171,780.30
		Tompak	electrician -90.10	2500-000			171,780.30
		Teresa Kee Auctions, LLC.	meal -44.89	3620-000			171,780.30
		Prospector	advertising -85.00	2500-000			171,780.30
09/12/13	108	I.U.O.E. Local 132 Trust Funds	Sub contractor fees from prior job in February 2013	6990-000		18,076.73	153,703.57
09/12/13	109	Rick's Rentals, LLC.	sub contractor fees from prior job in February 2013	6700-000		27,689.95	126,013.62
09/12/13	110	Carr Concrete	sub contractor fees from prior job in February 2013	6700-000		14,279.26	111,734.36
09/12/13	111	L/B water Service, Inc.	Sub contractor fees from prior job in February 2013	6700-000		5,662.09	106,072.27

Subtotals : \$177,608.50 \$71,536.23

Form 2

Cash Receipts And Disbursements Record

Case Number: 1:12-00570-PMF
Case Name: Morgantown Excavators, Inc.

Trustee: Thomas H. Fluharty, Trustee (680230)

Bank Name: Rabobank, N.A.

Account: *****3566 - Checking Account

Blanket Bond: \$3,000,000.00 (per case limit)

Separate Bond: N/A

Taxpayer ID #: **-***2197

Period Ending: 08/13/19

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
09/12/13	112	Kevin Hern Backhoe Service, Inc.	Sub contractor fees from prior job in February 2013	6700-000		4,360.00	101,712.27
09/12/13	113	The Huntington National Bank	excess proceeds from compromise w/BBL Carlton & disbursement to vendors	4210-000		70,555.62	31,156.65
09/30/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		197.02	30,959.63
10/31/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		51.98	30,907.65
11/29/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		41.49	30,866.16
12/19/13		Gianola Barnum Wigal & London, L.C.	sale of real estate, Grant Avenue		109,393.84		140,260.00
	{1}	108 LLC.	sale of Grant Avenue 120,000.00 property	1110-000			140,260.00
		KLM Properties, Inc.	realtor's commission -8,400.00	3510-000			140,260.00
		Sheriff of Monongalia County	2012 real estate taxes -595.12 (map15 parcel 111)	2820-000			140,260.00
		Sheriff of Monongalia County	2012 real estate taxes -566.26 (map15 parcel112)	2810-000			140,260.00
		Sheriff of Monongalia County	2013 real estate taxes -536.31 (map15 parcel 112)	2820-000			140,260.00
		Sheriff of Monongalia County	2013 real estate taxes -508.47 (map15 parcel 112)	2820-000			140,260.00
12/31/13		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		106.52	140,153.48
01/31/14	114	Charles I. Jones, Esquire	sale proceeds to secured creditor, from 1.97 acres, Grant Avenue, Morgantown, WV	4110-000		100,000.00	40,153.48
01/31/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		208.30	39,945.18
02/28/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		187.87	39,757.31
03/28/14	115	Insurance Partners Agency, Inc.	TRUSTEE BOND	2300-000		37.32	39,719.99
03/31/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		194.31	39,525.68
04/30/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		103.81	39,421.87
05/30/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		56.70	39,365.17
06/16/14	{53}	Ally	excess proceeds from sale of personal property	1229-000	408.81		39,773.98
06/30/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		54.94	39,719.04
07/31/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		62.84	39,656.20
08/29/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		55.13	39,601.07
09/30/14		Gregory & Ashley Knight	sale proceeds from Lot 3		11,105.92		50,706.99
	{58}	Gregory & Ashley Knight	sale proceeds from Lot 12,000.00 3, Opekiska Ridge Road, Morgantown, WV	1210-000			50,706.99

Subtotals : \$120,908.57 \$176,273.85

Form 2

Cash Receipts And Disbursements Record

Case Number: 1:12-00570-PMF
Case Name: Morgantown Excavators, Inc.

Trustee: Thomas H. Fluharty, Trustee (680230)
Bank Name: Rabobank, N.A.
Account: *****3566 - Checking Account
Blanket Bond: \$3,000,000.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***2197
Period Ending: 08/13/19

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
		KLM Properties	realtor commission -720.00	3510-000			50,706.99
		Old Republic Title Insurance Company	settlement or closing fee -60.00	2500-000			50,706.99
		Clerk of Monongahela County	tax stamps for deed -52.80	2820-000			50,706.99
		Monongahela County Clerk	county taxes 7-1-14 to 9-26-14 -61.28	2820-000			50,706.99
09/30/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		60.75	50,646.24
10/02/14		Balderson Law Office	refund for tax stamps from closing Lot 3 Opekiska Ridge Rd	2500-000		-52.80	50,699.04
10/21/14		Title First Agency	sale proceeds from Lots 1 & 2 Opekiska Ridge Road, Morgantown, WV		17,368.75		68,067.79
		Sheriff of Monongahela County	county property taxes 7/1/14 to 10/21/14 -80.37	2820-000			68,067.79
		Monongahela County Clerk	2012 real estate taxes -327.41	2820-000			68,067.79
		Monongahela County Clerk	2013 real estate taxes -284.32	2820-000			68,067.79
		Monongehala County Clerk	2014 real estate taxes -131.15	2820-000			68,067.79
		Linda Kosten	realtor commission -1,200.00	3510-000			68,067.79
		Monongalia County Clerk	transfer fees -20.00	2500-000			68,067.79
		Monongalia County Clerk	conveyance fees -88.00	2500-000			68,067.79
	{58}	Logan Kniceley	sale proceeds on Lots 1 & 2 19,500.00	1210-000			68,067.79
10/27/14	{58}	KLM Properties, Inc.	earnest money deposit from Lots 1 & 2, Kniceley's	1210-000	500.00		68,567.79
10/31/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		82.37	68,485.42
11/21/14		Title First Agency	refund of transfer & conveyance fees from sale of Lots 1 & 2 to Kniceley's	2500-000		-108.00	68,593.42
11/28/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		88.67	68,504.75
12/10/14	116	The Huntington National Bank	Secured creditor proceeds	4110-000		24,301.47	44,203.28
12/31/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		111.67	44,091.61
01/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		96.04	43,995.57
02/27/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		59.06	43,936.51
03/25/15	117	Insurance Partners Agency, Inc.	TRUSTEE BOND / Policy #3792896	2300-000		82.63	43,853.88
03/31/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		67.40	43,786.48
04/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		62.98	43,723.50
05/29/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		60.79	43,662.71
06/08/15	{59}	Teresa Kee Auctions, LLC.	auction proceeds of 2007 Ford Explorer	1229-000	2,900.00		46,562.71
06/26/15	{60}	WV Bar Foundation, Inc.	excess trust account proceeds from attorney	1229-000	207.40		46,770.11

Subtotals : \$20,976.15 \$24,913.03

Form 2

Cash Receipts And Disbursements Record

Case Number: 1:12-00570-PMF
Case Name: Morgantown Excavators, Inc.

Trustee: Thomas H. Fluharty, Trustee (680230)
Bank Name: Rabobank, N.A.
Account: *****3566 - Checking Account
Blanket Bond: \$3,000,000.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***2197
Period Ending: 08/13/19

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
06/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		69.91	46,700.20
07/08/15	{1}	Mark Godfrey	return of fees (1/2 payment-earnest money deposit on sale of property)	1110-000	500.00		47,200.20
07/31/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		69.93	47,130.27
08/31/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		65.52	47,064.75
09/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		72.21	46,992.54
10/15/15		Steeptoe & Johnson, PLLC.	sale proceeds from Lot 4 - Cayla Hefner		25,443.23		72,435.77
	{58}	Cayla Hefner	gross proceeds sale of Lot 4 27,000.00	1210-000			72,435.77
		Linda Kosten	realtor's commission -1,620.00	3510-000			72,435.77
		Monongalia County Clerk	county taxes 10-14-15 to 12-31-15 63.23	2820-000			72,435.77
10/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		84.66	72,351.11
11/30/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		100.59	72,250.52
12/16/15		David L. Cavender	Sale of real estate - Lots 7, 8, 9		47,716.81		119,967.33
	{58}	Fred F. Wojcik	gross proceeds 52,500.00	1210-000			119,967.33
		Linda Kosten	realtor commission -2,625.00	3510-000			119,967.33
		Sheriff of Monongalia County	real estate taxes -2,176.50	2820-000			119,967.33
		Monongalia County Clerk	12-16-16 to 1-1-16 county taxes 18.31	2820-000			119,967.33
12/17/15	118	KLM Properties, Inc.	adjustment to realtor's commission	3510-000		525.00	119,442.33
12/31/15		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		143.88	119,298.45
01/29/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		165.43	119,133.02
03/01/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		165.18	118,967.84
03/16/16	119	Insurance Partners Agency, Inc.	TRUSTEE BOND	2300-000		87.38	118,880.46
03/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		187.69	118,692.77
04/29/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		164.58	118,528.19
05/02/16		Stephen K. Shuman, Attorney	real estate sale proceeds - landfill to Nigel Clark		5,188.58		123,716.77
	{1}	Nigel Clark	gross sale proceeds of landfill 12,500.00	1110-000			123,716.77
		KLM Properties	realtor's commission -750.00	3510-000			123,716.77
		Sheriff of Monongalia County	2015 real estate taxes -6,420.95	2820-000			123,716.77
		County Clerk	county taxes 1-1-16 to 5-2-16 -140.47	2820-000			123,716.77
05/23/16	120	Teresa Kee Auctions, LLC.	AUCTIONEER'S FEES & EXPENSES	3610-000		505.50	123,211.27
05/24/16		Sheriff & Treasurer of Monongalia	refund - overpayment on real estate taxes of	2820-000		-158.48	123,369.75

Subtotals : \$78,848.62 \$2,248.98

Form 2

Cash Receipts And Disbursements Record

Case Number: 1:12-00570-PMF
Case Name: Morgantown Excavators, Inc.

Trustee: Thomas H. Fluharty, Trustee (680230)
Bank Name: Rabobank, N.A.
Account: *****3566 - Checking Account
Blanket Bond: \$3,000,000.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***2197
Period Ending: 08/13/19

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
		County	landfill, Nigel Clark purchased				
05/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		170.57	123,199.18
06/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		194.51	123,004.67
07/29/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		170.55	122,834.12
08/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		193.81	122,640.31
09/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		175.91	122,464.40
10/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		169.80	122,294.60
11/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		187.13	122,107.47
12/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		175.15	121,932.32
01/13/17	{61}	Cassidy, Cogan, Shapell & Voegelin, LC	settlement proceeds MEI v. Huntington Bank	1249-000	438,105.65		560,037.97
01/20/17	121	Martin P Sheehan, Esquire	ATTORNEY FEES	3210-000		140,000.00	420,037.97
01/20/17	122	Martin P Sheehan, Esquire	ATTORNEY EXPENSES	3220-000		1,055.16	418,982.81
01/20/17	123	Patrick S. Cassidy, Esquire	ATTORNEY FEES	3210-000		280,000.00	138,982.81
01/20/17	124	Patrick S. Cassidy, Esquire	ATTORNEY EXPENSES	3220-000		17,050.49	121,932.32
01/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		334.07	121,598.25
02/28/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		163.24	121,435.01
03/02/17	125	Insurance Partners Agency, Inc.	Trustee Bond	2300-000		74.30	121,360.71
03/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		180.40	121,180.31
04/28/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		162.68	121,017.63
05/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		191.47	120,826.16
06/30/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		173.79	120,652.37
07/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		167.75	120,484.62
08/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		190.64	120,293.98
09/29/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		167.25	120,126.73
10/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		184.30	119,942.43
11/30/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		172.51	119,769.92
12/29/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		166.52	119,603.40
01/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		189.23	119,414.17
02/28/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		160.30	119,253.87
03/08/18	126	Insurance Partners Agency, Inc.	TRUSTEE BOND / Invoice #526151	2300-000		137.49	119,116.38
03/30/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		171.42	118,944.96
04/30/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		165.38	118,779.58
05/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		187.94	118,591.64
06/29/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		164.89	118,426.75
07/17/18	{1}	KLM Properties, Inc.	earnest money deposit from Key Construction (backed out on purchase of So Univ Ave	1110-000	500.00		118,926.75

Subtotals : \$438,605.65 \$443,048.65

Form 2

Cash Receipts And Disbursements Record

Case Number: 1:12-00570-PMF
Case Name: Morgantown Excavators, Inc.

Trustee: Thomas H. Fluharty, Trustee (680230)
Bank Name: Rabobank, N.A.
Account: *****3566 - Checking Account
Blanket Bond: \$3,000,000.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***2197
Period Ending: 08/13/19

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
			property)				
07/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		182.00	118,744.75
08/28/18	127	WV State Tax Department	taxes due 2012	2820-000		50.00	118,694.75
08/28/18	128	WV State Tax Department	tax due 2013	2820-000		50.00	118,644.75
08/28/18	129	WV State Tax Department	tax due 2014	2820-000		50.00	118,594.75
08/28/18	130	WV State Tax Department	tax due 2011	2820-000		79.00	118,515.75
08/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		176.48	118,339.27
09/28/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		90.80	118,248.47
10/17/18	131	Jack P. Lantzy, CPA	Accountant fees	3410-000		6,815.92	111,432.55
10/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		105.59	111,326.96
02/15/19	{1}	KLM Properties, Inc.	escrow funds from Zachery Goldsmith (sale did not take place)	1110-000	250.00		111,576.96
03/26/19	132	Insurance Partners Agency, Inc.	TRUSTEE BOND // Acct #28902	2300-000		254.10	111,322.86
04/09/19		Phyxius Law, PLLC	sale proceeds of So. University Avenue, Morgantown, WV		35,140.35		146,463.21
	{1}	ROSCOT, Inc.	gross sale proceeds 45,000.00	1110-000			146,463.21
		Monongalia Co Sheriff	2012-2018 real property taxes -9,641.65	2820-000			146,463.21
		Monongalia County Clerk	transfer stamps -218.00	2500-000			146,463.21
04/10/19	133	Phyxius Law, PLLC.	additional taxes owed for 2012-2017-sale of So. Univerity Ave, Morgantown property	2820-000		4,667.17	141,796.04
05/08/19		Transition Transfer Debit		9999-000		141,796.04	0.00

ACCOUNT TOTALS	872,337.84	872,337.84	\$0.00
Less: Bank Transfers	0.00	141,796.04	
Subtotal	872,337.84	730,541.80	
Less: Payments to Debtors		0.00	
NET Receipts / Disbursements	\$872,337.84	\$730,541.80	

Form 2

Cash Receipts And Disbursements Record

Case Number: 1:12-00570-PMF
Case Name: Morgantown Excavators, Inc.

Trustee: Thomas H. Fluharty, Trustee (680230)
Bank Name: Metropolitan Commercial Bank
Account: *****7623 - Checking Account
Blanket Bond: \$3,000,000.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***2197
Period Ending: 08/13/19

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
05/08/19		Transition Transfer Credit	Transition Transfer Credit	9999-000	141,796.04		141,796.04
07/16/19	10134	Jack P. Lantzy, CPA	Accountant fees	3410-000		685.05	141,110.99

ACCOUNT TOTALS **141,796.04** **685.05** **\$141,110.99**

Less: Bank Transfers 141,796.04 0.00

Subtotal **0.00** **685.05**

Less: Payments to Debtors 0.00

NET Receipts / Disbursements **\$0.00** **\$685.05**

Net Receipts :	872,337.84
Plus Gross Adjustments :	40,775.97
Net Estate :	\$913,113.81

TOTAL - ALL ACCOUNTS	Net Receipts	Net Disbursements	Account Balances
Checking # *****3566	872,337.84	730,541.80	0.00
Checking # *****7623	0.00	685.05	141,110.99
	\$872,337.84	\$731,226.85	\$141,110.99

EXHIBIT C

ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

Page: 1

Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
200	Thomas H. Fluharty, Trustee 408 Lee Avenue Clarksburg, WV 26301	Admin Ch. 7		\$439.64	\$0.00	439.64
200	Thomas H. Fluharty, Trustee 408 Lee Avenue Clarksburg, WV 26301	Admin Ch. 7		\$48,905.69	\$0.00	48,905.69
200	U.S. Bankruptcy Court Northern District P.O. Box 70 Wheeling, WV 26003	Admin Ch. 7	\$176.00 per motion to sell free & clear of liens (Lots 1 & 2, 3, 4, 7, 8, 9 [4 & 7-motion filed twice]., landfill (9 motions) // 3 motion sell @ \$181.00	\$2,303.00	\$0.00	2,303.00
200	Midtown Realty Development c/o Michael L. Solomon, Esquire 330 Chestnut Street Morgantown, WV 26507-0655	Admin Ch. 7	equipment was stored at a location owned by this company before the auction sale.	\$3,000.00	\$0.00	3,000.00
200	Teresa Kee Auctions, LLC. 693 McCartney Road Buckhannon, WV 26201	Admin Ch. 7	commission \$435.00, expenses \$70.50 on auction of Ford Explorer	\$505.50	\$505.50	0.00
200	Patrick S. Cassidy, Esquire Cassidy, Meyers, Cogan & Voegelin, L.C. 1413 Eoff Street Wheeling,, WV 26003	Admin Ch. 7		\$280,000.00	\$280,000.00	0.00
200	Patrick S. Cassidy, Esquire Cassidy, Meyers, Cogan & Voegelin, L.C. 1413 Eoff Street Wheeling,, WV 26003	Admin Ch. 7		\$17,050.49	\$17,050.49	0.00
200	Martin P Sheehan, Esquire Sheehan & Nugent, PLLC 41 Fifteenth Street Wheeling, WV 26003	Admin Ch. 7		\$140,000.00	\$140,000.00	0.00
200	Martin P Sheehan, Esquire Sheehan & Nugent, PLLC 41 Fifteenth Street Wheeling, WV 26003	Admin Ch. 7		\$1,055.16	\$1,055.16	0.00
200	Jack P. Lantzy, CPA Smith Elliott Kearns & Co. LLC 19405 Emerald Square, Suite 1400 Hagerstown, MD 21742	Admin Ch. 7		\$7,500.97	\$7,500.97	0.00
200	Thomas H. Fluharty, Esquire 408 Lee Avenue Clarksburg,, WV 26301	Admin Ch. 7		\$24,947.00	\$0.00	24,947.00
200	Thomas H. Fluharty, Esquire 408 Lee Avenue Clarksburg,, WV 26301	Admin Ch. 7		\$2,552.72	\$0.00	2,552.72

EXHIBIT C

ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

Page: 2

Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
47 200	United States Trustee 300 Virginia St, East, Room 2025 Charleston, WV 25301	Admin Ch. 7	quarterly fees	\$5,202.94	\$0.00	5,202.94
34 300	IUOE Local 132 P.O. Box 2626 Huntington, WV 25726	Admin Ch. 11	postpetition/prior chapter claim (employee benefit plan). amended claim 6-26-13.	\$31,014.76	\$18,076.73	12,938.03
54 300	WV Dept Tax & Revenue Bankruptcy Unit P.O. Box 766 Charleston, WV 25323-0766	Admin Ch. 11		\$964.17	\$0.00	964.17
34A 520	IUOE Local 132 P.O. Box 2626 Huntington, WV 25726	Priority	amended claim 6-26-13.	\$41,676.32	\$0.00	41,676.32
10 570	Internal Revenue Service Post Office Box 7346 Philadelphia, PA 19101-7346	Priority	amended claim 6/23/14.	\$144,785.91	\$0.00	144,785.91
29 570	WV Dept of Tax & Revenue Bankruptcy Unit P.O. Box 766 Charleston, WV 25323-0766	Priority		\$36,201.75	\$0.00	36,201.75
31A 570	WorkForce WV / Legal Section Mary B. McLaughlin Senior Counsel 112 California Avenue Charleston, WV 25302	Priority		\$21,069.03	\$0.00	21,069.03
60 570	Internal Revenue Service Post Office Box 7346 Philadelphia, PA 19101-7346	Priority	amended claim 6/23/14.	\$126,651.42	\$0.00	126,651.42
69 570	WorkForce WV/Legal Section Mary B. McLaughlin Senior Counsel 112 California Avenue Charleston, WV 25302	Priority	filed as: priority claim, 1st quarter 2013 unemployment taxes.	\$31,892.85	\$0.00	31,892.85
70 570	Sheriff of Monongalia County, West Virginia 204 High Street, Lower Level Morgantown,, WV 26505	Priority	5/30/19 order sustaining objection // objection: large part is R/E taxes, paid during sales of R/E; will treat PP tax amount as priority status. 2012 & 2013 real estate & personal property taxes.	\$13,876.09	\$0.00	13,876.09
1 100	TimePayment Corporation 16 New England Executive Park, Suite 200 Burlington, MA 01803	Secured	leased equipment	\$0.00	\$0.00	0.00
18 100	Ally Financial Inc. fka: GMAC, Inc. P.O. Box 130424 Roseville, MN 55113	Secured	2009 GMC Yukon	\$0.00	\$0.00	0.00

EXHIBIT C

ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

Page: 3

Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
20 100	Simons Petroleum, Inc. Attn: Suzanne Bodger 210 Park Avenue, Suite 1800 Oklahoma City, OK 73120	Secured	diesel fuel	\$0.00	\$0.00	0.00
28 100	General Electric Capital Corp. 1010 Thomas Edison Blvd Southwest Cedar Rapids, IA 52404	Secured	lease on copier	\$0.00	\$0.00	0.00
31 100	WorkForce WV / Legal Section Mary B. McLaughlin Senior Counsel 112 California Avenue Charleston, WV 25302	Secured		\$4,299.26	\$0.00	4,299.26
40 100	The Huntington National Bank Attn: Norman Solomon, Special Assets Div 310 Grant St, 2nd Floor, Suite CAB11 Pittsburgh, PA 15219	Secured	creditor waived claim because of settlement.	\$0.00	\$0.00	0.00
41 100	The Huntington National Bank Attn: Norman Solomon, Special Assets Div 310 Grant Street, 2nd Floor, Suite CAB11 Pittsburgh, PA 15219	Secured	creditor waived claim because of settlement	\$0.00	\$0.00	0.00
42 100	The Huntington National Bank Attn: Norman Solomon, Special Assets Div 310 Grant St, 2nd Floor, Suite CAB11 Pittsburgh, PA 15219	Secured	creditor waived claim because of settlement	\$0.00	\$0.00	0.00
43 100	The Huntington National Bank Attn: Norman Solomon, Special Assets Div 310 Grant St, 2nd Floor, Suite CAB11 Pittsburgh, PA 15219	Secured	creditor waived claim because of settlement	\$0.00	\$0.00	0.00
66 100	Myron Bowling Auctioneers, Inc. c/o Andrew S. Nicoll 41 South High St, Suite 3100 Columbus, OH 43215-6194	Secured		\$0.00	\$0.00	0.00
2 610	C. W. Stickley, Inc. 69 Middletown Road White Hall, WV 26554	Unsecured		\$3,793.89	\$0.00	3,793.89
3 610	Carr Concrete Corporation Post Office Box 265 Waverly, WV 26184-0265	Unsecured		\$2,378.64	\$0.00	2,378.64
4 610	Bruceton Petroleum Co., Inc. 1768 Mlleground Morgantown, WV 26505	Unsecured		\$9,410.49	\$0.00	9,410.49
5 610	W W Grainger, Inc. Special Collect. Dept MES178857559009 7300 North Melvina Niles, IL 60714	Unsecured		\$1,547.07	\$0.00	1,547.07

EXHIBIT C
ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

Page: 4

Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
6 610	Petroleum Products, Inc. 500 River East Drive Belle, WV 25015	Unsecured		\$6,818.53	\$0.00	6,818.53
7 610	The Hite Co. P.O. Box 1807 Altoona, PA 16603	Unsecured		\$238.83	\$0.00	238.83
8 610	Martin Oil Company, Inc. Post Office Box 788 Buckhannon, WV 26201	Unsecured		\$18,868.00	\$0.00	18,868.00
9 610	Professional Land Resources, LLC. Jonathan D. Mann, Jr. 23 Preston Drive Kingwood, WV 26537	Unsecured		\$14,127.50	\$0.00	14,127.50
10A 610	Internal Revenue Service Post Office Box 7346 Philadelphia, PA 19101-7346	Unsecured	amended claim 6/23/14.	\$42,464.08	\$0.00	42,464.08
11 610	LH Jones Equipment 1825 Earl Core Road Morgantown, WV 26505	Unsecured		\$4,948.08	\$0.00	4,948.08
12 610	Trimble Trucking 1913 Grafton Road Morgantown, WV 26508	Unsecured		\$5,737.50	\$0.00	5,737.50
13 610	Dirtcon P.O. Box 970 Bridgeport, WV 26330	Unsecured		\$21,052.69	\$0.00	21,052.69
14 610	JL Machine & Tool, Inc. 514 Tyrone Road Morgantown, WV 26508	Unsecured		\$159.00	\$0.00	159.00
15 610	Lawson Products, Inc. Lawson Products, Inc. New Jersey 1666 East Touhy Avenue Des Plaines, IL 60018	Unsecured		\$834.82	\$0.00	834.82
16 610	CNH Capital CRA Payment Center P.O. Box 3900 Lancaster, PA 17604	Unsecured		\$26.14	\$0.00	26.14
17 610	Morgantown Power Equipment, Inc. dba MPE Rentals 1718 Mileground Morgantown, WV 26505	Unsecured		\$20,500.64	\$0.00	20,500.64
19 610	WV Insurance Commissioner Post Office Box 50540 Charleston, WV 25305-0540	Unsecured	5/30/19 order sustaining objection // object to priority status, no supporting documentation, will treat as general unsecured claim. fines	\$6,870.00	\$0.00	6,870.00

EXHIBIT C

ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

Page: 5

Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
21 610	Glofelty Tire Center P.O. Box 799 366 Grafton Rd Morgantown, WV 26505	Unsecured		\$2,599.59	\$0.00	2,599.59
22 610	Rudd Equipment Company 4344 Poplar Level Road Louisville, KY 40213	Unsecured		\$13,474.91	\$0.00	13,474.91
23 610	Glofelty Tire Center P.O. Box 799 366 Grafton Road Morgantown, WV 26505	Unsecured	duplicate of claim #21.	\$0.00	\$0.00	0.00
24 610	The CI Thornburg Co., Inc. Post Office Box 2163 Huntington, WV 25722	Unsecured		\$7,738.95	\$0.00	7,738.95
25 610	Solid Rock Concrete, LLC. Post Office Box 957 Waynesburg, PA 15370	Unsecured		\$20,573.01	\$0.00	20,573.01
26 610	United Rentals, Inc. Blue Mountain 6125 Lakeview Rd No. 300 Charlotte, NC 28269	Unsecured	5/30/19 order sustaining objection // objection not entitled to priority status will treat as general unsecured claim. filed priority: rental of construction equipment.	\$35,821.17	\$0.00	35,821.17
27 610	United Rentals, Inc. RSC Equipment Rental 6125 Lakeview Road No. 300 Charlotte, NC 28269	Unsecured	5/30/19 order sustaining objection // objection to priority status, will treat as a general unsecured claim. filed priority: rental of construction equipment.	\$5,743.44	\$0.00	5,743.44
29A 610	WV Dept of Tax & Revenue Bankruptcy Unit P.O. Box 766 Charleston, WV 25323-0766	Unsecured		\$156.91	\$0.00	156.91
30 610	Fastenal P.O. Box 978 Winona, MN 55987	Unsecured		\$615.72	\$0.00	615.72
31B 610	WorkForce WV / Legal Section Mary B. McLaughlin Senior Counsel 112 California Avenue Charleston, WV 25302	Unsecured		\$156.91	\$0.00	156.91
32 610	American Express Bank FSB c/o Becket and Lee, LLP Post Office Box 3001 Malvern, PA 19355-0701	Unsecured		\$45,331.03	\$0.00	45,331.03

EXHIBIT C **ANALYSIS OF CLAIMS REGISTER**

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

Page: 6

Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
33 610	Morgantown Utility Board Post Office Box 852 Morgantown, WV 26507-0852	Unsecured		\$68.95	\$0.00	68.95
34B 610	IUOE Local 132 P.O. Box 2626 Huntington, WV 25726	Unsecured	amended claim 6-26-13.	\$290,450.85	\$0.00	290,450.85
35 610	HD Supply Waterworks, Ltd c/o Lynn M. Wilkes, Litigation & Contract 1805 Borman Circle Drive St. Louis, MO 63146	Unsecured		\$15,848.00	\$0.00	15,848.00
36 610	Bridgestone Americas Tire Operations, LLC. 535 Marriott Drive, 11th Floor Attn: N. Sue Van Sant Palmer Nashville, TN 37214	Unsecured		\$2,517.47	\$0.00	2,517.47
37 610	L B Water Service, Inc. Post Office Box 60 Sellingsgrove, PA 17870	Unsecured		\$13,563.93	\$0.00	13,563.93
38 610	Penn Line 300 Scottdale Avenue P.O. Box 462 Scottdale, PA 15683	Unsecured		\$4,050.00	\$0.00	4,050.00
39 610	General Electric Capital Corp 1010 Thoms Edison Blvd Southwest Cedar Rapids, IA 52404	Unsecured	copier - leased equipment	\$0.00	\$0.00	0.00
44 610	BrickStreet Mutual Insurance Co. 400 Quarrier Street Charleston, WV 25301	Unsecured		\$22,358.00	\$0.00	22,358.00
45 610	Jennings Excavating, Inc. Post Office Box 86 Newburg, WV 26410-0086	Unsecured		\$39,974.11	\$0.00	39,974.11
46 610	Laurel Aggregates of Del., LLC. 250 Lakewood Center Morgantown, WV 26508	Unsecured		\$35,608.51	\$0.00	35,608.51
48 610	Carr Concrete P.O. Box 150 Painesville, OH 44077	Unsecured		\$13,207.34	\$0.00	13,207.34
49 610	Scott Electric P.O. Box 5 Greensburg, PA 15601	Unsecured		\$2,913.74	\$0.00	2,913.74
50 610	Guttman Oil Company Post Office Box 1728 Elkins, WV 26241	Unsecured		\$5,143.60	\$0.00	5,143.60
51 610	Ricks Rentals, LLC. P.O. Box 651 Granville, WV 26507	Unsecured		\$110,018.09	\$0.00	110,018.09

EXHIBIT C **ANALYSIS OF CLAIMS REGISTER**

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

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Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
52 610	Carr Concrete P.O. box 150 Painesville, OH 44077	Unsecured	duplicate of claim #48.	\$0.00	\$0.00	0.00
53 610	SuperMedia, LLC. 2200 West Airfield Drive Dallas, TX 75261	Unsecured		\$493.46	\$0.00	493.46
55 610	Central Supply Co. of WV Post OfficeBox 968 Clarksburg, WV 26302	Unsecured		\$12,294.85	\$0.00	12,294.85
56 610	Bosley Rental & Supply, Inc. Post Office Box 67 Mineral Wells, WV 26150	Unsecured		\$12,241.57	\$0.00	12,241.57
57 610	J C Boxley Construction, Inc. Post Office Box f67 Mineral Wells, WV 26150	Unsecured		\$6,334.80	\$0.00	6,334.80
58 610	Mon Power 1310 Fairmont Avenue Fairmont, WV 26554	Unsecured		\$218.53	\$0.00	218.53
59 610	Frontier Communications Bankruptcy Dept 19 John Street Middletown, NY 10940	Unsecured		\$837.96	\$0.00	837.96
61 610	Central Hauling, Inc. P.O. Box 1137 Morgantown, WV 26507	Unsecured		\$54,344.40	\$0.00	54,344.40
62 610	Magic Concrete Company, Inc. 429 Old Cheat Road Morgantown, WV 26508	Unsecured		\$4,227.50	\$0.00	4,227.50
63 610	Tennis Goff Trucking, LLC. 279 Maxwell Road Tunnelton, WV 26444	Unsecured		\$15,042.67	\$0.00	15,042.67
64 610	Heaster-Hart, LLC. 203 Buckhannon Pike P.O. Box 188 Clarksburg,, WV 26302-0188	Unsecured		\$424.54	\$0.00	424.54
65 610	James M. Cox Co., Inc. P.o. Box 723 Bethel Park, PA 15102	Unsecured		\$5,140.54	\$0.00	5,140.54
67 620	J. Douglas Crane, LC 146 Benton Grove Road Morgantown,, WV 26508	Unsecured	5-30-19 order sustaining objection // not entitled to administrative status-will treat as a general unsecured claim filed as: administrative attorney fees & costs.	\$5,512.05	\$0.00	5,512.05

E X H I B I T C
ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: June 26, 2013

Case Number: 1:12-00570-PMF

Page: 8

Date: August 13, 2019

Debtor Name: Morgantown Excavators, Inc.

Time: 02:24:43 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
68 620	R. Mike Mullens 324 Randolph Avenue Elkins, WV 26241	Unsecured	filed as: administrative attorney fees & costs.	\$2,675.00	\$0.00	2,675.00
71 620	Keystone Lime Company, Inc. Cranesville Quarry P.O. Box 318 Kingwood, WV 26537	Unsecured		\$95,712.38	\$0.00	95,712.38
<< Totals >>				2,049,105.05	464,188.85	1,584,916.20

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 1:12-00570-PMF

Case Name: Morgantown Excavators, Inc.

Trustee Name: Thomas H. Fluharty, Trustee

Balance on hand:**\$** 141,110.99

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	TimePayment Corporation	42,524.78	0.00	0.00	0.00
18	Ally Financial Inc.	24,263.39	0.00	0.00	0.00
20	Simons Petroleum, Inc.	10,097.25	0.00	0.00	0.00
28	General Electric Capital Corp.	15,504.15	0.00	0.00	0.00
31	WorkForce WV / Legal Section	4,299.26	4,299.26	0.00	4,299.26
40	The Huntington National Bank	13,845.90	0.00	0.00	0.00
41	The Huntington National Bank	11,843.76	0.00	0.00	0.00
42	The Huntington National Bank	569,853.15	0.00	0.00	0.00
43	The Huntington National Bank	49,970.12	0.00	0.00	0.00
66	Myron Bowling Auctioneers, Inc.	25,000.00	0.00	0.00	0.00

Total to be paid to secured creditors: **\$** 4,299.26Remaining balance: **\$** 136,811.73

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 - Thomas H. Fluharty, Trustee	48,905.69	0.00	48,905.69
Trustee, Expenses - Thomas H. Fluharty, Trustee	439.64	0.00	439.64
Attorney for Trustee, Fees - Martin P Sheehan, Esquire	140,000.00	140,000.00	0.00
Attorney for Trustee, Expenses - Martin P Sheehan, Esquire	1,055.16	1,055.16	0.00
Accountant for Trustee, Fees - Jack P. Lantzy, CPA	7,500.97	7,500.97	0.00

Auctioneer Fees - Teresa Kee Auctions, LLC.	505.50	505.50	0.00
Charges, U.S. Bankruptcy Court	2,303.00	0.00	2,303.00
Fees, United States Trustee	5,202.94	0.00	5,202.94
Other Expenses: Midtown Realty Development	3,000.00	0.00	3,000.00
Attorney for Trustee Fees - Patrick S. Cassidy, Esquire	280,000.00	280,000.00	0.00
Attorney for Trustee Fees - Thomas H. Fluharty, Esquire	24,947.00	0.00	24,947.00
Attorney for Trustee Expenses - Patrick S. Cassidy, Esquire	17,050.49	17,050.49	0.00
Attorney for Trustee Expenses - Thomas H. Fluharty, Esquire	2,552.72	0.00	2,552.72

Total to be paid for chapter 7 administration expenses: \$ 87,350.99
Remaining balance: \$ 49,460.74

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

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Other Expenses: IUOE Local 132	31,014.76	18,076.73	12,938.03
Other Expenses: WV Dept Tax & Revenue	964.17	0.00	964.17

Total to be paid for prior chapter administrative expenses: \$ 13,902.20
Remaining balance: \$ 35,558.54

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$416,153.37 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
10	Internal Revenue Service	144,785.91	0.00	0.00
29	WV Dept of Tax & Revenue	36,201.75	0.00	0.00
31A	WorkForce WV / Legal Section	21,069.03	0.00	0.00
34A	IUOE Local 132	41,676.32	0.00	35,558.54
60	Internal Revenue Service	126,651.42	0.00	0.00
69	WorkForce WV/Legal Section	31,892.85	0.00	0.00
70	Sheriff of Monongalia County, West Virginia	13,876.09	0.00	0.00

Total to be paid for priority claims:	\$	35,558.54
Remaining balance:	\$	0.00

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 \$ 959,310.95 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 0.0 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
2	C. W. Stickley, Inc.	3,793.89	0.00	0.00
3	Carr Concrete Corporation	2,378.64	0.00	0.00
4	Bruceton Petroleum Co., Inc.	9,410.49	0.00	0.00
5	W W Grainger, Inc.	1,547.07	0.00	0.00
6	Petroleum Products, Inc.	6,818.53	0.00	0.00
7	The Hite Co.	238.83	0.00	0.00
8	Martin Oil Company, Inc.	18,868.00	0.00	0.00
9	Professional Land Resources, LLC.	14,127.50	0.00	0.00
10A	Internal Revenue Service	42,464.08	0.00	0.00
11	LH Jones Equipment	4,948.08	0.00	0.00
12	Trimble Trucking	5,737.50	0.00	0.00
13	Dirtcon	21,052.69	0.00	0.00
14	JL Machine & Tool, Inc.	159.00	0.00	0.00
15	Lawson Products, Inc.	834.82	0.00	0.00
16	CNH Capital	26.14	0.00	0.00
17	Morgantown Power Equipment, Inc.	20,500.64	0.00	0.00
19	WV Insurance Commissioner	6,870.00	0.00	0.00
21	Glottfelty Tire Center	2,599.59	0.00	0.00
22	Rudd Equipment Company	13,474.91	0.00	0.00
23	Glottfelty Tire Center	0.00	0.00	0.00
24	The CI Thornburg Co., Inc.	7,738.95	0.00	0.00
25	Solid Rock Concrete, LLC.	20,573.01	0.00	0.00

26	United Rentals, Inc.	35,821.17	0.00	0.00
27	United Rentals, Inc.	5,743.44	0.00	0.00
29A	WV Dept of Tax & Revenue	156.91	0.00	0.00
30	Fastenal	615.72	0.00	0.00
31B	WorkForce WV / Legal Section	156.91	0.00	0.00
32	American Express Bank FSB	45,331.03	0.00	0.00
33	Morgantown Utility Board	68.95	0.00	0.00
34B	IUOE Local 132	290,450.85	0.00	0.00
35	HD Supply Waterworks, Ltd	15,848.00	0.00	0.00
36	Bridgestone Americas Tire Operations, LLC.	2,517.47	0.00	0.00
37	L B Water Service, Inc.	13,563.93	0.00	0.00
38	Penn Line	4,050.00	0.00	0.00
39	General Electric Capital Corp	0.00	0.00	0.00
44	BrickStreet Mutual Insurance Co.	22,358.00	0.00	0.00
45	Jennings Excavating, Inc.	39,974.11	0.00	0.00
46	Laurel Aggregates of Del., LLC.	35,608.51	0.00	0.00
48	Carr Concrete	13,207.34	0.00	0.00
49	Scott Electric	2,913.74	0.00	0.00
50	Guttman Oil Company	5,143.60	0.00	0.00
51	Ricks Rentals, LLC.	110,018.09	0.00	0.00
52	Carr Concrete	0.00	0.00	0.00
53	SuperMedia, LLC.	493.46	0.00	0.00
55	Central Supply Co. of WV	12,294.85	0.00	0.00
56	Bosley Rental & Supply, Inc.	12,241.57	0.00	0.00
57	J C Boxley Construction, Inc.	6,334.80	0.00	0.00
58	Mon Power	218.53	0.00	0.00
59	Frontier Communications	837.96	0.00	0.00
61	Central Hauling, Inc.	54,344.40	0.00	0.00
62	Magic Concrete Company, Inc.	4,227.50	0.00	0.00
63	Tennis Goff Trucking, LLC.	15,042.67	0.00	0.00
64	Heaster-Hart, LLC.	424.54	0.00	0.00
65	James M. Cox Co., Inc.	5,140.54	0.00	0.00

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

Tardily filed claims of general (unsecured) creditors totaling \$ 103,899.43 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
67	J. Douglas Crane, LC	5,512.05	0.00	0.00
68	R. Mike Mullens	2,675.00	0.00	0.00
71	Keystone Lime Company, Inc.	95,712.38	0.00	0.00

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>

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RE:

Morgantown Excavators, Inc.

Case No. 12-00570 PMF

Chapter 7

Debtor(s)

TRUSTEE'S APPLICATION FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES

Pursuant to 11 U.S.C. Section 330, the undersigned Trustee hereby requests compensation in the amount of \$48,905.69 and reimbursement of expenses in the amount of \$439.64 for this case. The Trustee has, by prior authorization, received no such compensation and no such reimbursement of expenses.

COMPUTATION OF COMPENSATION AND EXPENSES

Total disbursements to other than debtor will be \$ 913,113.81

Pursuant to 11 U.S.C. Section 326, compensation to the trustee is computed as follows:

(For cases filed on or after October 23, 1994)

	\$ <u>913,113.81</u>	25% of First \$5,000	\$ <u>1,250.00</u>
Less	<u>-5,000.00</u>	(\$1,250 Maximum)	
Balance	\$ <u>908,113.81</u>	10% of Next \$45,000	\$ <u>4,500.00</u>
Less	<u>-45,000.00</u>	(\$4,500 Maximum)	
Balance	\$ <u>863,113.81</u>	5% of Next \$950,000	\$ <u>43,155.69</u>
Less	<u>-950,000.00</u>	(\$47,500 Maximum)	
Balance	\$ <u>0.00</u>	3% of Balance	\$ <u>0.00</u>

TOTAL COMPENSATION REQUESTED \$ 48,905.69

TRUSTEE'S EXPENSES (ITEMIZED):

Premium on Trustee's bond	\$ <u>0.00</u>
Necessary travel (953 miles @0.0 cents/mile)	\$ <u>270.32</u>
Necessary copies (71 @0.0 cents/copy)	\$ <u>34.25</u>
Postage	\$ <u>70.86</u>
Telephone charges	\$ <u>0.00</u>
Clerical/Secretarial Staff (0.0 hrs @ \$0.00/hr)	\$ <u>0.00</u>
Paralegal Staff (0.0 hrs @ \$0.00/hr)	\$ <u>0.00</u>

Supplies/Stationery.....	\$	<u>0.00</u>
Distribution.....	\$	<u>0.00</u>
Professional	\$	<u>0.00</u>
Other	\$	<u>64.21</u>

TOTAL EXPENSES CLAIMED\$ 439.64

TOTAL REQUESTED FEES AND EXPENSES\$ 49,345.33

WHEREFORE, the Trustee request this application be approved by the Court and that the Trustee be awarded \$48,905.69 as compensation and \$439.64 for reimbursement of expenses. The Trustee certifies that no payments have been made or promised to him/her for services rendered in any capacity in this case. No agreement or understanding exists between the Trustee and any other person or entity, other than his/her law firm, for sharing compensation or to be received.

Dated: July 11, 2019

/s/ Thomas H. Fluharty
 Thomas H. Fluharty
 Bar No. 1231
 408 Lee Avenue
 Clarksburg, WV 26301
 (304) 624-7832

Trustee Expense Worksheet
Period: 01/01/00 - 06/07/19
Trustee: Thomas H. Fluharty, Trustee (680230)

Case Number: 12-00570	Case Name: Morgantown Excavators, Inc.
Case Type: Assets	Judge: Patrick M. Flatley
Petition Date: 04/19/12	341a Meeting: 04/10/13 11:30

Category: COPIES

Date	Description	Hours/Unit	Rate	Total
02/13/14	letters to engineering companys re: cleanup of dump site.	16.00	\$0.250	\$4.00
08/06/15	motion sell lot 4	3.00	\$0.500	\$1.50
11/03/15	motion to sell lot 7 / motion sell lots 8 & 9	46.00	\$0.250	\$11.50
02/11/16	motion sell landfill	5.00	\$0.750	\$3.75
10/25/16	copy of Gertrude Godfrey's will & deed to Midtown Realty for AP	1.00	\$13.500	\$13.50
Total for category COPIES:		71.00		\$34.25
		Total for case 12-00570:		\$34.25

Grand Total:	\$34.25
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Trustee Expenses

Period: 01/01/00 - 06/07/19

Trustee: Thomas H. Fluharty, Trustee (680230)

Case Number: 12-00570	Case Name: Morgantown Excavators, Inc.
Case Type: Assets	Judge: Patrick M. Flatley
Petition Date: 04/19/12	341a Meeting: 04/10/13 11:30

Category: OTHER

Date	Description	Hours/Unit	Rate	Total
01/19/14	purchase W2's for employees taxes	1.00	\$39.210	\$39.21
02/08/17	recording fees of deed to Rick Buzzo	1.00	\$25.000	\$25.00
Total for category OTHER:		2.00		\$64.21
Total for case 12-00570:				\$64.21

Grand Total:	\$64.21
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Trustee Expenses**Period: 01/01/00 - 06/07/19****Trustee: Thomas H. Fluharty, Trustee (680230)****Case Number:** 12-00570**Case Name:** Morgantown Excavators, Inc.**Case Type:** Assets**Judge:** Patrick M. Flatley**Petition Date:** 04/19/12**341a Meeting:** 04/10/13 11:30**Category: POSTAGE**

Date	Description	Hours/Unit	Rate	Total
04/02/13	proof of claim forwarded to Bk Court.	1.00	\$2.920	\$2.92
06/06/13	Motion to Disburse funds to employees & A/R letters	15.00	\$0.460	\$6.90
01/28/14	W2's to Social Security office	1.00	\$0.860	\$0.86
01/28/14	mailed W2's to employees	22.00	\$0.460	\$10.12
02/13/14	letters to engineering companies re: cleanup of dump site.	16.00	\$0.480	\$7.68
08/06/15	motion sell lot 4	3.00	\$0.095	\$0.29
11/03/15	motion sell lot 7 / motion sell lots 8 & 9	3.00	\$1.650	\$4.95
02/11/16	motion sell landfill	5.00	\$0.705	\$3.53
08/28/18	taxes 2011-2018	3.00	\$1.630	\$4.89
08/28/18	taxes 2011-2018	11.00	\$1.420	\$15.62
08/29/18	mail taxes	1.00	\$8.750	\$8.75
05/13/19	mailing of 2018 tax return to IRS & State	4.35	\$1.000	\$4.35
Total for category POSTAGE:		85.35		\$70.86

Total for case 12-00570: \$70.86**Grand Total: \$70.86**

Trustee Expenses

Period: 01/01/00 - 10/25/16

Trustee: Thomas H. Fluharty, Trustee (680230)

Case Number:	12-00570	Case Name:	Morgantown Excavators, Inc.
Case Type:	Assets	Judge:	Patrick M. Flatley
Petition Date:	04/19/12	341a Meeting:	04/10/13 11:30

Category: TRAVEL

Date	Description	Hours/Unit	Rate	Total
08/03/13	to & from Morgantown for auction	78.00	\$0.565	\$44.07
12/19/13	to & from Morgantown for closing on 1.97 acres	78.00	\$0.565	\$44.07
09/26/14	to & from Morgantown for closing on Lot 3	78.00	\$0.560	\$43.68
10/21/15	to & from Buckhannon for closing on Lots 1 & 2.	70.00	\$0.560	\$39.20
12/15/15	to & from Morgantown for closing	78.00	\$0.560	\$43.68
05/02/16	to & from Morgantown for closing on landfill.	78.00	\$0.540	\$42.12
10/25/16	to & from Grafton Courthouse - record room work	25.00	\$0.540	\$13.50
Total for category TRAVEL:		485.00		\$270.32
Total for case 12-00570:				\$270.32

Grand Total:	\$270.32
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Trustee Time Sheet Report

Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge: Patrick M. Flatley		341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Trustee	Auction	08/03/13	on site for auction of personal property. (Morgantown)	4.00		0.00
	Case Administration	03/14/13	TC- Rick B. regarding company working and paying employees. TC-Chuck M., MVB Bank re: checking accounts letter to bank close accounts.	1.00		0.00
		04/05/13	draft motion disburse funds to previous employees //I draft A/R letters.	2.00		0.00
		04/30/13	attn to A/R breakdown info	0.50		0.00
		06/06/13	attn to previous employees payroll info // file motion disburse funds to prev employees / mail A/R letters // draft motion accept payment & disburse funds.	1.50		0.00
		06/17/13	attn to previous bills	0.25		0.00
		06/21/13	attn to doc of the R/E from realtor (courthouse listings)	0.50		0.00
		07/10/13	attn to previous employee hours worked draft motion to allow auction, shorten time period	1.10		0.00
		07/16/13	review docs from T. Johnson re: 7/18 hearing attn to motion - etc.	2.00		0.00
		07/17/13	attn to response of A/R letters TC - T. Johnson & Godfreys re: hearing attn to motion	0.75		0.00
			file motion allow auction, shorten time, employ auctioneer.			
		07/18/13	TC - S. Godfrey re: motion to settle 362 motion of related matters	0.50		0.00
		07/25/13	draft, review & file protective obj mot pay counsel post pet	1.30		0.00
		08/06/13	attn to docs from realtor on Opekisa Rd & Grant Ave	1.00		0.00
		08/09/13	draft motion compromise w/Myron Bowling Auctioneers	1.00		0.00
		08/30/13	file motion comp w/Myron Bowling	0.07		0.00
		09/13/13	draft 2 motion sell - Opekiska & Grant Ave	2.00		0.00
		10/23/13	attn to delinquent taxes on R/E	0.80		0.00
		10/24/13	draft & mail letter to Clerk on delinquent R/E taxes	0.25		0.00
		11/14/13	file motion sell Grant Avenue	0.08		0.00
		12/13/13	draft deed on Grant Avenue	1.00		0.00
		12/18/13	draft motion pay & expedited hearing	1.00		0.00
		12/19/13	file motion to pay & expedited hearing	0.05		0.00
	01/03/14	draft & mail letter C. Jones on landfill	0.50		0.00	
	01/09/14	draft & file report of sale Grant Ave	0.60		0.00	
	01/31/14	draft motion disburse earnest money back to closing agent	1.00		0.00	

Trustee Time Sheet Report

Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge: Patrick M. Flatley		341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Trustee	Case Administration	02/06/14	draft & mail letters to several environmental firms re: clean up dump site ///	2.00		0.00
			complete 940 & 944 returns			
		02/28/14	to landfill, meet engineers & DEP review what needs done to reclaim site.	4.00		0.00
		03/11/14	attn to purchase agreement on Lots 1 & 2 Opekiska Rd //	2.75		0.00
			draft motion employ realtor / draft motion sell Lots 1 & 2			
		04/08/14	attn to purchase agreement for Lot 9 Opekiska Rd	0.10		0.00
		05/07/14	attn to contract Lot 3 Opekiska Rd //	1.10		0.00
			draft motion sell Lots 1 & 2 Opekiska Rd			
		05/08/14	draft motion sell Lot 3 Opekiska Rd	1.00		0.00
		05/15/14	file motion sell Lots 1 & 2 Opekiska Rd.	0.18		0.00
		05/21/14	revised motion sell Lot 3 Opekiska Rd. & drafted motion sell Lot 7	2.00		0.00
		06/17/14	attn to surveys of lots Opekiska Rd //	0.60		0.00
			file motions sell Lots 3 & 7			
		07/03/14	draft deed to Lots 1 & 2 //	2.25		0.00
			draft motion sell Lot 4			
		09/24/14	draft 2 motion sell property at Opekiska Ridge Road, Morgantown (Lot 8 & Lot 9). //	5.00		0.00
			draft deed to Lot 3. // draft motion sell 1 acre of Lot 9			
		09/25/14	draft deed Lot 7	1.00		0.00
		10/08/14	file motion sell Lot 8	0.10		0.00
		10/16/14	draft deed Lots 1 & 2	1.25		0.00
		10/21/14	draft deed Lot 8	1.00		0.00
		10/28/14	attn to withdraw offer on Lot 4	0.20		0.00
		11/13/14	draft reports of sale on Lots 1 & 2 & Lot 3 // draft report of sale on auction.	1.75		0.00
		11/26/14	file report of sale on auction; Lots 1 & 2; Lot 3.	0.25		0.00
		02/06/15	review purchase agreement on landfill.	0.25		0.00
		02/10/15	attn to counsel's motion to withdrawal.	0.50		0.00
02/16/15	draft objection withdrawal of counsel	1.00		0.00		
02/17/15	draft motion sell Lot 4 & deed	2.00		0.00		
03/02/15	file motion sell Lot 4	0.08		0.00		
03/05/15	attn to cancellation of offer on Lot 7	0.05		0.00		
03/06/15	review, sign & send to realtor release on Lot 7	0.17		0.00		
03/23/15	draft motions to vacate orders on Lots 7 & 8	1.00		0.00		
04/02/15	attn to new contracts on Lots 7, 8, 9	0.25		0.00		

Trustee Time Sheet Report
Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge: Patrick M. Flatley		341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Trustee	Case Administration	04/24/15	review & sign listing extensions on Lots 4, 7, 8, 9 // file motion to vacate orders.	1.00		0.00
		04/27/15	review from realtor new contract & letter on landfill & new contract on Lot 7	0.75		0.00
		05/11/15	draft new motion sell Lot 7	1.00		0.00
		06/04/15	file new motion sell Lot 7	0.08		0.00
		07/08/15	attn to letter & title on vehicle from lender (released lien)	0.25		0.00
		07/14/15	attn to new offer on Lot 4 & 8 //	1.75		0.00
			draft new motion vacate order on Lot 4 & new motion sell Lot 8			
		07/29/15	draft report of sale on Explorer	0.50		0.00
		08/03/15	file motion vacate order // draft new motion sell Lot 4	1.07		0.00
		08/05/15	file new motion sell Lot 4	0.12		0.00
		08/07/15	TC - realtor, Linda K. regarding the cancellation of Lot 7, buyer backed out. the buyer of Lot 8 wants to purchase Lot 7 instead. The motion to sell Lot 8 has not been filed yet. Trustee will see if he can get the Court to accept an amended order on Lot 7 change name. Realtor will counter the offer on the landfill, \$10,000 is not enough for over 8 acres. She thinks buyer is trying to get the land for nothing.	0.37		0.00
		08/07/15	attn to cancellation of offer on Lot 7	0.10		0.00
		08/12/15	file report of sale of Explorer	0.08		0.00
		09/15/15	attn to new offers on Lots 7, 8, 9	0.75		0.00
		10/14/15	finalize deed on Lot 4 for closing.	0.25		0.00
		10/15/15	draft motion vacate order //	2.50		0.00
			draft motions sell Lot 7 & Lots 8 & 9.			
		10/16/15	file motion vacate order.	0.07		0.00
		11/03/15	file motion sell Lot 7; sell Lots 8 & 9.	0.25		0.00
		12/14/15	deed sell Lots 7, 8, 9 to Fred Wojcik	1.00		0.00
		12/14/15	draft deed for Lots 7, 8, 9	1.23		0.00
		12/16/15	review HUD on Lots 7, 8, 9 // draft report of sale on same.	0.60		0.00
		12/30/15	file report of sale Lots 7, 8, 9	0.08		0.00
		01/29/16	draft report of sale on Lot 4	0.50		0.00
		02/03/16	review new contract on landfill & draft motion sell	1.08		0.00
		02/08/16	file report of sale on Lot 4	0.07		0.00
02/11/16	file motion sell landfill.	0.17		0.00		
03/03/16	draft corrective deed Lots 7, 8, 91	1.00		0.00		

Trustee Time Sheet Report

Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge: Patrick M. Flatley		341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Trustee	Case Administration	03/29/16	attn to previous deed on landfill	0.17		0.00
		04/27/16	draft deed to landfill	1.00		0.00
		05/24/16	attn to HNB's interrog & 2nd request prod docs.	1.00		0.00
		07/26/16	update ltr M. Sheehan on A/R	0.25		0.00
		08/08/16	draft report of sale on landfill	0.75		0.00
		08/10/16	file report of sale on landfill.	0.08		0.00
		08/11/16	TC- Monongalia County tax office regarding tax tickets in MEI's name, they are mineral rights along with 1 piece of real property & personal property taxes not paid since 2012. She is sending all tax tickets to Trustee for review.	0.50		0.00
		08/11/16	review & type deed description to Burroughs St, Morgantown (4.280 acres)	1.00		0.00
		10/26/16	review will Gertrude Godfrey & deed to Midtown Realty.	0.50		0.00
		11/07/16	memo of terms of settlement @ trial w/HNB	0.50		0.00
		11/08/16	draft motion to approve settlement w/ Huntington Bank	1.00		0.00
		11/14/16	review motion approve atty fees & costs of Sheehan & Cassidy	0.25		0.00
		11/29/16	file motion approve settlement w/ HNB	0.08		0.00
		12/15/16	review HNB related motion & order //	1.00		0.00
		OC - Betty re: scheduling				
	TC - Marty					
	01/04/17	review previous deed for So Univ Ave property	0.50		0.00	
	01/05/17	review, sign & send back, settlement agreement & release w/HNB	0.50		0.00	
	01/06/17	review listing agreement on So Univ Ave property	0.25		0.00	
	01/13/17	review, sign & send back - Statement of Distribution to HM.	0.50		0.00	
	01/24/17	review listing agreement on So Univ Ave	0.07		0.00	
				79.10		\$0.00
	Claims Administration and Objections	05/29/13	review claims register //	1.20		0.00
			attn to circuit court suit Godfrey			
		04/22/19	draft objection to claims	1.00		0.00
		04/24/19	review, sign & file objections to claims.	0.50		0.00
				2.70		\$0.00
	Closing	12/19/13	closing in Morgantown for Grant Avenue property to 108 LLC.	1.00		0.00
		09/26/14	closing in Morgantown for Lot 3.	1.00		0.00
		10/21/15	closing in Buckhannon on Lots 1 & 2.	1.00		0.00

Trustee Time Sheet Report

Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge: Patrick M. Flatley		341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Trustee	Closing	12/15/15	closing in Morgantown on Lots 7, 8, 9	1.30		0.00
		05/02/16	closing at Reeder & Shuman's office w/ Nigel Clark on sale of landfill.	1.50		0.00
				5.80		\$0.00
	Fee/Employment Applications	04/05/13	draft ap to employ counsel (Cassidy & Sheehan)	1.25		0.00
		04/24/13	file ap to employ counsel (Cassidy & Sheehan)	0.08		0.00
		06/18/13	draft appls employ auctioneer & realtor	2.00		0.00
		10/09/14	draft motion employ environmental firm clean up landfill. // ltr C. Jones re: same.	1.25		0.00
		03/29/16	draft appl pay auctioneer commission & expenses	0.75		0.00
		04/07/16	file appl pay auctioneers fees & exp	0.05		0.00
		12/27/16	draft new motion employ realtor.	1.00		0.00
		01/10/17	file new motion employ realtor	0.05		0.00
		01/20/17	draft, revise & file motion employ THF atty	1.50		0.00
				7.93		\$0.00
	Meeting	05/08/13	meeting in office w/ M. Mullens re: case.	1.00		0.00
	Meeting of Creditors	04/10/13		0.50		0.00
	Record Room Work	09/01/15	in Morgantown record room work on lots & landfill	2.00		0.00
		10/25/16	research work on AP exhibit docs in AP w/ Hunt Bk.	1.00		0.00
				3.00		\$0.00
	Research	04/29/16	research on landfill for deed.	2.00		0.00
	Taxes	07/26/13	pay past employees payroll (3/14/13 thru 3/28/13).	1.00		0.00
		01/20/14	work on W2's for employees.	1.50		0.00
		01/28/14	work on W2's for employees	3.00		0.00
				5.50		\$0.00
	Travel	08/03/13	to & from Morgantown for auction.	3.00		0.00
		12/19/13	to & from Morgantown for closing on real property to 108 LLC.	3.00		0.00
		02/28/14	travel to & from landfill meet w/DEP & engineers	2.75		0.00
		09/26/14	to & from Morgantown for closing on Lot 3.	3.00		0.00
		10/21/15	to & from Buckhannon for closing	2.18		0.00

Trustee Time Sheet Report
Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge:	Patrick M. Flatley	341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Trustee	Travel	12/15/15	to & from Morgantown for closing on Lots 7, 8, 9.	3.00		0.00
		05/02/16	travel back to Clarksburg from Morgantown (Shuman & Reeder's office) for closing on landfill w/ Nigel Clark	3.00		0.00
		10/25/16	travel to & from Taylor County Courthouse - record room work on AP w/ Hunt Bk.	1.00		0.00
				20.93		\$0.00
Subtotal for Staff Name: THOMAS FLUHARTY, TRUSTEE				132.46		\$0.00
Total for Case: 12-00570				132.46		\$0.00
Total for Trustee: Thomas H. Fluharty, Trustee				132.46		\$0.00
Grand Total:				132.46		\$0.00

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In Re: Morgantown Excavators, Inc.

Bk.No.: 12-00570

Chapter 7

Debtor

**APPLICATION BY ATTORNEY FOR
TRUSTEE FOR COMPENSATION**

The Chapter 7 Trustee makes this statement in support of his application for attorney fees as counsel for Trustee. The Debtor, Morgantown Excavators, Inc. filed a voluntary Chapter 11 bankruptcy petition on the 19th day of April, 2012, which was converted to Chapter 7 on March 1, 2013, with the Chapter 7 Trustee being appointed on March 1, 2013. Your applicant was appointed as counsel for Trustee pursuant to an Order entered by the Court herein on February 7, 2017, with services beginning on February 8, 2017. The services contemplated and included in this application were performed for the Trustee to maximize any return to creditors. Counsel for Trustee seeks compensation at the rate of \$325.00 per hour. This is a final application for fees and there have been no interim applications. The time periods for services contemplated by this application are from February 8, 2017 through June 30, 2019.

The assets of the estate of the Debtor administered by said Trustee have a value of approximately \$872,337.84 and his disbursements in such operation were approximately \$730,541.80, leaving a balance of cash on hand of approximately \$141,796.04. Total costs and expenses of the Trustee total \$49,345.33. All funds on hand are available for distribution to creditors filing claims and secured creditors whose liens attached to the funds. The Trustee's Final Report is expected to be filed with the Office of the Assistant U.S. Trustee by July 12, 2019. Barring any objection to this application and the Final Report, the case should be completed by September 30, 2019 and funds distributed by October 7, 2019. All services included therein were provided by counsel and his office staff.

Attached hereto as "Exhibit A" is a detailed accounting of services rendered in connection with this representation.

Attached as "Exhibit B" are project categories and abbreviations utilized in describing

services rendered in Exhibit A.

Attached as “Exhibit C” is a Summary Sheet that synthesizes compensation and expenses requested, prior compensation and expenses awarded, if applicable, the billing rate for each person billed time, total hours billed, total amounts of billing for person who billed time and a blended hourly rate.

WHEREFORE, your applicant prays that an allowance is made to him in the sum of \$27,499.72 which represents \$24,947.00 as compensation and \$2,552.72 in expenses, for professional services rendered in this proceeding.

Dated: July 11, 2019

Submitted by:

/s/ Thomas H. Fluharty
Thomas H. Fluharty, Trustee
408 Lee Avenue
Clarksburg, WV 26301
(304) 624-7832
WV Bar No.: 1231

Attorney Time Sheet Report

Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12			
Case Type: Assets		Judge: Patrick M. Flatley		341a Meeting: 04/10/13 11:30AM			
Staff Name	Category	Date	Description	Hours	Rate	Total	
Thomas Fluharty, Attorney	Auction	09/15/17	conduct auction at KLM Properties office of So Univ Ave property in Morgantown	1.00	325.000	325.00	
	Case Administration	05/02/17	TC - Linda Kosten re: South U property / review file & C-T. Kee & TC - Kosten, re: potential sale & access to the property.	1.50	325.000	487.50	
		05/05/17	TC - realtor re: offers / review contract	1.00	325.000	325.00	
		06/17/17	TC - realtor re:remaining property & C- TK re: potential auction.	1.50	325.000	487.50	
		06/30/17	review offer on So Univ Ave property	0.17	325.000	55.25	
		07/06/17	draft motion sell So Univ Avenue property & deed.	2.00	325.000	650.00	
		07/10/17	attn to bids / C-BM re: ap to sell for \$53,000.00	1.00	325.000	325.00	
		08/04/17	attn to Huntington Bank's motion & motion to sell 4.5 acres	2.00	325.000	650.00	
		08/04/17	file motion sell So Univ Ave property	0.08	325.000	26.00	
		08/09/17	attn to Cassidy notice.	0.10	325.000	32.50	
		08/24/17	attn to new bid on So Univ Ave	0.08	325.000	26.00	
		08/31/17	draft notice of auction / TC- Linda Kosten // attn to ap to employ accountant & file.	2.00	325.000	650.00	
			09/07/17	draft / file notice of auction	2.00	325.000	650.00
			09/08/17	attn to notice of auction // OC- BM	1.00	325.000	325.00
			09/13/17	attn to file - etc - left message realtor	0.50	325.000	162.50
			09/14/17	review motion / set up bid sheet.	1.00	325.000	325.00
			09/18/17	draft order approving sale	1.50	325.000	487.50
			09/21/17	draft & submit order on sale of property.	1.00	325.000	325.00
			09/26/17	OC- BM re: order on sale & setting up closing	0.50	325.000	162.50
			10/23/17	OC - BM re: closing	0.25	325.000	81.25
			10/31/17	revise deed to So Univ Ave	0.50	325.000	162.50
			11/06/17	draft letter stop coal sell	0.50	325.000	162.50
			11/13/17	sent 2013 tax returns to accountant.	0.50	325.000	162.50
			05/23/18	review Yackyl letter & respond TC - Ray	0.50	325.000	162.50
			06/05/18	attn to new offer on So Univ Ave / draft motion vacate order on same / draft new motion sell.	1.83	325.000	594.75
			06/15/18	draft / file motion to vacate order auth. sale & draft & file new ap to sell.	3.00	325.000	975.00
			07/10/18	attn to order granting ap to sell.	0.50	325.000	162.50
			08/19/18	draft new deed on So Univ Ave	1.00	325.000	325.00

Attorney Time Sheet Report

Trustee: Thomas H. Fluharty, Trustee (680230)
Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge:	Patrick M. Flatley	341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Attorney	Case Administration	02/11/19	attn to email from D. Epperly & OC - Betty - do revocation of order to sell & new application.	1.00	325.000	325.00
		02/13/19	draft / file ap to vacate order to sell & draft / file new ap to sell R/E to Rostco //	3.00	325.000	975.00
			attn to motion to vacate order, etc.			
		03/12/19	attn to order	0.50	325.000	162.50
		03/20/19	review/revise deed // Sheriff's tax info, etc.	1.00	325.000	325.00
		04/02/19	review settlement statement & deed	0.50	325.000	162.50
		04/18/19	file report of sale.	0.50	325.000	162.50
		05/08/19	C - Yackel re: estate	0.25	325.000	81.25
				34.26		\$11,134.50
		12/20/18	closing on 4.0 acres	1.00	325.000	325.00
	Closing	04/09/19	So University Avenue closing	1.00	325.000	325.00
				2.00		\$650.00
	Fee/Employment Applications	08/15/17	draft motion employ accounting firm	1.00		0.00
		02/28/18	draft / file app to employ realtor.	1.50	325.000	487.50
		09/18/18	draft / file ap to pay accountant	1.50	325.000	487.50
		05/30/19	draft 2nd motion pay accountant fees	0.75	325.000	243.75
				4.75		\$1,218.75
	Record Room Work	02/08/17	record room work in Monongalia County	3.00	325.000	975.00
		07/18/17	review real estate records in Monongaliah County	8.00	325.000	2,600.00
		03/14/18	review real estate records in Monongalia County	8.00	325.000	2,600.00
		10/29/18	review real estate records in Monongalia County	8.00	325.000	2,600.00
				27.00		\$8,775.00
Taxes	08/27/18	review multiple tax returns.	1.50	325.000	487.50	
	04/03/19	review tax filings	0.25	325.000	81.25	
	05/13/19	attn to final tax returns.	1.00	325.000	325.00	
			2.75		\$893.75	
Travel	02/08/17	travel to & from Morgantown, record room work	1.50	162.500	243.75	
	07/18/17	to & from Morgantown, record room work	2.00	162.500	325.00	

Attorney Time Sheet Report

Trustee: Thomas H. Fluharty, Trustee (680230)

Period: 01/01/00 - 07/11/19

Case No: 12-00570		Case Name: Morgantown Excavators, Inc.		Petition Date: 04/19/12		
Case Type: Assets		Judge: Patrick M. Flatley		341a Meeting: 04/10/13 11:30AM		
Staff Name	Category	Date	Description	Hours	Rate	Total
Thomas Fluharty, Attorney	Travel	09/15/17	travel to & from Morgantown for auction of So Univ Ave property	2.50	162.500	406.25
		03/14/18	to & from Morgantown, record room work	2.00	162.500	325.00
		10/29/18	to & from Morgantown, record room work	2.00	162.500	325.00
		12/20/18	to & from Morgantown for closing on 4.0 acres.	2.00	162.500	325.00
				12.00		\$1,950.00
Subtotal for Staff Name: THOMAS FLUHARTY, ATTORNEY				83.76		\$24,947.00
Total for Case: 12-00570				83.76		\$24,947.00
Total for Trustee: Thomas H. Fluharty, Trustee				83.76		\$24,947.00
Grand Total:				83.76		\$24,947.00

Attorney Expenses
Period: 01/01/00 - 10/25/16
Trustee: Thomas H. Fluharty, Trustee (680230)

Case Number: 12-00570	Case Name: Morgantown Excavators, Inc.
Case Type: Assets	Judge: Patrick M. Flatley
Petition Date: 04/19/12	341a Meeting: 04/10/13 11:30

Category: OTHER 2

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
02/11/14	reimbursement for paying Sandra Walker for work performed on close out of ledger accounts, tax returns, etc.	1.00	\$2,300.000	\$2,300.00
Total for category OTHER 2:		1.00		\$2,300.00
		Total for case 12-00570:		\$2,300.00

Grand Total:	\$2,300.00
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Attorney Expenses
Period: 02/08/17 - 06/07/19
Trustee: Thomas H. Fluharty, Trustee (680230)

Case Number: 12-00570	Case Name: Morgantown Excavators, Inc.
Case Type: Assets	Judge: Patrick M. Flatley
Petition Date: 04/19/12	341a Meeting: 04/10/13 11:30

Category: TRAVEL

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
02/08/17	to & from Morgantown for record room work	78.00	\$0.535	\$41.73
07/18/17	to & from Morgantown, record room work	78.00	\$0.535	\$41.73
09/15/17	to & from Morgantown for auction of So Un Ave property	78.00	\$0.535	\$41.73
03/14/18	to & from Morgantown, record room work	78.00	\$0.545	\$42.51
10/29/18	to & from Morgantown, record room work	78.00	\$0.545	\$42.51
12/20/18	to & from Morgantown for closing on 4.0 acres	78.00	\$0.545	\$42.51
Total for category TRAVEL:		468.00		\$252.72
			Total for case 12-00570:	\$252.72

Grand Total:	\$252.72
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In Re: Morgantown Excavators, Inc.

Bk. No.: 12-00570

Chapter 7

Debtor

EXHIBIT - B

<u>Abbr.</u>	<u>Project categories</u>
AAR	Asset Analysis and Recovery: Identification and review of potential assets including causes of action and nonlitigation recoveries.
AD	Asset Deposition: Sales, leads, (S365 matters), abandonment and related transaction work.
OP	Business Operations: Issues related to debtor-in possession operating in Chapter 11 such as employee, vendor, tenant issues and other similar problems.
CA	Case Administration: Coordination and compliance activities, including preparation of a statement of financial affairs; schedules, list of contracts; United States Trustee's interim statements and operating reports; contacts with the United States Trustee; general creditor inquiries.
CL	Claims Administration and Objections: Specific claim inquiries; bar date motions; analysis, objections and allowances of claims.
EE	Employee Benefits/Pensions: Review issues such as severance, retention, 401K coverage and continuance of pension plans.
FA	Fee/Employment Applications: Preparations of employment and fee application for self or others; motions to establish interim procedures.
FEO	Fee/Employment Objections: Review of and objections to the employment and fee application of others.
F	Financing: Matters under ss 361, 363 and 364 including cash collateral and secured claims; loan document analysis.
L	Litigation: There should be a separate category established for each matter. (E.g., XYZ Stay Litigation).

- 341 Meetings of Creditors: Preparing for and attending the conference of creditors, the 341 (a) meeting and other creditors' committee meetings.
- PIN Plan and Disclosure Statement: Formulation, presentation and confirmation; compliance with the plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims.
- 362 Relief From Stay Proceedings: Matters relating to termination or continuation of automatic stay under S 362.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In Re: Morgantown Excavators, Inc.

Bk. No.: 12-00570

Chapter 7

Debtor

EXHIBIT - C

FEE APPLICATION

CURRENT APPLICATION

Fees Requested \$24,947.00

Expenses requested \$ 2,552.72

Names of Professionals/Hours Billed Rated Total for Application

Thomas H. Fluharty, Attorney

\$325.00/hr.

\$24,947.00

TOTAL BLENDED HOURLY RATE: \$325.00 per hour

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICATION BY TRUSTEE FOR COMPENSATION** was served upon the following individuals, at the addresses listed below, by placing a true and correct copy thereof in the United States mail, postage prepaid, this _____ day of _____, 2019.

Served electronically on:

Todd Johnson, Esquire
todd@jlawpllc.com

Office of the Assistant U.S. Trustee
ustpreion04.ct.ecf@usdoj.gov

/s/ Thomas H. Fluharty
Thomas H. Fluharty, Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In Re: Morgantown Excavators, Inc.

Bk. No.: 12-00570

Chapter 7

Debtor

ORDER

Upon consideration of the Application of Thomas H. Fluharty, Attorney for the Trustee, for allowance of compensation for professional services rendered and for reimbursement for actual and necessary costs and expenses incurred by him in the administration of the above estate in the amount of \$27,499.72 and it appearing to the Court that notices having been sent and no adverse interest appearing, it is **ORDERED** that Thomas H. Fluharty, Attorney for the Trustee, be and is hereby allowed compensation for professional services rendered and for reimbursement for actual and necessary costs and expenses incurred by him in the administration of the above estate in the amount of \$27,499.72.

Submitted by:

/s/ Thomas H. Fluharty
Thomas H. Fluharty, Trustee
WV Bar No.: 1231
408 Lee Avenue
Clarksburg, WV 26301
(304) 624-7832