

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

In re: R AND M AT MIDDLEFORK, LLC

§ Case No. 2:18-00613-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 7 of the United States Bankruptcy Code was filed on June 27, 2018. The undersigned trustee was appointed on June 27, 2018.
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized the gross receipts of \$ 5,000.00

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>0.00</u>
Administrative expenses	<u>978.33</u>
Bank service fees	<u>0.00</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 <sup>1</sup>	\$ <u>4,021.67</u>

The remaining funds are available for distribution.

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

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

6. The deadline for filing non-governmental claims in this case was 01/19/2019 and the deadline for filing governmental claims was 12/24/2018. 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 \$0.00. 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 \$0.00, for a total compensation of \$0.00.<sup>2</sup> In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$0.00, for total expenses of \$0.00.<sup>2</sup>

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

Date: 08/11/2019 By: /s/MARTIN P. SHEEHAN

Trustee

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

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

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 2:18-00613-PMF

Trustee: (680060) MARTIN P. SHEEHAN

Case Name: R AND M AT MIDDLEFORK, LLC

Filed (f) or Converted (c): 06/27/18 (f)

§341(a) Meeting Date: 08/09/18

Period Ending: 08/11/19

Claims Bar Date: 01/19/19

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=\$554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1 REAL PROPERTY 158 Acres with Doublewide 4 bedroom house, Maintenance Building, Garage, Portable Storage Building Fee Simple Ownership	500,000.00	500,000.00	OA	0.00	FA
2 FIRST COMMUNITY BANK CHECKING ACCOUNT	541.00	541.00	OA	0.00	FA
3 A/R 90 DAYS OLD OR LESS. FACE AMOUNT = \$0. DOUBT	0.00	0.00	OA	0.00	FA
4 A/R OVER 90 DAYS OLD. FACE AMOUNT = \$218000.DOUB	218,000.00	218,000.00	OA	0.00	FA
5 1992 FORD F700 DUMP TRUCK. VALUATION METHOD:	3,500.00	3,500.00	OA	0.00	FA
6 1980 CHEVY HALF TON SNOW PLOW. VALUATION METHOD:	1,500.00	1,500.00	OA	0.00	FA
7 480 CASE BACKHOE. VALUATION METHOD:	6,000.00	6,000.00	OA	0.00	FA
8 R65 DITCH WITCH	2,500.00	2,500.00	OA	0.00	FA
9 KIOTI 1914 FARM TRACTOR 2500 WITH ATTACHMENTS (M	2,500.00	2,500.00	OA	0.00	FA
10 ADDITIONAL AUTOMOBILES, VANS, TRUCKS, MOTORCYCLE	2,500.00	2,500.00	OA	0.00	FA
11 OTHER MACHINERY, FIXTURES, AND EQUIPMENT Beverage cooler, Refrigerator, Ice Cream Freezer, Desk, Cash Register, Racks	1,000.00	1,000.00	OA	0.00	FA
11 Assets Totals (Excluding unknown values)	\$738,041.00	\$738,041.00		\$0.00	\$0.00

**Major Activities Affecting Case Closing:**

7/8/19 -- Order entered abandoning all assets of R&amp;M

6/24/19 -- Sent Cancellation Request / Policy Release form to Dyer Insurance

6/10/19 -- Filed abandonment of assets; sent cancellation letter for insurance

6/7/19 -- Wrote check for liability insurance; waiting t clear the TFR

5/17/19 -- Notice Extending Deadlines To File Designations of Record and Statements of Issue to 5/31/2019

4/5/19 -- Motion to Obtain Post-Petition Credit or Incur Post-Petition Debt. Hearing scheduled for 4/11/2019 at 01:00

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

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Case Name: R AND M AT MIDDLEFORK, LLC

Filed (f) or Converted (c): 06/27/18 (f)

§341(a) Meeting Date: 08/09/18

Period Ending: 08/11/19

Claims Bar Date: 01/19/19

1	2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property <u>Abandoned</u> OA=§554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #					

3/29/19 -- Order entered -- Trustee has until 4/8/19 to obtain liability insurance or case will be dismissed

3/22/19 -- Filed report re: supplemental liability insurance; Agreed Order entered approving assignment of rights to permit electric to be installed at electric company's expense

2/8/19 -- Motion to Extend Time To Respond Filed by Albin R. Montag (Denied) ; Objection to Motion to Authorize Offer Amendment Filed by Ann Livesay , Marsha Koon; Objection To Marsha Koon and Bonne Riffle Signatures Being Required Signatures filed by Committee Members

2/7/19 -- Objection to Motion Filed by Paul Kroll , Jim Parsons

2/10/19 -- Hearing scheduled for 2/20/2019 at 11:00 AM at District Courtroom - Elkins

1/18/19 -- Filed Response to Court Order and Motion to Authorize Offer Amendment to Declaration of Restrictions; Objections due by 2/8/2019 -- Objection Filed by Albin R. Montag 1/29/19

12/11/18 -- Filed Proposed Agreed Order in AP - Sheehan v Bennett

11/11/18 -- Sent affidavit to Don Epperly

10/29/18 -- Filed Motion To Authorize Deed of Corrections

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

Current Projected Date Of Final Report (TFR): August 30, 2019

## Form 2

### Cash Receipts And Disbursements Record

**Case Number:** 2:18-00613-PMF  
**Case Name:** R AND M AT MIDDLEFORK, LLC

**Trustee:** MARTIN P. SHEEHAN (680060)  
**Bank Name:** Rabobank, N.A.  
**Account:** \*\*\*\*\*7066 - Checking Account  
**Blanket Bond:** \$3,000,000.00 (per case limit)  
**Separate Bond:** N/A

**Taxpayer ID #:** \*\*-\*\*\*7849  
**Period Ending:** 08/11/19

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
06/03/19		First Community Bank	LOAN PER ORDER DATED 5/7/19 FOR INSURANCE PREMIUM PAYMENT	1280-002	5,000.00		5,000.00
06/07/19	101	DYER INSURANCE AGENCY	INSURANCE PREMIUM	2420-750		4,820.37	179.63
07/19/19		Dyer Insurance Agency	REFUND OF REMAINDER OF PREMIUM ON CANCELLED POLICY	2420-750		-3,842.04	4,021.67

<b>ACCOUNT TOTALS</b>	<b>5,000.00</b>	<b>978.33</b>	<b>\$4,021.67</b>
Less: Bank Transfers	0.00	0.00	
<b>Subtotal</b>	<b>5,000.00</b>	<b>978.33</b>	
Less: Payments to Debtors		0.00	
<b>NET Receipts / Disbursements</b>	<b>\$5,000.00</b>	<b>\$978.33</b>	

	Net Receipts	Net Disbursements	Account Balances
<b>TOTAL - ALL ACCOUNTS</b>			
Checking # *****7066	5,000.00	978.33	4,021.67
	<b>\$5,000.00</b>	<b>\$978.33</b>	<b>\$4,021.67</b>

# EXHIBIT C

## ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: January 19, 2019

Case Number: 2:18-00613-PMF

Page: 1

Date: August 11, 2019

Debtor Name: R AND M AT MIDDLEFORK, LLC

Time: 04:52:38 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
100	DYER INSURANCE AGENCY 347 Washington Aveue PO Box 607 Clarksburg, WV 26301	Admin Ch. 7	General Liability Insurance	\$978.33	\$978.33	0.00
200	MARTIN P. SHEEHAN BANKRUPTCY TRUSTEE 41 FIFTEENTH STREET WHEELING, WV 26003-2941	Admin Ch. 7	Out-of-pocket Postage and Copy Expenses in the amount of \$6,275.61 are being reduced to \$0 to allow all funds to go to US Bankruptcy Court Fees and First Community Bank Repayment	\$0.00	\$0.00	0.00
LOAN 200	FIRST COMMUNITY BANK PO BOX 278 GRAFTON, WV 26354	Admin Ch. 7	Superpriority claim per Order dated 5/7/19	\$5,000.00	\$0.00	5,000.00
APFEE 200	U.S. BANKRUPTCY COURT PO BOX 70 WHEELING, WV 26003	Admin Ch. 7	5 AP Fees	\$1,750.00	\$0.00	1,750.00
1 570	CHRIS & ELENA YOUNG 113 TRAILS END ROAD BRIDGEPORT, WV 26330	Priority		\$2,118.62	\$0.00	2,118.62
2 610	JEFF THORN 3781 VICTORY AVENUE GRAFTON, WV 26354	Unsecured		\$6,145.00	\$0.00	6,145.00
3 610	MON POWER 5001 NASA BLVD FAIRMONT, WV 26554	Unsecured		\$14,787.28	\$0.00	14,787.28
4 610	DIAN E. SECKMAN 365 KING SCHOOLHOUSE ROAD BUCKHANNON, WV 26201	Unsecured		\$915.48	\$0.00	915.48
5 610	FIRST COMMUNITY BANK, INC. BOWLES RICE LLP,C/O ZACHARY J. ROSENCRANCE,600 QUARRIER STREET CHARLESTON, WV 25301	Unsecured		\$1,535.23	\$0.00	1,535.23
6 610	JIM & LORIA PARSONS 107 FOREST DRIVE CLARKSBURG, WV 26301	Unsecured		\$1,221.05	\$0.00	1,221.05
7 610	MICHAEL AND TERRY SMALL 456 GASTON MANOR ROAD JANE LEW, WV 26378	Unsecured		\$400.00	\$0.00	400.00
8 610	ROBERT AND DONNA MARTIN 111 ALPINE WAY VINELAND, NJ 08360	Unsecured		\$915.48	\$0.00	915.48
9 610	HARLEY VINCENT PO BOX 65 MT. CLARE, WV 26408	Unsecured		\$1,802.40	\$0.00	1,802.40

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

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**Claims Bar Date:** January 19, 2019

**Case Number:** 2:18-00613-PMF

Page: 2

**Date:** August 11, 2019

**Debtor Name:** R AND M AT MIDDLEFORK, LLC

**Time:** 04:52:38 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
10 610	JACKSON AND ALMEDA MORRISON 53 DOGWOOD LANE WESTON, WV 26452-1583	Unsecured		\$1,949.79	\$0.00	1,949.79
11 610	PAUL T. KROLL 141 CLEVELAND STREET CLARKSBURG, WV 26301	Unsecured		\$915.48	\$0.00	915.48
12 610	LOT OWNERS AT MIDDLEFORK CAMPGROUND MARTIN P. SHEEHAN 41 15TH STREET WHEELING, WV 26003	Unsecured		\$64,000.00	\$0.00	64,000.00
<< Totals >>				104,434.14	978.33	103,455.81

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**TRUSTEE'S PROPOSED DISTRIBUTION**

Exhibit D

Case No.: 2:18-00613-PMF

Case Name: R AND M AT MIDDLEFORK, LLC

Trustee Name: MARTIN P. SHEEHAN

**Balance on hand:** \$ 4,021.67

Claims of secured creditors will be paid as follows:

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

Total to be paid to secured creditors: \$ 0.00Remaining balance: \$ 4,021.67

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

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Expenses - MARTIN P. SHEEHAN	0.00	0.00	0.00
Charges, U.S. Bankruptcy Court	1,750.00	0.00	1,042.66
Other Expenses: DYER INSURANCE AGENCY	978.33	978.33	0.00
Other Expenses: FIRST COMMUNITY BANK	5,000.00	0.00	2,979.01

Total to be paid for chapter 7 administration expenses: \$ 4,021.67Remaining balance: \$ 0.00

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

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

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



In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$2,118.62 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
1	CHRIS & ELENA YOUNG	2,118.62	0.00	0.00

Total to be paid for priority claims: \$ 0.00

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 \$ 94,587.19 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	JEFF THORN	6,145.00	0.00	0.00
3	MON POWER	14,787.28	0.00	0.00
4	DIAN E. SECKMAN	915.48	0.00	0.00
5	FIRST COMMUNITY BANK, INC.	1,535.23	0.00	0.00
6	JIM & LORIA PARSONS	1,221.05	0.00	0.00
7	MICHAEL AND TERRY SMALL	400.00	0.00	0.00
8	ROBERT AND DONNA MARTIN	915.48	0.00	0.00
9	HARLEY VINCENT	1,802.40	0.00	0.00
10	JACKSON AND ALMEDA MORRISON	1,949.79	0.00	0.00
11	PAUL T. KROLL	915.48	0.00	0.00
12	LOT OWNERS AT MIDDLEFORK CAMPGROUND	64,000.00	0.00	0.00

Total to be paid for timely general unsecured claims: \$ 0.00

Remaining balance: \$ 0.00

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

Tardily filed general (unsecured) claims are as follows:

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

Total to be paid for tardy general unsecured claims:	\$	0.00
Remaining balance:	\$	0.00

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:	\$	0.00
Remaining balance:	\$	0.00

**Trustee's Compensation****Debtor:** R AND M AT MIDDLEFORK, LLC**Case:** 18-00613**Computation of Compensation**

Total disbursements to other than the debtor are:		0.00
Pursuant to 11 U.S.C. 326, compensation is computed as follows:		
25% of First \$5,000	0.00 =	0.00
10% of Next \$45,000	0.00 =	0.00
5% of Next \$950,000	0.00 =	0.00
3% of Balance	0.00 =	0.00
<b>Calculated Total Compensation:</b>		<b>\$0.00</b>
Plus Adjustment:		0.00
<b>Total Compensation:</b>		<b>\$0.00</b>
Less Previously Paid:		0.00
<b>Total Compensation Requested:</b>		<b>\$0.00</b>

**Trustee Expenses**

Premium on Trustee's Bond		0.00
Travel	0.0 miles at 0.0 cents per mile	0.00
Copies	20170 copies at 25.0 cents per copy	5,042.55
Postage		1,233.06
Telephone Charges		0.00
Clerical / Secretarial	0.00 hours at 0.00 dollars per hour	0.00
Paralegal Assistance	0.00 hours at 0.00 dollars per hour	0.00
Supplies / Stationery		0.00
Distribution Expenses		0.00
Professional Expenses		0.00
Other Expenses		0.00
Other Expenses 2		0.00
<b>Subtotal Expenses:</b>		<b>\$6,275.61</b>
Plus Adjustment:		0.00
<b>Total Expenses:</b>		<b>\$6,275.61</b>
Less Previously Paid:		0.00
<b>Total Expenses Requested:</b>		<b>\$ 0.00</b>

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

WHEREFORE, the Trustee requests that this application be approved by this Court and that the Trustee be granted an allowance of \$0.00 as compensation and \$4,905.73 for reimbursement of expenses. The Trustee further states that no payments have been made or promised to him/her for services rendered or to be rendered in any capacity in this case. No agreement or understanding exists between applicant and any other person for sharing compensation received or to be received.

Dated: 08/11/19

Signed: /s/ MARTIN P. SHEEHAN

MARTIN P. SHEEHAN  
 BANKRUPTCY TRUSTEE  
 41 FIFTEENTH STREET  
 WHEELING, WV 26003-2941