

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE:	)	
	)	Case No. BK 16-81049
KINGS INDUSTRIES, LLC,	)	
	)	Chapter 11
Debtor.	)	

**FINAL APPLICATION FOR FINAL DECREE AND  
FINAL ACCOUNTING / REPORT AND DISCHARGE AND  
NOTICE OF OBJECTION / RESISTANCE DEADLINE**

COMES NOW the Debtor, by and through its undersigned attorney, and pursuant to the Confirmation Order, submits that the estate herein is fully administered and substantially consummated as follows:

1. That all claims or interests have been surrendered or released in accordance with the provisions of the Plan except as shown in Schedule A attached hereto;
2. That substantially all of the property of the Debtor has been transferred according to the provisions of the Plan as shown in Schedule B attached hereto;
3. That the Debtor or the Debtor's successor has assumed the business or substantially all of the property dealt with by the Plan as applicable;
4. That distribution has been commenced under the Plan, and that payments to creditors and other interested parties have been completed as shown in Schedule C attached hereto; and
5. That there are no facts necessary to enable the Court to pass on the provisions of the final decree presented in Schedule D attached hereto.

WHEREFORE, the Debtor herein prays for the entry of the Final Decree finding the Plan is effective and that the estate has been fully administered; and therefore, an order of the Court granting:

- a. A discharge of the Debtor pursuant to 11 U.S.C. § 1141(d);
- b. Enjoining those actions set forth in the Plan and provided under Title 11 of the United States Code and all other equitable provisions as set forth in Schedule D, and
- c. The closing of the case.

Dated: December 18, 2017.

KINGS INDUSTRIES, LLC,  
Debtor

BY: /s/ Howard T. Duncan  
HOWARD T. DUNCAN, #15851  
Koenig | Dunne, PC, LLO  
1266 South 13<sup>th</sup> Street  
Omaha, Nebraska 68108-3502  
(402) 346-1132  
[howardd@koenigdunne.com](mailto:howardd@koenigdunne.com)  
Attorney for Debtors

### NOTICE OF OBJECTION RESISTANCE DEADLINE

To all parties in interest:

Pursuant to Neb. Rev. Bankr. P. Rule 9013, 9014, you are hereby notified the last day to file and serve a resistance or objection to the foregoing Motion is **January 8, 2017**. Any objection or resistance must be in writing and must specify the factual or legal basis therefore and must be filed with the Court and served upon the undersigned on or before the date set forth above. If an objection or resistance is properly filed and served, the Court will set the matter for hearing upon affidavit evidence. If no objection or resistance is timely filed and served, the Court will consider and decide the Motion and enter an order thereon without further notice or hearing.

/s/ Howard T. Duncan  
HOWARD T. DUNCAN, #15851  
Koenig | Dunne, PC, LLO  
1266 South 13<sup>th</sup> Street  
Omaha, Nebraska 68108-3502  
(402) 346-1132  
[howardd@koenigdunne.com](mailto:howardd@koenigdunne.com)  
Attorney for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE: )  
 ) Case No. BK 16-81049  
KINGS INDUSTRIES, LLC, )  
 )  
Debtor. ) Chapter 11

**SCHEDULE A**

Names and address of the holders of claims or interests that have not been surrendered or released in accordance with the provision of the Plan:

<u>NAMES</u>	<u>ADDRESS</u>	<u>NATURE OF VALUE OF CLAIM OR INTEREST</u>
Rajesh Prasad	2516 Hunters Run Drive Plano, TX 75025-4768	Secured Claim

**FOR THE DISTRICT OF NEBRASKA**

IN RE:	)	
	)	Case No. BK 16-81049
KINGS INDUSTRIES, LLC,	)	
	)	Chapter 11
Debtor.	)	

**SCHEDULE B**

The following property of the Debtor has been/will be transferred according to the provisions of the Plan:

<u>NATURE</u>	<u>VALUE</u>	<u>TRANSFERRED TO AND</u> <u>DATE OF TRANSFER</u>
NONE	NONE	

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	)	Chapter 11
Debtor.	)	

**SCHEDULE C**

Information required to close case:

100% Dividend paid/to be paid under Plan.

\_\_\_\_% Check if future payments are contemplated under Plan but percentage dividend is not determinable.

**TOTAL RECEIPTS AND DISTRIBUTIONS**

1. Gross Receipts	\$7,500.00	
Total Disbursements	\$7,500.00	
<b><u>Balance of Estate Funds</u></b>		\$(0.00)

**ADMINISTRATIVE FEES AND EXPENSES:**

2. Trustee's Compensation	\$0.00	
3. Fee for Attorney for Trustee	\$0.00	
4. Total Other Professional Fees and all Expenses		
a. Accountants' fees	\$0.00	
b. Auctioneer's fees	\$0.00	
c. Appraiser's fees	\$0.00	
d. Attorney for Debtor	\$3,000.00	
Debtor Special Counsel	\$0.00	
Other (name)	\$0.00	
e. Other (list)	\$0.00	
<b><u>Total Costs of Administration</u></b>		\$0.00

**DISTRIBUTIONS**

5. Secured Creditors – Rajesh Prasad	\$4,500.00	
6. Priority Creditors	\$0.00	
7. Unsecured Creditors	\$0.00	
8. Equity Security Holders	\$0.00	
9. Other Distributions (including payments to debtor)	\$0.00	
<b><u>Total Distributions</u></b>		\$7,500.00

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE:	)	
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KINGS INDUSTRIES, LLC,	)	
	)	Chapter 11
Debtor.	)	

**SCHEDULE D**

Include here additional facts, if any, which are necessary to enable the Court to pass on any specific information or other equitable provisions requested in the final decree. If there are none, so indicate.

1. NONE

### CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2017, the foregoing First Application for Final Decree and Final Report/ Accounting and Notice of Resistance/Objection Deadline was filed electronically with the Clerk of the United States Bankruptcy Court for the District of Nebraska using the CM/ECF system which sent notification of such filing by electronic mail to Patricia Fahey, US Trustee, and all other parties requesting electronic notice.

And I hereby certify that a true and correct copy of the foregoing First Application for Final Decree and Final Report/ Accounting and Notice of Resistance/Objection Deadline has been mailed by U.S. Mail, postage prepaid, on December 18, 2017, to all other creditors and parties in interest listed on the matrix attached hereto.

/s/ Howard T. Duncan

Howard T. Duncan

Label Matrix for local noticing  
0867-8

Kings Industries, LLC  
21866 William Circle  
Gretna, NE 68028-6433

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Case 16-81049-SKH  
District of Nebraska  
Omaha Office  
Fri Dec 15 13:09:28 CST 2017

Jensen Well Co., Inc.  
c/o Michael Borer  
767 Iowa Street  
Blair, NE 68008-1750

NE Dept of Revenue  
Attn: Bankruptcy Unit  
PO Box 94818  
Lincoln, NE 68509-4818

Princeton UCH  
PO Box 8108  
Omaha, NE 68108-0108

R A Construction Co, Inc.  
c/o Margaret Platek, Registered Agent  
822 Locust Street  
Carter Lake, IA 51510-1533

Rajesh Prasad  
2516 HUNTERS RUN DR  
PLANO, TX 75025-4768

Rajesh Prasad  
c/o Martin Pelster  
2120 South 72nd Street Suite 1200  
Omaha, NE 68124-2366

Sarpy County Attorney  
1210 Golden Gate Drive  
#3147  
Papillion, NE 68046-2889

(c) SARPY COUNTY TREASURER  
1210 GOLDEN GATE DR STE 1120  
PAPILLION NE 68046-2842

Strategic Electric Group, LLC  
c/o Elizabeth O'Connor  
10306 Regency Parkway Drive  
Omaha, NE 68114-3708

Sunnay Emmanuel  
5311 S 145th Street  
Omaha, NE 68137-2605

US Asphalt Company  
a/k/a Old Castle Materials Midwest Co  
14012 Giles Road  
Omaha, NE 68138-3603

Howard T. Duncan +  
Koenig Dunne P.C., LLO.  
1266 South 13th Street  
Omaha, NE 68108-3502

Jerry L. Jensen +  
US Trustee's Office  
111 So 18th Plaza  
Suite 1148  
Omaha, NE 68102-1321

Martin P. Pelster +  
Croker, Huck, Kasher, DeWitt, Anderson  
2120 So. 72nd St.,  
Suite 1200  
Omaha, NE 68124-2366

Patricia Fahey +  
U.S. Trustee's Office  
111 So 18th Plz  
Suite 1148  
Omaha, NE 68102-1321

Patrick Patino +  
Koenig Dunne P.C., LLO.  
1266 South 13th Street  
Omaha, NE 68108-3502

Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

Sarpy County Treasurer  
1210 Golden Gate Dr.  
#1127  
Papillion, NE 68046



End of Label Matrix  
Creditor Matrix  
Mailable recipients 18  
Bypassed recipients 1  
Total 19

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF NEBRASKA

Case number (if known) Chapter 11

Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, Instructions for Bankruptcy Forms for Non-Individuals, is available.

1. Debtor's name Kings Industries, LLC

2. All other names debtor used in the last 8 years Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 01-0695180

4. Debtor's address Principal place of business Mailing address, if different from principal place of business 21866 William Circle Gretna, NE 68028 Sarpy County

5. Debtor's website (URL)

6. Type of debtor Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) Partnership (excluding LLP) Other. Specify:

Debtor **Kings Industries, LLC**  
Name

Case number (if known)

7. Describe debtor's business A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing? Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:
  - Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
  - The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
  - A plan is being filed with this petition.
  - Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
  - The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
  - The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.
- Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- No.
- Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- No
- Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **Kings Industries, LLC**  
Name

Case number (if known)

11. Why is the case filed in this district? *Check all that apply:*
- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
  - A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?
- No
  - Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention?** *(Check all that apply.)*
- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
  - It needs to be physically secured or protected from the weather.
  - It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
  - Other \_\_\_\_\_
- Where is the property?** \_\_\_\_\_  
Number, Street, City, State & ZIP Code
- Is the property insured?**
- No
  - Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

**Statistical and administrative information**

13. Debtor's estimation of available funds *Check one:*
- Funds will be available for distribution to unsecured creditors.
  - After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5001-10,000   | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

15. Estimated Assets
- |   |  |  |
|---|--|--|
| <input type="checkbox"/> \$0 - \$50,000                     | <input type="checkbox"/> \$1,000,001 - \$10 million    | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000               | <input type="checkbox"/> \$10,000,001 - \$50 million   | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000              | <input type="checkbox"/> \$50,000,001 - \$100 million  | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input checked="" type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion          |

16. Estimated liabilities
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million    | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000      | <input type="checkbox"/> \$10,000,001 - \$50 million   | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000     | <input type="checkbox"/> \$50,000,001 - \$100 million  | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million   | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion          |

Debtor **Kings Industries, LLC**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** – Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 11, 2016  
MM / DD / YYYY

**X /s/ Sunnay Emmanuel**  
Signature of authorized representative of debtor  
  
Title President

**Sunnay Emmanuel**  
Printed name

**18. Signature of attorney**

**X /s/ Howard T. Duncan**  
Signature of attorney for debtor

Date July 11, 2016  
MM / DD / YYYY

**Howard T. Duncan**  
Printed name

**Howard T. Duncan, PC, LLO**  
Firm name

**6910 Pacific St. #103  
Omaha, NE 68106**  
Number, Street, City, State & ZIP Code

Contact phone 402-934-4221 Email address ecf@hduncanlaw.com

15851  
Bar number and State

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE:	)	
	)	Case No. BK 16-_____
KINGS INDUSTRIES, LLC	)	
	)	Chapter 11
Debtor.	)	

**STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION**

I, Sunnay Emmanuel, declare under penalty of perjury that I am the President of King Industries, LLC, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 1<sup>st</sup> day of July, 2016.

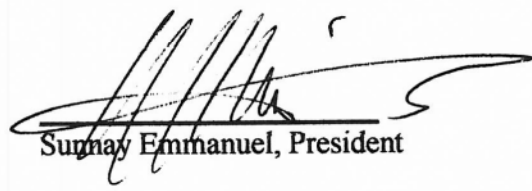
"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Sunnay Emmanuel, President of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Sunnay Emmanuel, President of this corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Sunnay Emmanuel, President of this corporation is authorized and directed to employ Howard T. Duncan, Attorney No. 15851, to represent the corporation in such bankruptcy case."

Dated: 7-1-16.



Sunnay Emmanuel, President

Resolution of Board of Directors  
of  
King Industries, LLC

Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Sunnay Emmanuel, President of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Sunnay Emmanuel, President of this corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Sunnay Emmanuel, President of this corporation is authorized and directed to employ Howard T. Duncan, Attorney No. 15851, to represent the corporation in such bankruptcy case.

**Fill in this information to identify the case:**

Debtor name **Kings Industries, LLC**

United States Bankruptcy Court for the: **DISTRICT OF NEBRASKA**

Case number (if known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 204**

**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders** 12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Rajesh Prasad c/o Martin Pelster 2120 South 72nd Street Suite 1200 Omaha, NE 68124				\$13,592.51	\$0.00	\$13,592.51
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346						\$9,220.00
Princeton UCH PO Box 8108 Omaha, NE 68108		SC 16 176				\$1,932.42
Jensen Well Co., Inc. c/o Michael Borer 767 Iowa Street Blair, NE 68008				Unknown	\$0.00	Unknown
R & A Construction Co, Inc. c/o Margaret Platek, Registered Agent 822 Locust Street Carter Lake, IA 51510				Unknown	\$0.00	Unknown
Strategic Electric Group, LLC c/o Elizabeth O'Connor 10306 Regency Parkway Drive Omaha, NE 68114				Unknown	\$0.00	Unknown



Debtor **Kings Industries, LLC**  
Name \_\_\_\_\_

Case number (if known) \_\_\_\_\_

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
US Asphalt Company a/k/a Old Castle Materials Midwest Co 14012 Giles Road Omaha, NE 68138				<b>Unknown</b>	<b>\$0.00</b>	<b>Unknown</b>

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Jensen Well Co., Inc.  
c/o Michael Borer  
767 Iowa Street  
Blair, NE 68008

NE Dept of Revenue  
Attn: Bankruptcy Unit  
PO Box 94818  
Lincoln, NE 68509-4818

Princeton UCH  
PO Box 8108  
Omaha, NE 68108

R A Construction Co, Inc.  
c/o Margaret Platek, Registered Agent  
822 Locust Street  
Carter Lake, IA 51510

Rajesh Prasad  
c/o Martin Pelster  
2120 South 72nd Street Suite 1200  
Omaha, NE 68124

Sarpy County Attorney  
1210 Golden Gate Drive  
#3147  
Papillion, NE 68046

Sarpy County Treasurer  
1210 Golden Gate Dr.  
#1127  
Papillion, NE 68046

Strategic Electric Group, LLC  
c/o Elizabeth O'Connor  
10306 Regency Parkway Drive  
Omaha, NE 68114

Sunnay Emmanuel  
5311 S 145th Street  
Omaha, NE 68137

US Asphalt Company  
a/k/a Old Castle Materials Midwest Co  
14012 Giles Road  
Omaha, NE 68138

**United States Bankruptcy Court  
District of Nebraska**

In re **Kings Industries, LLC** Case No. \_\_\_\_\_  
Debtor(s) Chapter **11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Kings Industries, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

None [*Check if applicable*]

**July 11, 2016**  
Date

**/s/ Howard T. Duncan**  
**Howard T. Duncan 15851**  
Signature of Attorney or Litigant  
Counsel for **Kings Industries, LLC**  
**Howard T. Duncan, PC, LLO**  
**6910 Pacific St. #103**  
**Omaha, NE 68106**  
**402-934-4221 Fax:402-391-0088**  
**ecf@hduncanlaw.com**

**United States Bankruptcy Court  
District of Nebraska**

In re **Kings Industries, LLC.**

Debtor(s)

Case No. **16-81049**

Chapter **11**

Small Business Case under Chapter 11

**KINGS INDUSTRIES, LLC.'S PLAN OF REORGANIZATION, DATED APRIL 4, 2017**

**ARTICLE I  
SUMMARY**

This Plan of Reorganization (the "Plan") under chapter 11 of the Bankruptcy Code (the "Code") proposes to pay creditors of **Kings Industries, LLC.** ("Debtor" or "Kings") from cash flow from operations and future income.

This Plan provides for 1 class of secured claims; 0 classes of unsecured claims; and 1 class of equity security holders. It is specifically provided that there are no unsecured creditors holding allowed claims. This Plan also provides for the payment of administrative and priority claims.

1. The Debtor shall make payments of \$2,500.00 per month pursuant to the Plan. Such payments shall begin on the 15<sup>th</sup> day of the month following confirmation of the Plan pursuant to an Order of the Court and continue on the 15<sup>th</sup> day of each subsequent month until the Plan concludes.

Until attorney's fees are paid in full pursuant to Article IV paragraph 3.02, the plan payment shall be divided as follows:

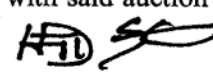
- a. \$1,000.00 to be paid to Koenig | Dunne, P.C., L.L.O. on behalf of Howard T. Duncan, attorney for the Debtor; and
- b. \$1,500.00 to be paid to Rajesh Prasad ("Prasad"), the sole secured creditor in this proceeding, c/o Martin Pelster, Attorney at Law, along with interest at the rate of 14% per annum.

Once attorney's fees are paid in full pursuant to Article IV paragraph 3.02, the plan payment shall be divided as follows:

\$2,500.00 to be paid to Prasad, the sole secured creditor in this proceeding c/o Martin Pelster until the principal balance with interest at the rate of 14% per annum shall be paid in full.

If Debtor defaults in making the prescribed monthly payments as set forth above, the Debtor shall cure the default within 30 days.

2. The Debtor shall pay all real property taxes on the real property located at 21866 William Circle, Gretna, Nebraska 68028 (the "Real Property") prior to the date such taxes become delinquent. Failure to pay taxes prior to such taxes becoming delinquent shall constitute an event of default under this Plan. If Debtor defaults in paying taxes as set forth above, then the Debtor shall cure the default within 30 days of the original due date. Property taxes for the first half of 2016, are due on or about April 1, 2017. Therefore the total amount due to be paid is in the approximate in the total amount of \$16,583.00.
3. If the Debtor fails to cure any of the defaults within the time frame as prescribed above in paragraphs 1 and 2 herein, then the Debtor shall have a period of 60 days during which to obtain a lease in regard to the Real Property with a monthly lease payment to the Debtor in an amount of not less than \$5,000.00 per month.

4. If the Debtor fails to cure a default within the time frame as prescribed above, or if the Debtor is unable to obtain a lease within the 60 days as listed above as set forth in paragraphs 1, 2 and 3 herein then the Debtor shall list the Real Property for sale on the market with a realtor for a sale price of no less than \$550,000 within 30 days. Any such listing agreement contract shall be for a period not to exceed 120 days with a verifiable sale of the Real Property confirmed in writing and provided to Howard T. Duncan and Martin Pelster during such 120 day period.
5. If such a sale is not confirmed and verified during such 120-day period, or in the event that the Debtor does not cure the defaults as set forth in paragraphs 1, 2, 3, or 4 herein then the subject Real Property shall be placed for sale at a public auction. The auction shall be conducted by a company jointly chosen by the attorney for the Debtor and the Attorney for Rajesh Prasad (or his assignee) herein. Such public auction shall be held within 90 days of the listing of such property for sale with said auction company. ~~Rajesh Prasad (or his assignee) shall be entitled to credit bid at the auction.~~ 

All such sales as described herein shall comply with 11 USC 363. In addition, any disputes regarding the performance of these terms, defaults, interpretation of these terms, shall be determined by the Court upon proper application for a hearing by the appropriate party.

#### ADDITIONAL PROVISIONS REGARDING PRASAD

Debtor acknowledges the amount of Prasad's secured claim as filed, that it is a valid and enforceable lien on the Real Property, that is not subject to any defenses or rights of setoff, that Prasad will retain his lien on the property until the claim is paid in full, and that it will accrue interest at the rate of 14% per annum from and after July 11, 2016 until paid in full.

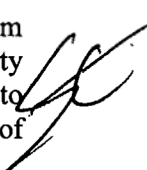
Debtor shall execute and deliver to Prasad a Deed of Trust to be filed with the register of deed to further secure the claim until it is paid in full. Such documents shall be prepared, provided, and filed by Martin Pelster, Attorney at Law.

Debtor shall maintain the Real Property and all improvements located thereon in its current condition, reasonable wear and tear excepted.

Debtor shall maintain casualty insurance on the Real Property in the amount of not less than \$550,000 which shall name Prasad as an additional insured and provide notice to Prasad at least 30 days in advance of termination of such insurance.

Debtor's payments received by Prasad shall be applied first to accrued interest and then to the unpaid principal balance of the debt.

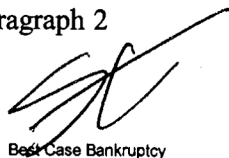
Debtor shall pay the 2015 taxes which are currently delinquent will be due within thirty (30) days of the date of confirmation of the plan. If the 2016 taxes have not been paid on the date of confirmation, then they shall be paid as due with one half due on or before the 1<sup>st</sup> day of April 2017 and the second half due on or before the 1<sup>st</sup> day of August 2017. In the event that the Debtor does not pay the 2015 taxes which are currently delinquent upon the date of confirmation of the plan then it is specifically provided that paragraph 4 above shall immediately go into full force and effect regarding the listing agreement with a realtor for an amount of not less than \$550,000.00 In addition in the event that such property is not sold during such 120 day period then the provisions in paragraph 5 above shall go into full force and effect regarding the company jointly chosen by the Attorney for the Debtor and the Attorney for Rajesh Prasad (or his assignee) and as otherwise provided for in paragraph 5 above.

In the event Debtor fails to comply with the terms of this Plan, Prasad shall be entitled to an order granting him relief from the automatic stay to allow Prasad to proceed with foreclosure of the tax sale certificate on the Real Property and/or foreclosure of the Deed of Trust executed and delivered to Prasad pursuant to the terms of this Plan. Prior to seeking such an order, Prasad shall provide Debtor with written notice of Debtor's failure to comply with the terms of 

the Plan and Debtor shall have ten (10) days to cure such default. In the event Debtor does not cure the default, the order granting relief from the automatic stay shall be entered within ten (10) days after the filing of an affidavit by Prasad's attorney stating the nature of the default and the date notice of the default, and that applicable cure period has expired. In the event Debtor wants to challenge Prasad's entitlement to an order for relief from the stay, Debtor shall file a request for hearing within five (5) days after the filing of the affidavit by Prasad's attorney as provided herein and the Court shall schedule a hearing on Prasad's request for relief from the stay. The sole issues to be determined by the court at such hearing shall be whether Debtor failed to comply with the terms of the Plan and whether Debtor was provided with the required notice of default and opportunity to cure. The order for relief shall provide that Rule 4001(a)(3) is waived.

**ARTICLE II**  
**DETAILED PLAN SUMMARY**

1. That this Chapter 11 case was filed on July 11, 2016 as a small business case.
2. That the exclusivity period for the Debtor to file the Plan and Disclosure statement ended on January 7, 2016 and was then extended to April 7, 2017
3. That the Proof of Claim Deadline was November 8, 2016.
4. That secured creditor Rajesh Prasad ("Creditor") filed Proof of Claim 1, which is the only claim filed in this case.
5. That Debtor's attorney has contacted counsel for Creditor to discuss a work out that could have eliminated the need to submit a Plan and Disclosure Statement in this case.
6. That the Debtor requested that the exclusivity period be extended an additional 90 days pursuant to § 11 U.S.C. 1121(e) to facilitate these work out discussions.
7. That the exclusive period was extended by the Court for a period of 90 days so that the Debtor and the Creditor could jointly agree to the provisions of the Plan and Disclosure Statement in advance of the filing of such documents.
8. That the Plan and Disclosure Statement has been drafted based on provisions drafted by the Attorney for the Debtor along with additional provisions and changes drafted by the Attorney for the Creditor herein, with a clear change in some provisions, as a compromise between the Debtor and the Creditor herein.
9. That the intent of this Detailed Plan Summary is to provide a clear, complete, and reasonable description of the Plan and Disclosure Statement again to eliminate any need for the interpretation by the Court in the event of a default by the Debtor in the Plan and Disclosure Statement provisions outlined as follows:
  - a. The Debtor shall make payments of \$2,500 per month with the first payment to be made on the 15<sup>th</sup> day of the month following confirmation pursuant to an Order of the Court and continue with payments on the 15<sup>th</sup> day of each month thereafter until all payments have been made. Also see paragraph 1 herein.
  - b. The Debtor shall be allowed a period of 30 days to bring any payment missed in whole or in part current pursuant the Plan along with making the required payment due the next month. Also see paragraph 2 herein.



Best Case Bankruptcy

- c. If the Debtor fails to cure a payment default pursuant to paragraph b. above then the Debtor shall have a period of 60 days during which to obtain a lease from a third party in regard to the real property in an amount of not less than \$5,000.00 per month. Also see paragraph 3 herein.
- d. If the Debtor fails to obtain a lease as described in paragraph c. herein, then the Debtor shall list the Real Property for sale on the market with a realtor for a sale price of not less than \$550,000 within 30 days of the expiration of the 60 day period, as referred to in paragraph c. herein. Also see paragraph 4 herein.
- e. If the Debtor fails to obtain a sale pursuant to paragraph d. within 120 days of the listing of the Real Property for sale as referred to in paragraph d. herein, then such real property shall be listed for a public auction sale to occur within 90 days after the 120 days shall have expired without a sale. Also see paragraph 5 herein.
- f. The Debtor shall pay all real property taxes on the real property located at 21866 William Circle, Gretna, Nebraska 68028 (the "Real Property") prior to the date such taxes become delinquent. Failure to pay taxes prior to such taxes becoming delinquent shall constitute an event of default under this Plan. If Debtor defaults in paying taxes as set forth above, then the Debtor shall cure the default within 30 days of the original due date.
- g. Debtor shall pay the 2015 taxes which are currently delinquent upon the date of confirmation of the plan. If the 2016 taxes have not been paid on the date of confirmation then they shall be paid as due with one half due on or before the 1<sup>st</sup> day of April 2017 and the second half due on or before the 1<sup>st</sup> day of August 2017.

All creditors and equity security holders should refer to Articles IV through VII of this Plan for information regarding the precise treatment of their claim. Pursuant to 11USC Section 1125(f), a separate disclosure statement regarding this Plan has **not** been circulated with this Plan, pending the courts determination that the plan itself contains adequate information and that a separate disclosure statement is unnecessary. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)**

**ARTICLE III**

**STATEMENT OF FACTS**

**Pursuant to 11 USC Section 1125(f), the Debtor submits the following Statement of Facts in lieu of a separate disclosure statement.**

The Debtor has operated a recycling business out of this location for approximately ten (10) years. During the last recession, there were financial problems in regard to the income. Those financial problems have continued for the Debtor up until now.

As a result of loss of income, the Debtor has been unable to pay its real estate taxes to the Sarpy County Treasurer on an ongoing basis. In addition, the one secured creditor is the only creditor of the Debtor as of the date of filing, who has filed a claim in this proceeding.



This creditor purchased the Real Estate Taxes from the Sarpy County Treasurer and then moved for a foreclosure of the real property owned by the Debtor. The State Court Proceeding was stayed by virtue of the filing of this bankruptcy proceeding and the payment of this debt, plus interest, is the purpose of the Plan as filed herein.

Also, the Debtor and the Creditor have been working together in an attempt to construct a Plan which is acceptable to the Creditor and which will be a Plan which the Court can approve with any and all necessary provisions to meet the requirements of the Bankruptcy Code.

**ARTICLE IV**  
**CLASSIFICATION OF CLAIMS AND INTERESTS**

- 2.01 Class 1. All allowed claims entitled to priority under § 507 of the Code (except administrative expense claims under § 507(a)(2) and priority tax claims under § 507(a)(8)).
- 2.02 Class 2. All secured claims allowed under § 502 of the Code.
- 2.04 Class 3. Equity interests of the Debtor, shareholder Sunnay Emmanuel.

**ARTICLE V**  
**TREATMENT OF ADMINISTRATIVE EXPENSE CLAIMS, U.S. TRUSTEES FEES, AND PRIORITY TAX CLAIMS**

3.01 Unclassified Claims. Under section §1123(a)(1), administrative expense claims and priority tax claims are not in classes.

3.02 Administrative Expense Claims. Each holder of an administrative expense claim allowed under § 503 of the Code will be paid in full on the effective date of this Plan (as defined in Article VII), in cash, or upon such other terms as may be agreed upon by the holder of the claim and the Debtor. Howard T. Duncan shall file a fee application whereby all fees shall be entitled priority.

3.03 Priority Tax Claims. Each holder of a priority tax claim will be paid in full. No priority tax claims have been filed.

3.04 United States Trustee Fees. All fees required to be paid by 28 U.S.C. §1930(a)(6) (U.S. Trustee Fees) will accrue and be timely paid until the case is closed, dismissed, or converted to another chapter of the Code. Any U.S. Trustee Fees owed on or before the effective date of this Plan will be paid on the effective date.

**ARTICLE VI  
TREATMENT OF CLAIMS AND INTERESTS UNDER THE PLAN**

4.01 Claims and interests shall be treated as follows under this Plan:

Class			Impairment	Treatment
Class 1 - Priority Claims			Unimpaired	At this time there exists no allowed claims entitled to priority under § 507 of the Code (except administrative expense claims under § 507(a)(2) and priority tax claims under § 507(a)(8)).
Class 2 – Secured Creditors			Unimpaired	Secured creditor Rajesh Prasad shall be paid in full at the rate of 14% per annum.  Those claimants listed with a \$0.00 claim have not filed a Proof of Claim and for such reason will receive no payment under the Plan.
Claimant	Claimed	To be paid		
Prasad, Rajesh	\$66,937.56	\$66,937.56 at the rate of 14% per annum		
Jensen Well Co., Inc.	unknown	\$0		
R & A Construction Co, Inc.	unknown	\$0		
Strategic Electric Group, LLC	unknown	\$0		
US Asphalt Company	unknown	\$0		
Class 3 - Equity Security Holders of the Debtor			Unimpaired	Upon confirmation and satisfaction of the absolute priority rule pursuant to 11 USC Section 1129, all stock shall vest in the sole equity security holder free and clear of all liens and liabilities based upon their percentage of stock ownership.
Sunny Emmanuel – Owns 100% of stock in LLC				

**ARTICLE VII  
ALLOWANCE AND DISALLOWANCE OF CLAIMS**

5.01 Disputed Claim. A disputed claim is a claim that has not been allowed or disallowed by a final non-appealable order, and as to which either: (i) a proof of claim has been filed or deemed filed, and the Debtor or another party in interest has filed an objection; or (ii) no proof of claim has been filed, and the Debtor has scheduled such claim as disputed, contingent, or unliquidated.

5.02 Delay of Distribution on a Disputed Claim. No distribution will be made on account of a disputed claim unless such claim is allowed by a final non-appealable order.

5.03 Settlement of Disputed Claims. The Debtor will have the power and authority to settle and compromise a disputed claim with court approval and compliance with Rule 9019 of the Federal Rules of Bankruptcy Procedure.

**ARTICLE VIII**  
**PROVISIONS FOR EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

6.01 Assumed Executory Contracts and Unexpired Leases.

(a) The Debtor assumes the following executory contracts and/or unexpired leases effective upon the effective date of this Plan as provided in Article VII:

Name of Other Parties to Lease or Contract	Description of Contract or Lease
-NONE-	

(b) The Debtor will be conclusively deemed to have rejected all executory contracts and/or unexpired leases not expressly assumed under section 6.01(a) above, or before the date of the order confirming this Plan, upon the effective date of this Plan. A proof of a claim arising from the rejection of an executory contract or unexpired lease under this section must be filed no later than thirty (30) days after the date of the order confirming this Plan.

**ARTICLE IX**  
**MEANS FOR IMPLEMENTATION OF THE PLAN**

7.01 Source of Funds. Payments and distributions under the Plan will be funded by cash flow from operations and future income. In the event that payments cease to be made for a period of MONTHS, then Kings shall list the building for sale within MONTHS, providing for a payment of Rajesh Prasad's secured claim in full based upon the principal balance that is due and owing at the time of sale. Interest will continue to accrue until closing.

7.02 Post-confirmation Management. The sole owner and President, Sunnay Emmanuel, shall manage the business for the purpose of effectuating this plan. **He receives no compensation for performing in this role.**

**ARTICLE X**  
**GENERAL PROVISIONS**

8.01 Definitions and Rules of Construction. The definitions and rules of construction set forth in §§ 101 and 102 of the Code shall apply when terms defined or construed in the Code are used in this Plan, and they are supplemented by the following definitions:

8.02 Effective Date of Plan. The effective date of this Plan is the first business day following the date that is fourteen days after the entry of the order of confirmation. If, however, a stay of the confirmation order is in effect on that date, the effective date will be the first business day after the date on which the stay of the confirmation order expires or is otherwise terminated.

8.03 Severability. If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other provision of this Plan.

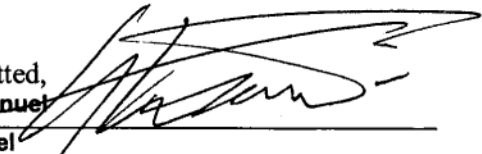
8.04 Binding Effect. The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of the successors or assigns of such entity.

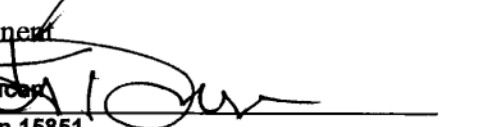
8.05 Captions. The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

8.06 Controlling Effect. Unless a rule of law or procedure is supplied by federal law (including the Code or the Federal Rules of Bankruptcy Procedure), the laws of the State of Nebraska govern this Plan and any agreements, documents, and instruments executed in connection with this Plan, except as otherwise provided in this Plan.

**ARTICLE XI**  
**NO DISCHARGE OF DEBTOR**

9.01 No Discharge. In accordance with § 1141(d)(3) of the Code, the Debtor will not receive any discharge of debt in this bankruptcy case.

Respectfully submitted,  
 By: /s/ Sunnay Emmanuel   
 Sunnay Emmanuel  
 The Plan Proponent

By: /s/ Howard T. Duncan   
 Howard T. Duncan 15851  
 Attorney for the Plan Proponent  
 1266 South 13<sup>th</sup> Street  
 Omaha, NE 68108  
 402-346-1132

**United States Bankruptcy Court  
District of Nebraska**

In re	<b>Kings Industries, LLC.</b>	Case No. <b>16-81049</b>
	Debtor(s)	Chapter <b>11</b>

Small Business Case under Chapter 11

**KINGS INDUSTRIES, LLC.'S AMENDED PLAN OF REORGANIZATION**  
**DATED JUNE 7, 2017**

**ARTICLE I**  
**SUMMARY**

This Plan of Reorganization (the "Plan") under chapter 11 of the Bankruptcy Code (the "Code") proposes to pay creditors of **Kings Industries, LLC.** ("Debtor" or "Kings") from cash flow from operations and future income.

This Plan provides for 1 class of secured claims; 0 classes of unsecured claims; and 1 class of equity security holders. It is specifically provided that there are no unsecured creditors holding allowed claims. This Plan also provides for the payment of administrative and priority claims.

1. The Debtor shall make payments of \$2,500.00 per month pursuant to the Plan. Such payments shall begin on the 15<sup>th</sup> day of the month following confirmation of the Plan pursuant to an Order of the Court and continue on the 15<sup>th</sup> day of each subsequent month until the Plan concludes.

Until attorney's fees are paid in full pursuant to Article IV paragraph 3.02, the plan payment shall be divided as follows:

- a. \$1,000.00 to be paid to Koenig | Dunne, P.C., L.L.O. on behalf of Howard T. Duncan, attorney for the Debtor; and
- b. \$1,500.00 to be paid to Rajesh Prasad ("Prasad"), the sole secured creditor in this proceeding, at his address of 2516 Hunters Run Drive, Plano, Texas 75025, along with interest at the rate of 14% per annum.

Once attorney's fees are paid in full pursuant to Article IV paragraph 3.02, the plan payment shall be divided as follows:

\$2,500.00 to be paid to Rajesh Prasad, the sole secured creditor in this proceeding, at his address of 2516 Hunters Run Drive, Plano, Texas 75025, until the principal balance with interest at the rate of 14% per annum shall be paid in full.

If Debtor defaults in making the prescribed monthly payments as set forth above, the Debtor shall cure the default within 30 days.

2. The Debtor shall pay all real property taxes on the real property located at 21866 William Circle, Gretna, Nebraska 68028 (the "Real Property") prior to the date such taxes become delinquent. Failure to pay taxes prior to such taxes becoming delinquent shall constitute an event of default under this Plan. If Debtor defaults in paying taxes as set forth above, then the Debtor shall cure the default within 30 days of the original due date. Property taxes for the first half of 2016, are due on or about April 1, 2017. Therefore the total amount due to be paid is in the approximate in the total amount of \$16,583.00.
3. If the Debtor fails to cure any of the defaults within the time frame as prescribed above in paragraphs 1 and 2 herein, then the Debtor shall have a period of 60 days during which to obtain a lease in regard to the Real Property with a monthly lease payment to the Debtor in an amount of not less than \$5,000.00 per month.

4. If the Debtor fails to cure a default within the time frame as prescribed above, or if the Debtor is unable to obtain a lease within the 60 days as listed above as set forth in paragraphs 1, 2 and 3 herein then the Debtor shall list the Real Property for sale on the market with a realtor for a sale price of no less than \$550,000 within 30 days. Any such listing agreement contract shall be for a period not to exceed 120 days with a verifiable sale of the Real Property confirmed in writing and provided to Howard T. Duncan and Martin Pelster during such 120 day period.
5. If such a sale is not confirmed and verified during such 120-day period, or in the event that the Debtor does not cure the defaults as set forth in paragraphs 1, 2, 3, or 4 herein then the subject Real Property shall be placed for sale at a public auction. The auction shall be conducted by a company jointly chosen by the attorney for the Debtor and the Attorney for Rajesh Prasad (or his assignee) herein. Such public auction shall be held within 90 days of the listing of such property for sale with said auction company. Rajesh Prasad shall be allowed the right to make a credit bid at the sale for the purpose of preventing such real property from being sold for any sum less than the sum owed to such creditor at the time it is being sold free and clear of liens pursuant to 11 USC Section 363 of the Bankruptcy Code.

All such sales as described herein shall comply with 11 USC 363. In addition, any disputes regarding the performance of these terms, defaults, interpretation of these terms, shall be determined by the Court upon proper application for a hearing by the appropriate party.

#### ADDITIONAL PROVISIONS REGARDING PRASAD

Debtor acknowledges the amount of Prasad's secured claim as filed, that it is a valid and enforceable lien on the Real Property, that is not subject to any defenses or rights of setoff, that Prasad will retain his lien on the property until the claim is paid in full, and that it will accrue interest at the rate of 14% per annum from and after July 11, 2016 until paid in full.

Debtor shall execute and deliver to Prasad a Deed of Trust to be filed with the register of deed to further secure the claim until it is paid in full. Such documents shall be prepared, provided, and filed by Martin Pelster, Attorney at Law.

Debtor shall maintain the Real Property and all improvements located thereon in its current condition, reasonable wear and tear excepted.

Debtor shall maintain casualty insurance on the Real Property in the amount of not less than \$550,000 which shall name Prasad as an additional insured and provide notice to Prasad at least 30 days in advance of termination of such insurance.

Debtor's payments received by Prasad shall be applied first to accrued interest and then to the unpaid principal balance of the debt.

Debtor shall pay the 2015 taxes which are currently delinquent will be due within thirty (30) days of the date of confirmation of the plan. If the 2016 taxes have not been paid on the date of confirmation, then they shall be paid as due with one half due on or before the 1<sup>st</sup> day of April 2017 and the second half due on or before the 1<sup>st</sup> day of August 2017. In the event that the Debtor does not pay the 2015 taxes which are currently delinquent upon the date of confirmation of the plan then it is specifically provided that paragraph 4 above shall immediately go into full force and effect regarding the listing agreement with a realtor for an amount of not less than \$550,000.00. In addition in the event that such property is not sold during such 120 day period then the provisions in paragraph 5 above shall go into full force and effect regarding the company jointly chosen by the Attorney for the Debtor and the Attorney for Rajesh Prasad (or his assignee) and as otherwise provided for in paragraph 5 above.

In the event Debtor fails to comply with the terms of this Plan, Prasad shall be entitled to an order granting him relief from the automatic stay to allow Prasad to proceed with foreclosure of the tax sale certificate on the Real Property and/or foreclosure of the Deed of Trust executed and delivered to Prasad pursuant to the terms of this Plan. Prior to seeking such an order, Prasad shall provide Debtor with written notice of Debtor's failure to comply with the terms of the Plan and Debtor shall have ten (10) days to cure such default. In the event Debtor does not cure the default, the order granting relief from the automatic stay shall be entered within ten (10) days after the filing of an affidavit by Prasad's attorney stating the nature of the default and the date notice of the default, and that applicable cure period has expired. In the event Debtor wants to challenge Prasad's entitlement to an order for relief from the stay, Debtor shall file a request for hearing within five (5) days after the filing of the affidavit by Prasad's attorney as provided herein and the Court shall schedule a hearing on Prasad's request for relief from the stay. The sole issues to be determined by the court at such hearing shall be whether Debtor failed to comply with the terms of the Plan and whether Debtor was provided with the required notice of default and opportunity to cure. The order for relief shall provide that Rule 4001(a)(3) is waived.

## **ARTICLE II**

### **DETAILED PLAN SUMMARY**

1. That this Chapter 11 case was filed on July 11, 2016 as a small business case.
2. That the exclusivity period for the Debtor to file the Plan and Disclosure statement ended on January 7, 2016 and was then extended to April 7, 2017
3. That the Proof of Claim Deadline was November 8, 2016.
4. That secured creditor Rajesh Prasad ("Creditor") filed Proof of Claim 1, which is the only claim filed in this case.
5. That Debtor's attorney has contacted counsel for Creditor to discuss a work out that could have eliminated the need to submit a Plan and Disclosure Statement in this case.
6. That the Debtor requested that the exclusivity period be extended an additional 90 days pursuant to § 11 U.S.C. 1121(e) to facilitate these work out discussions.
7. That the exclusive period was extended by the Court for a period of 90 days so that the Debtor and the Creditor could jointly agree to the provisions of the Plan and Disclosure Statement in advance of the filing of such documents.
8. That the Plan and Disclosure Statement has been drafted based on provisions drafted by the Attorney for the Debtor along with additional provisions and changes drafted by the Attorney for the Creditor herein, with a clear change in some provisions, as a compromise between the Debtor and the Creditor herein.
9. That the intent of this Detailed Plan Summary is to provide a clear, complete, and reasonable description of the Plan and Disclosure Statement again to eliminate any need for the interpretation by the Court in the event of a default by the Debtor in the Plan and Disclosure Statement provisions outlined as follows:
  - a. The Debtor shall make payments of \$2,500 per month with the first payment to be made on the 15<sup>th</sup> day of the month following confirmation pursuant to an Order of the Court and continue with payments on the 15<sup>th</sup> day of each month thereafter until all payments have been made. Also see paragraph 1 herein.

- b. The Debtor shall be allowed a period of 30 days to bring any payment missed in whole or in part current pursuant the Plan along with making the required payment due the next month. Also see paragraph 2 herein.
- c. If the Debtor fails to cure a payment default pursuant to paragraph b. above then the Debtor shall have a period of 60 days during which to obtain a lease from a third party in regard to the real property in an amount of not less than \$5,000.00 per month. Also see paragraph 3 herein.
- d. If the Debtor fails to obtain a lease as described in paragraph c. herein, then the Debtor shall list the Real Property for sale on the market with a realtor for a sale price of not less than \$550,000 within 30 days of the expiration of the 60 day period, as referred to in paragraph c. herein. Also see paragraph 4 herein.
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- g. Debtor shall pay the 2015 taxes which are currently delinquent upon the date of confirmation of the plan. If the 2016 taxes have not been paid on the date of confirmation then they shall be paid as due with one half due on or before the 1<sup>st</sup> day of April 2017 and the second half due on or before the 1<sup>st</sup> day of August 2017.

All creditors and equity security holders should refer to Articles IV through VII of this Plan for information regarding the precise treatment of their claim. Pursuant to 11USC Section 1125(f), a separate disclosure statement regarding this Plan has **not** been circulated with this Plan, pending the courts determination that the plan itself contains adequate information and that a separate disclosure statement is unnecessary. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)**



### ARTICLE III

#### STATEMENT OF FACTS

Pursuant to 11 USC Section 1125(f), the Debtor submits the following Statement of Facts in lieu of a separate disclosure statement.

The Debtor has operated a recycling business out of this location for approximately ten (10) years. During the last recession, there were financial problems in regard to the income. Those financial problems have continued for the Debtor up until now.

As a result of loss of income, the Debtor has been unable to pay its real estate taxes to the Sarpy County Treasurer on an ongoing basis. In addition, the one secured creditor is the only creditor of the Debtor as of the date of filing, who has filed a claim in this proceeding.

This creditor purchased the Real Estate Taxes from the Sarpy County Treasurer and then moved for a foreclosure of the real property owned by the Debtor. The State Court Proceeding was stayed by virtue of the filing of this bankruptcy proceeding and the payment of this debt, plus interest, is the purpose of the Plan as filed herein.

Also, the Debtor and the Creditor have been working together in an attempt to construct a Plan which is acceptable to the Creditor and which will be a Plan which the Court can approve with any and all necessary provisions to meet the requirements of the Bankruptcy Code.

### ARTICLE IV

#### CLASSIFICATION OF CLAIMS AND INTERESTS

- 2.01 Class 1. All allowed claims entitled to priority under § 507 of the Code (except administrative expense claims under § 507(a)(2) and priority tax claims under § 507(a)(8)).
- 2.02 Class 2. All secured claims allowed under § 502 of the Code.
- 2.04 Class 3. Equity interests of the Debtor, shareholder Sunnay Emmanuel.

### ARTICLE V

#### TREATMENT OF ADMINISTRATIVE EXPENSE CLAIMS, U.S. TRUSTEES FEES, AND PRIORITY TAX CLAIMS

3.01 Unclassified Claims. Under section §1123(a)(1), administrative expense claims and priority tax claims are not in classes.

3.02 Administrative Expense Claims. Each holder of an administrative expense claim allowed under § 503 of the Code will be paid in full on the effective date of this Plan (as defined in Article VII), in cash, or upon such other terms as may be agreed upon by the holder of the claim and the Debtor. Howard T. Duncan shall file a fee application whereby all fees shall be entitled priority.

3.03 Priority Tax Claims. Each holder of a priority tax claim will be paid in full. No priority tax claims have been filed.

3.04 United States Trustee Fees. All fees required to be paid by 28 U.S.C. §1930(a)(6) (U.S. Trustee Fees) will accrue and be timely paid until the case is closed, dismissed, or converted to another chapter of the Code. Any U.S. Trustee Fees owed on or before the effective date of this Plan will be paid on the effective date.

**ARTICLE VI**  
**TREATMENT OF CLAIMS AND INTERESTS UNDER THE PLAN**

4.01 Claims and interests shall be treated as follows under this Plan:

Class			Impairment	Treatment
Class 1 - Priority Claims			Unimpaired	At this time there exists no allowed claims entitled to priority under § 507 of the Code (except administrative expense claims under § 507(a)(2) and priority tax claims under § 507(a)(8)).
Class 2 – Secured Creditors			Unimpaired	Secured creditor Rajesh Prasad shall be paid in full at the rate of 14% per annum.  Those claimants listed with a \$0.00 claim have not filed a Proof of Claim and for such reason will receive no payment under the Plan.
Claimant	Claimed	To be paid		
Prasad, Rajesh	\$66,937.56	\$66,937.56 at the rate of 14% per annum		
Jensen Well Co., Inc.	unknown	\$0		
R & A Construction Co, Inc.	unknown	\$0		
Strategic Electric Group, LLC	unknown	\$0		
US Asphalt Company	unknown	\$0		
Class 3 - Equity Security Holders of the Debtor			Unimpaired	Upon confirmation and satisfaction of the absolute priority rule pursuant to 11 USC Section 1129, all stock shall vest in the sole equity security holder free and clear of all liens and liabilities based upon their percentage of stock ownership.
Sunnay Emmanuel – Owns 100% of stock in LLC				

**ARTICLE VII**  
**ALLOWANCE AND DISALLOWANCE OF CLAIMS**

5.01 **Disputed Claim.** A disputed claim is a claim that has not been allowed or disallowed by a final non-appealable order, and as to which either: (i) a proof of claim has been filed or deemed filed, and the Debtor or another party in interest has filed an objection; or (ii) no proof of claim has been filed, and the Debtor has scheduled such claim as disputed, contingent, or unliquidated.

5.02 **Delay of Distribution on a Disputed Claim.** No distribution will be made on account of a disputed claim unless such claim is allowed by a final non-appealable order.

5.03 **Settlement of Disputed Claims.** The Debtor will have the power and authority to settle and compromise a disputed claim with court approval and compliance with Rule 9019 of the Federal Rules of Bankruptcy Procedure.

**ARTICLE VIII**  
**PROVISIONS FOR EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

6.01 Assumed Executory Contracts and Unexpired Leases.

(a) The Debtor assumes the following executory contracts and/or unexpired leases effective upon the effective date of this Plan as provided in Article VII:

Name of Other Parties to Lease or Contract	Description of Contract or Lease
<b>-NONE-</b>	

(b) The Debtor will be conclusively deemed to have rejected all executory contracts and/or unexpired leases not expressly assumed under section 6.01(a) above, or before the date of the order confirming this Plan, upon the effective date of this Plan. A proof of a claim arising from the rejection of an executory contract or unexpired lease under this section must be filed no later than **thirty (30)** days after the date of the order confirming this Plan.

**ARTICLE IX**  
**MEANS FOR IMPLEMENTATION OF THE PLAN**

7.01 Source of Funds. Payments and distributions under the Plan will be funded by cash flow from operations and future income. In the event that payments cease to be made for a period of MONTHS, then Kings shall list the building for sale within MONTHS, providing for a payment of Rajesh Prasad’s secured claim in full based upon the principal balance that is due and owing at the time of sale. Interest will continue to accrue until closing.

7.02 Post-confirmation Management. The sole owner and President, Sunnay Emmanuel, shall manage the business for the purpose of effectuating this plan. **He receives no compensation for performing in this role.**

**ARTICLE X**  
**GENERAL PROVISIONS**

8.01 Definitions and Rules of Construction. The definitions and rules of construction set forth in §§ 101 and 102 of the Code shall apply when terms defined or construed in the Code are used in this Plan, and they are supplemented by the following definitions:

8.02 Effective Date of Plan. The effective date of this Plan is the first business day following the date that is fourteen days after the entry of the order of confirmation. If, however, a stay of the confirmation order is in effect on that date, the effective date will be the first business day after the date on which the stay of the confirmation order expires or is otherwise terminated.

8.03 Severability. If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other provision of this Plan.

8.04 Binding Effect. The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of the successors or assigns of such entity.


8.05 Captions. The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

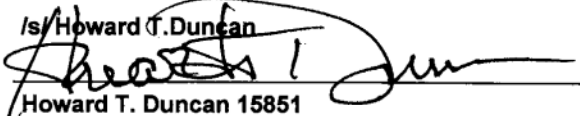
B25A (Official Form 25A) (12/11) - Cont.

8.06 Controlling Effect. Unless a rule of law or procedure is supplied by federal law (including the Code or the Federal Rules of Bankruptcy Procedure), the laws of the State of Nebraska govern this Plan and any agreements, documents, and instruments executed in connection with this Plan, except as otherwise provided in this Plan.

**ARTICLE XI**  
**NO DISCHARGE OF DEBTOR**

9.01 No Discharge. In accordance with § 1141(d)(3) of the Code, the Debtor will not receive any discharge of debt in this bankruptcy case.

Respectfully submitted,  
By: /s/ Sunnay Emmanuel   
Sunnay Emmanuel

The Plan Proponent  
By: /s/ Howard T. Duncan   
Howard T. Duncan 15851

Attorney for the Plan Proponent  
1266 South 13<sup>th</sup> Street  
Omaha, NE 68108 402-346-1132

THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

In re: Kings Industries, LLC )  
 ) CASE NO. BK 16-81049  
 ) CHAPTER 11  
Debtor.

\*\*\*\*\*

ORDER CONFIRMING KINGS INDUSTRIES, LLC'S AMENDED PLAN OF REORGANIZATION DATED JUNE 7, 2017

Debtor filed its Amended Plan of Reorganization on June 7, 2017. Doc. 36. The plan included the information required by 11 U.S.C. § 1125. The Court conditionally approve the disclosure on June 12, 2017. Debtor served the amended plan with disclosure information, order conditionally approving the disclosure statement and setting hearings and deadlines, telephonic hearing procedure instructions and ballots on June 13, 2017. See Doc. 38. The Court received no objections.

Upon review of the plan and other documents filed in this case, the Court finds:

1. The Court finds that the Disclosure Statement filed by Debtors contains adequate information of the kind, and in sufficient detail, that would enable a hypothetical investor typical of the holders of claims or interests in this case to make an informed judgment about the plan.
2. Debtor properly served notice of its plan.
3. On July 14, 2017, Debtor filed a Corrected Summary of Ballots. See Doc. 45. No interested parties in any class voted to reject the plan. The only creditor who submitted a ballot voted to accept the plan.
4. The Amended Plan of Reorganization complies with the applicable provisions of Title 11 of the United States Code, including 11 U.S.C. § 1129(a).

5. The Amended Plan of Reorganization was proposed in good faith and not by any means forbidden by law.
6. The plan is feasible.
7. Confirmation of the Amended Plan of Reorganization is in the best interests of Debtor, the bankruptcy estate and the creditors.

**IT IS ORDERED** that:

1. Kings Industries, LLC's disclosure is approved.
2. Kings Industries, LLC's Amended Plan of Reorganization Dated June 7, 2017 is confirmed.
3. The Debtor shall:
  - a. Carry out the confirmed Plan, by distribution and performance of all other necessary acts. 11 U.S.C. § 1142 and Fed. R. Bankr. Pro. 3021.
  - b. Effect substantial confirmation of the Plan, not later than one hundred fifty (150) days after the date of this Order.
  - c. Within thirty (30) days after substantial consummation of the Plan or one hundred and eighty (180) days after entry of this confirmation order, Debtor shall file a Final Accounting/Report and Application for Final Decree.

Dated: July 17, 2017.

BY THE COURT:

/s/Shon Hastings

Shon Hastings

United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE:	)	
	)	Case No. BK 16-81049
KINGS INDUSTRIES, LLC.,	)	
	)	Chapter 11
Debtor.	)	

**FIRST INTERIM APPLICATION BY COUNSEL FOR THE DEBTOR  
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Howard T. Duncan, in support of his First Interim Application by Counsel for the Debtor for Compensation and Reimbursement of Expenses (“Application”), states:

**I.**

**APPLICANT AND THE APPLICATION**

1.1 On July 11, 2016, Kings Industries, LLC. (“Debtor” or “Kings”) filed its Chapter 11 reorganization petition with this Court pursuant to the provisions of Chapter 11 of Title 11, United States Code (the “Bankruptcy Code”).

(a) All services for which compensation is requested by Howard T. Duncan in this application were performed for and on behalf of the Debtor and not on behalf of any other person or entity.

(b) Legal services rendered to the Debtor in this case commenced June 16, 2016.

(c) This application is made pursuant to 11 U.S.C. §§ 330 and 331 and Bankruptcy Rule 2016.

1.2 At the time Howard T. Duncan was retained by the Debtor, the Debtor agreed that Howard T. Duncan’s services would be charged to it at Howard T. Duncan’s standard hourly rates, and further agreed to reimburse Howard T. Duncan for costs and actual expenses incurred by Howard T. Duncan in connection with this case. The standard hourly rates are subject to periodic adjustments to reflect economic and other conditions. Howard T. Duncan will make periodic application for interim compensation, and if, at the completion of the case the results warrant, the attorney may make application to the court for the allowance of a premium above their designated hourly rates.

(a) Upon information and belief, the source of any compensation paid or to be paid to Howard T. Duncan during the duration of this case was and will be Kings.

(b) Howard T. Duncan received pre-petition payments totaling \$6,717.00 from the Debtor. Such total represents \$5,000.00 for attorney fees and \$1,717.00 for filing fees.

(c) Howard T. Duncan has not agreed to any caps or limitation on fees or other charges, except that he, on his own initiative, shall continue to provide legal services at those rates which he considers to be reasonable. Further, Howard T. Duncan shall abide by local Bankruptcy Rules, local practice, and the United States Trustee Guidelines, effective January 30, 1996, ("Guidelines") relating to charges for expenses to be incurred by the Debtor.

1.3 The following are the names of professionals and paraprofessionals for whom fees are requested in this Application:

	<u>Professional/Paraprofessional</u>		<u>Hourly Rate*</u>
(HD)	Howard T. Duncan	Attorney	\$300.00
(PP)	Patrick M. Patino	Attorney	\$300.00
(KC)	Kylie Clayton	Paralegal	\$125.00
(PLB)	Penny L. Bartholomew	Paralegal	\$125.00

\*The hourly rate charged by Howard T. Duncan for services provided to the Debtors is the standard hourly rate charge by Howard T. Duncan for similar work performed by Howard T. Duncan in bankruptcy and non-bankruptcy matters for clients.

1.4 Howard T. Duncan has not applied to the Court for compensation and expenses prior to the date of this Application.

1.5 Sunnay Emanuel, President of the Debtor, has reviewed all billing statements for the period covered by this fee application. Mr. Emmanuel advised Howard T. Duncan that he has no objection to the fees requested in the Application.

1.6 The time period covered by this Application is **July 10, 2016, through April 21, 2017.**



II.

**CASE STATUS**

2.1 At the time of the filing of this proceeding, the Debtor was having serious difficulties including cash flow and property tax issues. Rajesh Prasad, the holder of a property tax certificate, had initiated proceedings to foreclose on the business' real estate. Had the foreclosure been allowed to continue, it would have put Kings out of business.

2.5 The Debtor has completed, filed, and mailed out the Disclosure Statement and Chapter 11 Plan on April 7, 2017.

2.6 The Debtor has worked with the secured creditor to reach an agreement regarding the plan and its specific terms. Debtor has already provided the court with a Stipulated Order Confirming Plan.

2.7 It is the belief of the Debtor's Attorney that the Order is acceptable and will be entered by the Court for confirmation of the Plan.

III.

**SUMMARY SHEET**

3.1 The following is a summary of the fees and expenses requested by Howard T. Duncan in this interim fee application:

	<u>Fees/Expenses Requested</u>	<u>Balance Owing</u>
<u>Fees</u> requested in this fee application (7/10/2016 through April 21, 2017)	\$21,187.50	\$21,187.50
<u>Expenses</u> requested in this fee application (7/10/2016 through April 21, 2017)	\$0.00	\$0.00
<u>Total Fees and Expenses</u> requested in current fee application (7/10/2016 through April 21, 2017)	\$21,187.50	\$21,187.50

3.2 The following is a summary of the professional and paraprofessional fees requested in the Application:

	<u>Professional/ Paraprofessional</u>		<u>Hours Worked</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
(HD)	Howard T. Duncan	Attorney	57.90	\$300.00	\$17,370.00
(PP)	Patrick M. Patino	Attorney	10.10	\$300.00	\$3,030.00
(KC)	Kylie Clayton	Paralegal	1.30	\$125.00	\$162.50
(PLB)	Penny L. Bartholomew	Paralegal	5.00	\$125.00	\$625.00
		<b>TOTALS:</b>	<u>74.30</u>		<u>\$21,187.50</u>

The total of fees from July 10, 2016 to April 21, 2017 as more specifically set forth herein and summarized above, is \$21,187.50 for 74.30 hours of services rendered for and on behalf of the Debtor. The average billing rate per hour, including paralegal time, is \$212.50.

**IV.**

**SUMMARY OF FEES BY PROJECT CATEGORIES**

**BACKGROUND OF THE CASE**

4.1 The Debtor is a Nebraska corporation with its corporate headquarters located in Omaha, Nebraska. See paragraph 2.1 for additional background, including the reason for filing of the Chapter 11 proceeding.

**PROJECT CATEGORIES**

Howard T. Duncan has complied with the “Project Billing Format” of the Guidelines as nearly as possible. A narrative summary regarding each project category for the time period of the Application is set forth below. Following each narrative summary is a chart identifying the number of hours worked and the amount of compensation requested for it.

The legal services provided to the Debtor by Howard T. Duncan for the time period July 10, 2016 to April 21, 2017, have been segregated chronologically into project categories and have been incorporated under the appropriate project category as required by the Guidelines.

NOTE: In most cases, wherever a fee description refers to multiple activities, the fees have been included in the project category first identified in the fee description.

**CASE ADMINISTRATION (Code B110): Coordination and compliance activities, including preparation of statement of financial affairs, schedules, list of contracts; United States Trustee interim statements, and operating reports; contacts with United States Trustee; and general creditor inquiries.**

**A. Narrative Summary:** The main activity under the Case Administration category for Howard T. Duncan involved all email communications with client and other parties (all inter-office communications have been excluded from email totals), preparation of Bankruptcy Schedules, and Operating Reports.

**B. Professional/Paraprofessional Fees:**

<u>Professional/Paraprofessional</u>	<u>Hours Worked</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
Howard T. Duncan	22.20	\$300.00	\$6,660.00
Patrick M. Patino	5.90	\$300.00	\$1,770.00
Kylie Clayton	1.30	\$125.00	\$162.50
Penny L. Bartholomew	5.0	\$125.00	\$625.00
TOTAL HOURS:	34.4	TOTAL FEES:	\$9,217.50

**C. Chronological Report – Time and Service Entries:** See attached Exhibit “A”.

**MEETINGS OF AND COMMUNICATIONS WITH CREDITORS (Code B150):**

**Preparing for and attending the conference of creditors, the 341 meeting, and other meetings of creditors**

**A. Narrative Summary:** The time under this general category involves.

**B. Professional/Paraprofessional Fees:**

<u>Professional/Paraprofessional</u>	<u>Hours Worked</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
Howard T. Duncan	2.0	\$300.00	\$600.00
Patrick M. Patino	0.0	\$300.00	\$0.00
Kylie Clayton	0.0	\$125.00	\$0.00
Penny L. Bartholomew	0.0	\$125.00	\$0.00
TOTAL HOURS:	2.0	TOTAL FEES:	\$600.00

**C. Chronological Report – Time and Service Entries:** See attached Exhibit “A”.

**FEE/EMPLOYMENT APPLICATIONS (Code B160): Preparations of employment and fee applications for self or others.**

**A. Narrative Summary:** The time under this general category includes communications with the U.S. Trustee’s office, creditors, and others regarding the preparation and filing of an application to employ professionals, preparation of affidavits to be attached, and correspondence and communication with the trustee regarding such employment, and notice to interested parties regarding the order of retention.

**B. Professional/Paraprofessional Fees:**

<u>Professional/Paraprofessional</u>	<u>Hours Worked</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
Howard T. Duncan	0.0	\$300.00	\$0.00
Patrick M. Patino	0.20	\$300.00	\$60.00
Kylie Clayton	0.0	\$125.00	\$0.00
Penny L. Bartholomew	0.0	\$125.00	\$0.00
TOTAL HOURS:	0.2	TOTAL FEES:	\$60.00

**C. Chronological Report – Time and Service Entries:** See attached Exhibit “A”.

**TAX ISSUES (Code B240): Analyses and advice regarding tax-related issues, including the preservation of net operating loss carry forwards.**

**A. Narrative Summary:** The time under this general category involves analysis and review of property tax related issues.

**B. Professional/Paraprofessional Fees:**

<u>Professional/Paraprofessional</u>	<u>Hours Worked</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
Howard T. Duncan	.30	\$300.00	\$90.00
Patrick M. Patino	0.0	\$300.00	\$0.00
Kylie Clayton	0.0	\$125.00	\$0.00
Penny L. Bartholomew	0.0	\$125.00	\$0.00
TOTAL HOURS:	.30	TOTAL FEES:	\$90.00

**C. Chronological Report – Time and Service Entries:** See attached Exhibit “A”.

**CLAIMS ADMINISTRATION AND OBJECTIONS (Code B310): Specific claim inquiries; bar date motions; analyses, objections and allowances of claims.**

**A. Narrative Summary:** The time under this general category involves review and analysis of Proof of Claim 1 filed by Rajesh Prasad.

**B. Professional/Paraprofessional Fees:**

<u>Professional/Paraprofessional</u>	<u>Hours Worked</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
Howard T. Duncan	.30	\$300.00	\$90.00
Patrick M. Patino	0.00	\$300.00	\$0.00
Kylie Clayton	0.0	\$125.00	\$0.00
Penny L. Bartholomew	0.0	\$125.00	\$0.00
<b>TOTAL HOURS:</b>	<b>.30</b>	<b>TOTAL FEES:</b>	<b>\$90.00</b>

**C. Chronological Report – Time and Service Entries:** See attached Exhibit “A”.

**PLAN AND DISCLOSURE STATEMENT (Code B320): 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.**

**B. Narrative Summary:** The time under this general category involves working with the Debtor to gather both the historical and current information to structure a disclosure statement followed by the plan of reorganization. It also involves meeting with the major creditors and players in the case to engage them in the process of preparing and filing the disclosure statement and plan.

**B. Professional/Paraprofessional Fees:**

<u>Professional/Paraprofessional</u>	<u>Hours Worked</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
Howard T. Duncan	33.10	\$300.00	\$9,930.00
Patrick M. Patino	4.00	\$300.00	\$1,200.00
Kylie Clayton	0.0	\$125.00	\$0.00
Penny L. Bartholomew	0.0	\$125.00	\$0.00
<b>TOTAL HOURS:</b>	<b>37.10</b>	<b>TOTAL FEES:</b>	<b>\$11,130.00</b>

**C. Chronological Report – Time and Service Entries:** See attached Exhibit “A”.

V.

**ACTUAL, NECESSARY EXPENSES**

The actual and necessary costs and expenses for extraordinary supplies, filing, duplication, long distance, and postage incurred by Howard T. Duncan in connection with this case and for the time period July 10, 2016 to April 21, 2017, is **\$21,187.50**. A detailed listing of such costs and expenses can also be found on Exhibit "A" attached hereto.

WHEREFORE, Howard T. Duncan respectfully requests the Court allow the interim fees and expenses requested in this application in the total amount of \$21,187.50;

(1) and further requests this Court enter an Order allowing the administrative claim entitled to priority under 11 U.S.C. § 503(b)(1)(A) and 11 U.S.C. § 507(a)(1) in the total amount of \$21,187.50 for fees and expenses incurred by Howard T. Duncan on behalf of the Debtor from July 10, 2016 to April 21, 2017;

(2) and further requests the Court enter an Order directing the Debtor to pay Howard T. Duncan on an interim basis the amount of the **unpaid part** of the approved claim of \$21,187.50;

(3) and further requests the Court enter its Order granting such other and further relief to which Howard T. Duncan may show itself to be justly entitled.

DATE: June 13, 2017.

BY: /s/ Howard T. Duncan  
HOWARD T. DUNCAN, #15851  
Koenig | Dunne, PC, LLO  
1266 South 13<sup>th</sup> Street  
Omaha, Nebraska 68108-3502  
(402) 346-1132  
[howardd@koenigdunne.com](mailto:howardd@koenigdunne.com)  
Attorney for Debtor

**NOTICE OF OBJECTION / RESISTANCE DEADLINE**

To all parties in interest:

Pursuant to Neb. Rev. Bankr. P. Rule 9013, 9014, you are hereby notified the last day to file and serve a resistance or objection to the foregoing Motion is **July 5, 2017**. Any objection or resistance must be in writing and must specify the factual or legal basis therefore and must be filed with the Court and served upon the Debtors' Attorney on or before the date set forth above. If an objection or resistance is properly filed and served, the Court will set the matter for hearing upon affidavit evidence. If no objection or resistance is timely filed and served, the Court will consider and decide the Motion and enter an order thereon without further notice or hearing.

/s/ Howard T. Duncan  
HOWARD T. DUNCAN, #15851  
Koenig | Dunne, PC, LLO  
1266 South 13<sup>th</sup> Street  
Omaha, Nebraska 68108-3502  
(402) 346-1132  
[howardd@koenigdunne.com](mailto:howardd@koenigdunne.com)  
Attorney for Debtors

**CERTIFICATE OF SERVICE**

I hereby certify that on June 13, 2017, the foregoing Application and Notice of Resistance/Objection Deadline was filed electronically with the Clerk of the United States Bankruptcy Court for the District of Nebraska using the CM/ECF system which sent notification of such filing by electronic mail to Patricia Fahey, US Trustee.

And I hereby certify that a true and correct copy of the foregoing Application and Notice of Resistance/Objection Deadline has been mailed by U.S. Mail, postage prepaid, on this June 13, 2017, to creditors and parties in interest as listed on the matrix attached hereto.

/s/ Penny L. Bartholomew  
Penny Bartholomew

## Koenig Dunne, PC, LLO

1266 S. 13th Street  
Omaha, NE 68108  
402.346.1132  
www.koenigdunne.com

**Sunnay Emmanuel**  
5086 South 160th Circle  
Omaha NE 68135  
United States

**Billing Dates:** July 10, 2016 through April 21, 2017  
**Issued:** June 13, 2017  
**Invoice Number:** 2011

**Re: KINGS Industries, LLC**

<u>Date</u>	<u>Task</u>	<u>Activity</u>	<u>HD</u>	<u>Description of Service</u>	<u>Hours</u>	<u>Amount</u>
07/10/2016	B110	A104	HD	Looked at schedules and information regarding the filing of the Chapter 11 and directed staff on final basic documents to be filed.	0.50	150.00
07/11/2016	B110	A110	HD	Reviewed basic documents for filing bankruptcy, and directed any changes, with contact to Sunnay, the President, with concerns about the basic information. Directed filing of case. Obtained SOB for filing in Sarpy County Case set for hearing this afternoon at 3 30. Sent email to Martin Pelster, attorney for Plaintiff, with the SOB information concerning filing. Also received and forwarded information about paperwork, documents, and records from US Trustee office to client. Provided proof of insurance to US Trustee Office.	1.60	480.00
07/12/2016	B110	A104	HD	Reviewed and emailed president copy of Order for Bankruptcy stay for Sarpy Co Lawsuit, Rajesh Prasad vs. Kings.	0.20	60.00
07/14/2016	B110	A110	KC	Drafted SOB for Princeton UCH v. Sunnay Emmanuel and Kings. Mailed to SC court with copy of SOB for them to mail back file stamped copy. Saved to file and emailed to HTD.	0.20	25.00
07/14/2016	B110	A110	KC	Received hard copy of Order for Bankruptcy Stay in Prasad lawsuit; put in file (rec'd electronic version already saved).	0.20	25.00
07/14/2016	B110	A106	HD	Reviewed and Emailed client copy of SOB filed in Small Claims Court.	0.20	60.00
07/18/2016	B110	A106	HD	Emailed president DIP paperwork that needs to be completed.	0.20	60.00
07/20/2016	B110	A106	HD	Email exchange with president regarding paperwork that needs to be completed and signed.	0.50	150.00
07/21/2016	B110	A110	KC	Updated schedules per HTD email and drafted Motion to Extend Time for filing remaining schedules; emailed to HTD.	0.50	62.50



**EXHIBIT "A"**

07/21/2016	B110	A110	KC	Received file stamped copy of SOB in Princeton UCH lawsuit. Put in file.	0.20	25.00
07/22/2016	B110	A110	KC	E-filed Motion to Extend Time for filing remaining schedules per HTD.	0.20	25.00
07/22/2016	B110	A108	HD	Spoke with President by phone concerning phone call from the court officer regarding collection effort on the small claim case for which a Suggestion of Bankruptcy was filed. Next, called and spoke with court officer about the case. Then called and spoke with Sunnay; and then called court officer regarding the fact that there is an automatic stay in place and that he should stop collection actions.	0.50	150.00
07/26/2016	B110	A103	HD	Worked on schedules and review for final version.	1.20	360.00
08/01/2016	B110	A103	HD	Printed schedules and documents due on Friday August 5th from drafts completed. Marked and highlighted sections that need attention for the meeting in afternoon with President of company.	0.80	240.00
08/01/2016	B110	A104	HD	Meeting with President of company, reviewed each page of the schedules due on August 5th. Made pen and ink changes, additions, notes, and otherwise updated paperwork for filing with signatures to corrected schedules.	1.10	330.00
08/01/2016	B110	A104	HD	Printed rough draft of the Schedules and Operating Reports and the Approved Banks for business operations. Flagged sections for additions and changes for the meeting with the President to complete and sign documents.	0.80	240.00
08/01/2016	B110	A103	HD	Meeting with president of company. Went through paperwork, schedules, Operating Reports, and information provided by the office of the US Trustee. Made changes for documents and obtained signature of president.	1.30	390.00
08/02/2016	B110	A108	HD	Email exchange with Sue Bylinski regarding DIP Bank.	0.20	60.00
08/04/2016	B110	A106	PP	Received notes re: schedules and discussed case with client over the phone. Concluded that we need more information than we have requested from the client in order to complete and file the schedules.	0.80	240.00
08/05/2016	B110	A106	HD	Contact with client (President) concerning Schedules to be filed today, deadline, and work to be completed on Sunday.	0.20	60.00
08/05/2016	B110	A106	HD	Email to president regarding Operating Report.	0.10	30.00
08/05/2016	B110	A108	HD	Phone call and email to Jerry Jensen regarding deadline to file schedules and delay to file them by Monday.	0.20	60.00

EXHIBIT "A"

08/07/2016	B110	A106	HD	Resumed phone call and discussions and line by line review of paperwork, schedules, statement of financial affairs. Added property that needed to be listed, checked on the details, reviewed emails with contracts and receivables; Phone call to President, went through a portion of the schedules and made changes. Reviewed changes, and waited for the President as he looked up answers to questions about bills, contracts, receivables and other information.	2.00	600.00
08/08/2016	B110	A103	PP	Completed Schedules and SOFA with information and notes; did Justice name search to see if there are any other cases out there; added information as needed. Filed signed completed schedules.	2.00	600.00
08/08/2016	B110	A103	HD	Meeting with President for final review and signature on Chapter 11 Bankruptcy Schedules and Statement of Financial Affairs for filing today. Made final changes in schedules, statement of financial affairs, and other pleadings due to be filed today. Directed staff to make final changes for the email to client and approval of final version of schedules and other documents due today. Ensured everything was filed.	1.10	330.00
08/10/2016	B150	A109	HD	Went to the Federal Building at the agreed time of 9:30 am to meet with President and prepare for the interview with the US Trustee's office and the First meeting of creditors set to start at 10:00 am with Sue and the 11:00 am meeting with Jerry Jensen at the FMC; Finished FMC and met with President concerning case. Finished and left at 11:30 am.	2.00	600.00
08/11/2016	B110	A103	HD	Reviewed bank statement and information provided in rough draft of the Operating Report provided to attorney at the FMC yesterday. Communicated with President while attorney worked on new version of Operating Report for July, and completed new draft of same.	0.70	210.00
08/11/2016	B110	A106	HD	Reviewed Operating Report. Drafted email to President with part of Operating Report to correct information to meet deadline for filing it by August 15th if possible.	0.30	90.00
08/15/2016	B110	A103	HD	Operating Report for July was prepared with additions and changes. New Report with old handwritten updates, information, and attachments was emailed to President for his review.	0.50	150.00
08/18/2016	B110	A106	HD	Email exchange with president regarding Operating Report and financial information of the business.	0.30	90.00
08/18/2016	B110	A108	HD	Received email from Sue Bylinksi regarding attachments needed for Operating Reports; responded to same.	0.20	60.00
08/26/2016	B110	A106	HD	Spoke with Sunnay by phone regarding status of business, operations, access to basic items, and other issues regarding operations.	0.30	90.00
09/07/2016	B110	A106	HD	Email exchange re: Operating Report and Meeting.	0.30	90.00

EXHIBIT "A"

09/08/2016	B110	A106	HD	Email regarding Operating Report and meeting.	0.10	30.00
09/12/2016	B210	A110	PP	Filed August 2016 Operating Report.	0.10	30.00
10/05/2016	B110	A106	HD	Email to president regarding Operating Report and setting up a meeting to discuss same.	0.10	30.00
10/11/2016	B110	A101	HD	Review of Schedules and notes prior to preparing for completion of the Operating Report on Friday October 14th with meeting in office.	0.80	240.00
10/11/2016	B320	A103	HD	Directed work concerning the deadlines, claims, and start work on Chapter 11 Plan for meeting with the President of the Company on Friday October 14th.	0.40	120.00
10/14/2016	B110	A106	HD	Email to president regarding missed meeting and Operating Report.	0.10	30.00
10/20/2016	B110	A108	PP	Phone call from Revenue Office 402-471-5908; spoke with Nick re: type of business (recycling broker); reason for filing (pending foreclosure); and how business is operated (generator/family member - son - employed to complete work).	0.20	60.00
10/24/2016	B310	A106	HD	Reviewed and emailed president POC 1 filed by Rajesh Prasad.	0.30	90.00
11/04/2016	B110	A108	HD	Email exchange with Sue Bylinski regarding September 2016 Operating Report.	0.20	60.00
11/08/2016	B110	A106	HD	Emailed president regarding Operating Report.	0.10	30.00
11/09/2016	B110	A106	HD	Email to Sunnay regarding change of address and need for Operating Report.	0.20	60.00
11/10/2016	B110	A106	HD	Contact via email for needed information for Operating Report.	0.20	60.00
11/15/2016	B110	A104	HD	Reviewed Financial information; provided and directed drafting of Operating Report.	0.20	60.00
11/15/2016	B110	A106	HD	Contact via email and text message for meeting regarding the Operating Report.	0.20	60.00
11/19/2016	B110	A106	HD	Email to president regarding Operating Report.	0.20	60.00
11/22/2016	B110	A106	HD	Worked on getting signed Operating Report; sent text messages and emails to President of debtor; review of income and expenses. Email back to client.	0.40	120.00
11/28/2016	B110	A104	PP	Reviewed and filed October 2016 Operating Report.	0.30	90.00
12/10/2016	B320	A106	HD	Email president of the company regarding Operating Report and deadline for filing a Disclosure Statement and Plan. Followed this up with a text message to him to ensure he's aware of what is happening.	0.50	150.00
12/12/2016	B110	A103	PP	Draft Motion to Withdraw - provided to HTD for review and input.	0.10	30.00
12/12/2016	B320	A105	HD	Directed Patrick Patino to proceed with drafting Plan.	0.10	30.00
12/12/2016	B110	A106	HD	Text messages and emails to client about Operating Report; looked at income and Plan.	0.40	120.00
12/13/2016	B110	A103	PP	Prepared second draft 2 of Motion to Withdraw; printed and provided to HTD for review.	0.10	30.00
12/13/2016	B110	A103	HD	Worked on Motion to Withdraw to send to President with email regarding strategy.	0.70	210.00

EXHIBIT "A"

12/14/2016	B320	A103	PP	Draft Plan, Disclosure Statement, and Motion to Extend Exclusivity Period; pulled copy of docket, claims register, and POC; printed all documents to HTD for review.	1.70	510.00
12/14/2016	B320	A106	HD	Email exchange with Sunnay Emmanuel regarding business bank account; Directed PMP to start drafting Plan and Disclosure Statement.	0.30	90.00
12/15/2016	B320	A103	PP	Internal strategy meeting; Updated Motion to Extend Plan and Disclosure Exclusivity Period per HTD's direction and brief discussion; Provided to HTD for review; HTD rev'd and confirmed that we should proceed with filing.	0.50	150.00
12/15/2016	B320	A108	HD	Called Marty Pelster about extension of deadline to file Disclosure Statement and Plan.	0.20	60.00
12/16/2016	B110	A103	PP	Updated Motion to Extend; emailed to HTD for review prior to filing; drafted motion to shorten time for 9013 notice.	0.50	150.00
12/16/2016	B110	A110	PLB	Prepared and filed a Motion to Extend and Motion to Shorten.	0.30	37.50
12/16/2016	B110	A110	PP	File Motion to Extend and Motion to Shorten time for 9013 Notice.	0.50	150.00
12/16/2016	B110	A106	HD	Emailed Motion to Extend Time to client.	0.10	30.00
12/19/2016	B320	A103	HD	Worked on the Motion to Withdraw, the Disclosure Statement, and the Plan to provide to client (president) at meeting on Thursday.	0.80	240.00
12/19/2016	B110	A110	PLB	Received, reviewed, and docketed court email, re: Order Granting Motion to Shorten Time for Filing Objections to Motion to Extend/Limit Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement Filed.	0.20	25.00
12/20/2016	B110	A104	PP	Reviewed billing for time spent since Chapter 11 case filed on July 11, 2016.	0.50	150.00
12/20/2016	B320	A103	PP	Update Plan and Disclosure with HTD notes and directions; printed for HTD to review.	0.90	270.00
12/20/2016	B110	A103	PP	Drafted email to Sunnay re: meeting on Thursday per HTD's instructions; printed for HTD to review.	0.20	60.00
12/20/2016	B320	A103	HD	Drafting changes, additions, procedures, and other items for Disclosure Statement and Plan for the approval of strategy and procedure for meeting on Thursday and to keep Chapter 11 moving forward for rough draft to change into final product.	0.80	240.00
12/20/2016	B110	A104	HD	Reviewed materials, schedules, Operating Reports, motions, and other information. Worked on completing of letter to client along with Disclosure Statement combined with Plan to possibly file by January 6th, and for discussions with President of the Company for a meeting on Thursday; Drafting letter for meeting to mail and email by Wednesday.	0.50	150.00

EXHIBIT "A"

12/22/2016	B320	A106	HD	Meeting and discussions of deadline, attorney fees, and the four options to make sure the Plan would be successful; also explored agreement and disagreement.	1.50	450.00
12/22/2016	B320	A101	HD	Prepared paperwork, notices, and Plan for meeting with president to discuss Plan/options/money/fees/feasibility, as well as sale and lease.	0.80	240.00
12/23/2016	B110	A104	PP	Reviewed and filed November 2016 Operating Report.	0.10	30.00
12/27/2016	B320	A101	HD	Plan summary with percent for success determined at each level to move forward and communicate with me and secured creditors.	0.70	210.00
12/27/2016	B320	A101	HD	Preparation for meeting on Thursday to complete Disclosure Statement and Plan.	1.30	390.00
12/30/2016	B110	A110	PLB	Received, reviewed, and docketed court email, re: Debtor-In-Possession Monthly Operating Report for Filing Period November 2016.	0.20	25.00
01/05/2017	B320	A106	HD	Meeting with Sunnay Emmanuel regarding the Plan outline and consent to terms; obtained copy of bank statement for December 2016.	0.50	150.00
01/05/2017	B320	A103	HD	Worked on final changes in agreement for meeting at 1:00pm with provisions for possible settlement and eventual Plan with provisions to move forward.	0.40	120.00
01/09/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Order Granting Motion to Extend Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement Filed by Debtor Kings Industries, LLC (Related Doc # [18]). Debtor's motion was filed, served and noticed pursuant to local rules. No timely resistance/objection	0.20	25.00
01/09/2017	B320	A108	HD	Called and spoke with Marty Pelster about terms of settlement to put into Plan for confirmation.	0.30	90.00
01/09/2017	B320	A104	PP	Deadline to Object to Motion to Extend Exclusivity Period for filing Plan and Disclosure Statement; Reviewed order from Court granting Motion.	0.20	60.00
01/12/2017	B320	A103	HD	Drafted email to Marty Pelster which outlines procedure for the Plan to be considered and sent to him with a copy to the client. Reviewed Plan as drafted and completed first draft of email to be sent to Marty Pelster for consideration. Email was long and complicated and contained 6 numbered paragraphs.	1.10	330.00
01/12/2017	B110	A106	HD	Provided Operating Report to client to sign so it could be filed.	0.20	60.00
01/13/2017	B320	A108	HD	Reviewed email and sent Plan information to Marty Pelster after editing with additions and changes. Also sent copy to client.	0.80	240.00
01/17/2017	B110	A108	HD	Spoke with secured creditor by phone directly based on his phone call to me; directed him to talk to his attorney, along with my legal and ethical duties not to discuss the case with him.	0.20	60.00
01/19/2017	B110	A108	HD	Drafted and sent email to Marty Pelster about phone call from his client to me on 01/16/17.	0.20	60.00

EXHIBIT "A"

01/19/2017	B320	A106	HD	Email to client regarding status of Plan and creditor, with question about Operating Report, plus text message.	0.20	60.00
01/20/2017	B320	A108	HD	Read and reviewed detailed email from Martin Pelster regarding secured creditor and proposed Plan to submit to court by agreement. Sent email to client too.	0.40	120.00
01/23/2017	B320	A104	HD	Went through emails between Martin Pelster and myself regarding plea provisions. Highlighted sections in yellow and completed email to President of Debtor with explanation and attachments. Provided email to paralegal to put everything together to email to client in order to move settlement forward.	0.90	270.00
01/23/2017	B320	A106	HD	Spoke with President by phone regarding possible Plan with additions and changes from attorney for secured creditor.	0.20	60.00
01/23/2017	B320	A106	HD	Worked on long and complicated email regarding money owed, dates and times, provisions for default, and procedures to follow.	0.90	270.00
01/24/2017	B320	A106	HD	Finished long and complicated email with attachments to send to President and explained how to fit everything together to reach a reasonable deal for the Plan. Sent all via email.	0.60	180.00
01/25/2017	B110	A101	PP	Prepared and filed December 2016 Operating Report.	0.20	60.00
01/27/2017	B320	A108	HD	Contacted Marty Pelster via email regarding status of Plan before drafting long and complicated letter to president outlining the solution and how it would work. Mailed same on Monday, January 30th.	0.40	120.00
01/31/2017	B110	A110	PLB	Preparation of Letter re: Plan.	0.20	25.00
01/31/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Debtor-In-Possession Monthly Operating Report for Filing Period December 2016.	0.20	25.00
02/07/2017	B160	A105	PP	Internal discussion with Howard regarding fee application and structure of plan.	0.20	60.00
02/07/2017	B320	A103	HD	Worked on new Plan. Drafted an outline with changes to sections regarding provisions, default sale, and procedures in event that there are insufficient funds. Prepared for meeting with client on Thursday, February 9th.	1.70	510.00
02/09/2017	B320	A101	HD	Worked on a document regarding the Plan, Disclosure Statement, and negotiation with secured creditor for meeting with the client. Also worked on other items including the Operating Report and cash flow information.	0.60	180.00
02/13/2017	B320	A103	HD	Meeting with Sunnay to review signed agreement about terms for Plan changed, completed the signed letter. Also called Marty Pelster about real estate tax payment deadlines. Worked on Operating Report and drafted same for Sunnay to sign for filing. Made copies for Sunnay of all paperwork.	1.20	360.00

EXHIBIT "A"

02/14/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Debtor-In-Possession Monthly Operating Report for Filing Period January 2017.	0.20	25.00
02/14/2017	B110	A110	PLB	Draft January Operating Report.	0.50	62.50
03/03/2017	B110	A108	HD	Drafted email to Martin Pelster, attorney for secured creditor, and emailed draft of Plan to him for his information and consideration.	0.20	60.00
03/03/2017	B320	A103	HD	Reviewed information provided by counsel for the creditor, completed new draft of Plan with changes to attempt to meet the provisions requested; completed Plan and sent email with copy of Plan to client.	0.80	240.00
03/13/2017	B110	A110	PLB	Prepare and File Operating Report.	0.40	50.00
03/13/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Debtor-In-Possession Monthly Operating Report for Filing Period February 2017.	0.20	25.00
03/13/2017	B320	A104	HD	Reviewed Redline Draft for the Plan of Reorganization provided by Martin Pelster in advance of meeting with client at 1:00PM. Made notes regarding his changes and sent email to Martin Pelster with a copy to client. Directed paralegal to provide a new draft of the Plan so I could respond to Mr. Pelster and go over the document with client at the meeting.	0.70	210.00
03/15/2017	B320	A106	HD	Communicated with client regarding status of payments and information to complete Plan.	0.30	90.00
03/21/2017	B320	A103	HD	Completed draft of the Plan Summary for purposes of resolving any complications in the Plan so agreement with secured creditor and client could be reached; also reviewed Plan deadline.	0.90	270.00
03/23/2017	B320	A106	HD	Communicated via email and text regarding the Plan and Summary. Drafted letter with paperwork enclosed and mailed to him at corrected address.	0.40	120.00
03/24/2017	B320	A103	HD	Continued work on the Plan and Summary for meeting with Client on Tuesday to obtain final signature on the Disclosure Statement and Plan, to be filed by agreement. Directed paralegal to check the math regarding real estate taxes owed that were not paid after secured creditor purchased real estate and started foreclosure.	0.40	120.00
03/24/2017	B320	A103	HD	Continued work on the Plan and Summary for meeting with client on Tuesday of next week to obtain final signature on the Disclosure Statement and Plan to be filed by agreement. Directed paralegal to check on math regarding real estate taxes owed that were not paid after secured creditor purchased real estate taxes and started foreclosure.	0.40	120.00
03/27/2017	B320	A103	HD	Analyzed current draft of Plan, previous drafts of Plan, and the Plan Summary to ensure every term about payment, lease, sale, and default were captured into one document, i.e. the current draft.	0.50	150.00

EXHIBIT "A"

03/27/2017	B320	A103	HD	Involved work putting together a new draft of the Plan using prior versions, versions prepared by opposing counsel, as well as a Plan Summary.	0.50	150.00
03/28/2017	B320	A105	PP	Internal discussion regarding status of case and plan.	0.20	60.00
03/28/2017	B320	A103	HD	Worked on Plan which is now longer and more detailed to add any information concerning the business operations and to complete the changes for discussions with the client at 1:00PM.	0.20	60.00
03/28/2017	B320	A103	HD	Finished new version of the Plan and Disclosure Statement for modification to prepare for the meeting at 1:00 today with new details and new information.	0.50	150.00
03/30/2017	B110	A104	PP	Reviewed plan of reorganization.	0.30	90.00
03/30/2017	B320	A104	HD	Went through the file and reviewed and highlighted sections about the Plan to be filed and records regarding the Real Estate Taxes owed to the Sarpy County Treasurer. Included confirmation of the amount owed in a letter signed by client, along with records concerning the real estate, and sent those to client with details to confirm that provisions were and are corrected. Instructed client again to go to the Sarpy County Treasurer to obtain the alleged information that the letter signed by client along with the drafted Plan were correct and to respond to the debtor's attorney.	1.20	360.00
03/30/2017	B320	A108	HD	Phone call to Marty Pelster regarding the Plan.	0.20	60.00
03/30/2017	B320	A103	HD	Made changes in the Plan and printed same to have a final document for the client to sign on Tuesday of next week.	0.90	270.00
03/31/2017	B320	A104	HD	Reviewed information on notices, real estate taxes, and notice to Sarpy County Treasurer; called Martin Pelster regarding his client's claim; made changes to the Plan and Disclosure Statement.	0.90	270.00
03/31/2017	B320	A106	HD	Call client regarding status of Plan, claims, and claim not filed.	0.30	90.00
04/02/2017	B320	A106	HD	Drafted and sent a long, detailed text message re: Plan.	0.30	90.00
04/03/2017	B240	A108	HD	Sent email to Marty Pelster regarding the fact that the treasurer had not filed a claim, so taxes would not be paid according to new Plan copy to client.	0.30	90.00
04/03/2017	B320	A103	HD	Making revisions to the Plan and taking them to paralegal for further changes.	0.80	240.00
04/03/2017	B320	A103	HD	Took claims and other information and completed another draft of the Plan and Disclosure Statement for meeting on Tuesday at 1:00pm. with client. Also fixed mistake in Plan.	0.60	180.00



EXHIBIT "A"

04/04/2017	B320	A108	HD	Communicated with Martin Pelster and worked on putting a provision into the Plan that meets his client's concerns and possible exception. Emailed new Plan and disclosure statement to Martin Pelster with default provisions to resolve disputes between the parties.	0.90	270.00
04/06/2017	B110	A106	HD	Meeting with client and work on Operating Report and Plan due for filing on April 7th.	1.60	480.00
04/06/2017	B320	A106	HD	Sent text message to Sunnay about the signed Plan and Disclosure Statement to be signed and returned along with the Operating Report.	0.20	60.00
04/06/2017	B320	A106	HD	Meeting with client regarding work on and signing the Operating Report and Plan due for filing on April 7th; provided it to paralegal for filing tomorrow, along with the notices, certificates, and ballot once court rules on procedures, as it has in the past.	2.00	600.00
04/06/2017	B110	A110	PLB	Filed Operating Report for March 2017.	0.20	25.00
04/07/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Chapter 11 Small Business Plan Filed by Debtor Kings Industries, LLC.	0.20	25.00
04/07/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Debtor-In-Possession Monthly Operating Report for Filing Period March 2017.	0.20	25.00
04/07/2017	B320	A102	HD	Pulled example of ballot and prior order of court with tentative approval of Disclosure Statement and provided information and forms to paralegal. Directed filing of Plan and Disclosure Statement.	0.50	150.00
04/07/2017	B110	A110	PLB	Filed Ch.11 combined Plan and Disclosure Statement with the bankruptcy court.	0.20	25.00
04/10/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: The Office of United States Trustee has reviewed the small business combined plan and disclosure statement or disclosure statement and reports to the Court that it has no objection to the conditional approval of the disclosure statement.	0.20	25.00
04/10/2017	B320	A106	HD	Received report from US Trustee and sent it to client regarding Plan and Disclosure Statement being acceptable.	0.20	60.00
04/11/2017	B320	A111	HD	Work on amendment to Plan. Worked on the first draft of the amendment to Plan to add back in a complete and more detailed authority for credit bid by creditor removed during signatures of Plan.	0.30	90.00
04/12/2017	B320	A108	HD	Took the provisions that Marty Pelster, attorney for creditor, demanded be in the Plan, attended discovery, and drafted an amendment to Plan. Sent amendment to Plan to Marty Pelster and to client separately for consideration and approval.	0.60	180.00
04/12/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Order Conditionally Approving Disclosure Statement and Setting Hearing on Confirmation.	0.20	25.00
04/13/2017	B320	A101	PP	Prepared Plan and Certificate of Service to be filed with Court	0.20	60.00

**EXHIBIT "A"**

04/13/2017	B320	A104	PP	Reviewed certificate of service, ballot, and conditional order; Informed paralegal to proceed with filing and mailing	0.30	90.00
04/14/2017	B110	A110	PLB	Prepared and Filed Certificate of Service and Ballot with the court, including docketing of same.	1.00	125.00
04/14/2017	B110	A110	PLB	Received, reviewed, and docketed court email, re: Certificate of Service Filed by Debtor Kings Industries, LLC.	0.20	25.00
<b>Total Fees</b>					<hr/>	<b>74.30 \$21,187.50</b>

**Time Summary**

<u>Initials</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
HD	300.00	57.90	\$17,370.00
KC	125.00	1.30	\$162.50
PLB	125.00	5.00	\$625.00
PP	300.00	10.10	\$3,030.00
		<hr/>	<hr/>
		74.30	\$21,187.50

**TOTAL NEW CHARGES**

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**\$21,187.50**

**STATEMENT OF ACCOUNT**

Current Fees

\$21,187.50

**AMOUNT DUE**

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**\$21,187.50**

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Label Matrix for local noticing

Kings Industries, LLC

Internal Revenue Service

0867-8

21866 William Circle

PO Box 7346

Case 16-81049-SKH

Gretna, NE 68028-6433

Philadelphia, PA 19101-7346

District of Nebraska

Omaha Office

Tue Jun 13 11:25:15 CDT 2017

Jensen Well Co., Inc.

c/o Michael Borer

767 Iowa Street

Blair, NE 68008-1750

NE Dept of Revenue

Attn: Bankruptcy Unit

PO Box 94818

Lincoln, NE 68509-4818

Princeton UCH

PO Box 8108

Omaha, NE 68108-0108

R A Construction Co, Inc.

c/o Margaret Platek, Registered Agent

822 Locust Street

Carter Lake, IA 51510-1533

Rajesh Prasad

2516 HUNTERS RUN DR

PLANO, TX 75025-4768

Rajesh Prasad

c/o Martin Pelster

2120 South 72nd Street Suite 1200

Omaha, NE 68124-2366

Sarpy County Attorney

1210 Golden Gate Drive

#3147

Papillion, NE 68046-2889

(c) SARPY COUNTY TREASURER

1210 GOLDEN GATE DR STE 1120

PAPILLION NE 68046-2842

Strategic Electric Group, LLC

c/o Elizabeth O'Connor

10306 Regency Parkway Drive

Omaha, NE 68114-3708

Sunnay Emmanuel

5311 S 145th Street

Omaha, NE 68137-2605

US Asphalt Company

a/k/a Old Castle Materials Midwest Co

14012 Giles Road

Omaha, NE 68138-3603

Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

Sarpy County Treasurer

1210 Golden Gate Dr.

#1127

Papillion, NE 68046

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Rajesh Prasad

End of Label Matrix

Mailable recipients 13

Bypassed recipients 1

Total 14

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE: ) CASE NO. BK 16-81049  
 )  
KINGS INDUSTRIES, LLC, )  
 )  
Debtor(s). )  
 )  
 )

**AFFIDAVIT OF MARTIN P. PELSTER**

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

Martin P. Pelster, being first duly sworn under oath, states as follows:

1. I am a member of Croker, Huck, Kasher, DeWitt, Anderson & Gonderinger, L.L.C., attorneys of record in this Chapter 11 proceeding for Rajesh Prasad, a secured creditor herein (“Prasad”). I have personal knowledge of all matters stated herein.

2. Attached hereto is a true and correct of my letter to Debtor’s counsel, Howard Duncan, providing Debtor with notice of default under the Chapter 11 Plan (Doc. 36) confirmed in this proceeding by Order of this Court entered on or about July 17, 2017 (Doc. 46). The attached letter was sent to Mr. Duncan by email and regular mail on May 3, 2018.

3. Debtor has failed and refused to cure the default specified in the attached letter. More than ten (10) days have passed since Debtor was provided with notice of default.

4. This Affidavit is provided in accordance with Article I of Debtor’s Amended Chapter 11 Plan, which states, in pertinent part, as follows:

In the event Debtor fails to comply with the terms of this Plan, Prasad shall be entitled to an order granting him relief from the automatic stay to allow Prasad to proceed with foreclosure of the tax sale certificate on the Real Property and/or foreclosure of the Deed of Trust executed and delivered to Prasad pursuant to the terms of

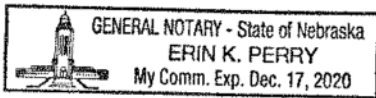
this Plan. Prior to seeking such an order, Prasad shall provide Debtor with written notice of Debtor's failure to comply with the terms of the Plan and Debtor shall have ten (10) days to cure such default. In the event Debtor does not cure the default, the order granting relief from the automatic stay shall be entered within ten (10) days after the filing of an affidavit by Prasad's attorney stating the nature of the default and the date notice of the default, and that applicable cure period has expired. In the event Debtor wants to challenge Prasad's entitlement to an order for relief from the stay, Debtor shall file a request for hearing within five (5) days after the filing of the affidavit by Prasad's attorney as provided herein and the Court shall schedule a hearing on Prasad's request for relief from the stay. The sole issues to be determined by the court at such hearing shall be whether Debtor failed to comply with the terms of the Plan and whether Debtor was provided with the required notice of default and opportunity to cure. The order for relief shall provide that Rule 4001(a)(3) is waived.

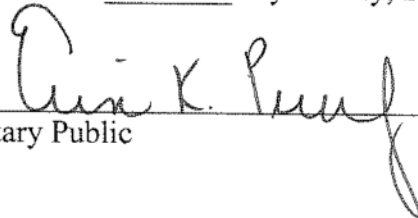
5. Prasad respectfully requests entry of an Order granting him relief from the automatic stay to proceed with foreclosure of the Tax Sale Certificate on the real property and/or foreclosure of the Deed of Trust executed and delivered to Prasad pursuant to the terms of the Amended Chapter 11 Plan.

FURTHER AFFIANT SAITH NOT.

  
\_\_\_\_\_  
Martin P. Pelster

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of May, 2018.



  
\_\_\_\_\_  
Notary Public

LAW OFFICES  
**CROKER, HUCK, KASHER,**  
**DeWITT, ANDERSON & GONDERINGER, L.L.C.**

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OF COUNSEL  
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RETIRED  
RICHARD E. CROKER  
ROBERT J. HUCK  
JAMES F. KASHER

\*ALSO ADMITTED IN MINNESOTA  
\*ALSO ADMITTED IN IOWA  
\*ALSO ADMITTED IN TEXAS  
\*ALSO ADMITTED IN NORTH DAKOTA

May 3, 2018

*Via Email and Regular First Class Mail*

Howard Duncan  
Koenig | Dunne, PC, LLO  
1266 S. 13<sup>th</sup> Street  
Omaha, NE 68108

RE: Kings Industries, LLC Chapter 11 Bankruptcy, BK 16-81049  
Our File No. 6599-012

Dear Howard:

As you know, this law firm represents Rajesh Prasad ("Prasad") in connection with the above-referenced matter. You are hereby notified that Debtor is in default under the terms of the Plan as described below. The capitalized terms herein shall have the meanings ascribed to them in the Plan unless otherwise defined herein.

Under the terms of the Plan, Debtor is required to pay \$2,500 per month on the 15<sup>th</sup> day of each month which payment is to be allocated between attorney's fees payable to your firm and Prasad until such time as the attorney's fees are paid in full. We assume the attorney's fees are not yet paid in full. Debtor has failed to pay the amounts due and owing to Prasad in a timely manner and he has not received any payments for the month of February, March and April, 2018.

The Plan requires Debtor to pay all real estate taxes on the Real Property prior to the date such taxes become delinquent. Further, the Plan requires Debtor to pay the 2015 taxes within thirty (30) days after confirmation the Plan. As you may recall, the Plan was confirmed by the Order of the Court entered on or about July 17, 2017. Accordingly, the 2015 taxes should have been paid on or before August 17, 2017. The records maintained by the Sarpy County Treasurer indicate that Debtor failed to pay the 2015 taxes as required by the terms of the Plan. Further, Debtor failed to pay the first half of the 2017 taxes which became delinquent on April 1, 2018.

Article I of the Plan states as follows:

"Debtor shall pay the 2015 taxes which are currently delinquent, will be due thirty (30) days of the date of confirmation of the Plan. If the 2016 taxes have not been paid on the date of confirmation, then they shall be paid as due with one-half due

May 3, 2018  
Page 2

on or before the 1<sup>st</sup> day of April, 2017 and the second half due on or before the 1<sup>st</sup> day of August, 2017. In the event that Debtor does not pay the 2015 taxes which are currently delinquent upon the date of confirmation of the Plan then it is specifically provided that paragraph 4 above shall immediately go into force and effect regarding the listing agreement with a realtor for an amount not less than \$550,000. In addition in the event that such property is not sold within such 120 day period then the provisions of paragraph 5 shall go into full force and effect regarding the company jointly chosen by the attorney for the Debtor and the attorney for Rajesh Prasad (or his assignee) and as otherwise provided for in paragraph 5 above.”

It appears that the provisions of Section 5 of Article I are now applicable and the Real Property shall be placed for sale at a public auction. Please identify an auction company that you want to use to auction the Real Property as provided in the Plan.

Article I of the Plan requires Debtor to maintain casualty insurance on the Real Property and to name Prasad as an additional insured on such policy. Please provide us with a certificate of insurance evidencing Debtor’s compliance with the foregoing requirement.

Pursuant to Article I of the Plan, you are hereby notified that in the event the foregoing events of default are not cured within ten (10) days from the date of this letter, Prasad will request an Order granting him relief from the automatic stay to proceed with foreclosure of the tax sale certificate on the Real Property and/or foreclosure of the Deed of Trust executed and delivered to Prasad pursuant to the terms of the Plan.

Please give this matter your immediate attention. If you have any questions regarding the foregoing, please let us know.

Very truly yours,



Martin P. Pelster

MPP/ekp  
Enclosure

cc: Rajesh Prasad (via email only)

00747026.DOC

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE:	)	Case No. BK 16-81049
	)	Chapter 11
KINGS INDUSTRIES, LLC,	)	
	)	<b>REQUEST FOR HEARING</b>
Debtor.	)	
	)	

COMES NOW the Debtor above named, by and through its Attorney, and for its Request for Hearing states as follows:

1. That this Chapter 11 case was filed on July 11, 2016 as a small business case.
2. That secured creditor Rajesh Prasad ("Creditor") filed Proof of Claim 1, which is the only claim filed in this case.
3. That Debtor's attorney has contacted counsel for Creditor to attempt to resolve the problems identified in the Affidavit filed in this closed case.
4. That such document does provide that there is a provision for the Debtor to file a Request for Hearing under very limited circumstances.
5. That such requirement includes that the Debtor shall file a Request for Hearing within five (5) days of the filing of the Affidavit.
6. That the Debtor requests that the Court set a hearing regarding Prasad's request for relief from stay. The sole issues to be determined by the court at such hearing shall be whether Debtor failed to comply with the terms of the Plan and whether Debtor was provided the required notice of default and opportunity to cure.
7. That the Debtor shall file a separate Motion to Reopen this case within seven (7) days so that the Court may set a hearing.

WHEREFORE Debtor requests that the Court set a hearing regarding Prasad's request for relief from the stay according to the terms stated herein and allow the Debtor seven (7) days to file a Motion to Reopen.



DATED: May 18, 2018.

KINGS INDUSTRIES, LLC,  
Debtor

BY: /s/ Howard T. Duncan  
HOWARD T. DUNCAN, #15851  
Koenig | Dunne, PC, LLO  
1266 South 13<sup>th</sup> Street  
Omaha, Nebraska 68108-3502  
(402) 346-1132  
[howardd@koenigdunne.com](mailto:howardd@koenigdunne.com)  
Attorneys for Debtor

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 18, 2018, a true and correct copy of the attached motion and foregoing Notice of Objection / Resistance Deadline were filed electronically with the Clerk of the United States Bankruptcy Court for the District of Nebraska using the CM/ECF system which sent notification of such filing by electronic mail to Jerry L. Jensen, US Trustee, and Martin P. Pelster on behalf of Creditor Rajesh Prasad.

/s/ Patrick M. Patino  
Patrick M. Patino

**SMBUS, CLOSED, CONFIRMED**

**U.S. Bankruptcy Court  
District of Nebraska (Omaha Office)  
Bankruptcy Petition #: 16-81049-SKH**

Assigned to: Judge Shon Hastings  
Chapter 11  
Voluntary  
Asset

Date filed: 07/11/2016  
Date terminated: 01/10/2018  
Plan confirmed: 07/17/2017  
341 meeting: 08/10/2016

*Debtor disposition:* Discharge Not Applicable

**Debtor**

**Kings Industries, LLC**  
21866 William Circle  
Gretna, NE 68028  
SARPY-NE  
Tax ID / EIN: 01-0695180

represented by **Howard T. Duncan**

Koenig Dunne P.C., LLO.  
1266 South 13th Street  
Omaha, NE 68108  
(402) 346-1132  
Fax : (402)346-0151  
Email: [patrickp@koenigdunne.com](mailto:patrickp@koenigdunne.com)

**Patrick Patino**

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Omaha, NE 68108  
(402) 3461132  
Fax : (402)346-0151  
Email: [patrickp@koenigdunne.com](mailto:patrickp@koenigdunne.com)

**U.S. Trustee**

**Jerry Jensen**  
Acting Assistant UST  
U.S. Trustee's Office  
111 South 18th Plz, Suite 1148  
Omaha, NE 68102

represented by **Jerry L. Jensen**

Acting Assistant U.S. Trustee  
U.S. Trustee's Office  
111 S. 18th Plaza, Suite 1148  
Omaha, NE 68102  
(402) 221-4302  
Email: [Jerry.L.Jensen@usdoj.gov](mailto:Jerry.L.Jensen@usdoj.gov)


Filing Date	#	Docket Text
07/11/2016	<u>1</u> (11 pgs)	Chapter 11 Voluntary Petition Non-Individual Fee Amount \$1717. Chapter 11 Plan due by 11/8/2016. Disclosure Statement due by 01/7/2017. Incomplete Filings due by 07/25/2016. Chapter 11 Plan (Small Business) due by 01/7/2017. Disclosure Statement due by 01/7/2017. Filed by Howard T. Duncan of Duncan Law Office on behalf of Kings Industries, LLC.(Duncan, Howard) (Entered: 07/11/2016)

07/11/2016	2	Receipt of Voluntary Petition (Chapter 11)(16-81049) [misc,volp11] (1717.00) filing fee. Receipt number 6870583, amount \$1717.00. (re: Doc# <a href="#">1</a> ) (U.S. Treasury) (Entered: 07/11/2016)
07/11/2016	<a href="#">3</a> (1 pg)	Notice of Appearance and Request for Notice Filed by Jerry L. Jensen on behalf of Patricia Fahey. (Jensen, Jerry) (Entered: 07/11/2016)
07/11/2016	<a href="#">4</a> (2 pgs)	Meeting of Creditors 341(a) meeting to be held on 8/10/2016 at 11:00 AM at Omaha's 341 Meeting Room. Proofs of Claims due by 11/8/2016. (Jensen, Jerry) (Entered: 07/11/2016)
07/11/2016	<a href="#">5</a> (2 pgs)	Certificate of Corporate Action Authorizing the Filing of the Petition Filed by Howard T. Duncan on behalf of Kings Industries, LLC . (RE: related document(s) <a href="#">1</a> Voluntary Petition (Chapter 11) filed by Debtor Kings Industries, LLC) EXTRACTED FROM [#1] TO PROPERLY REFLECT ON THE DOCKET. (kkb) (Entered: 07/11/2016)
07/11/2016	<a href="#">6</a> (1 pg)	Statement of Corporate Ownership filed. Filed by Howard T. Duncan on behalf of Kings Industries, LLC . EXTRACTED FROM [#1] TO PROPERLY REFLECT ON THE DOCKET. (kkb) (Entered: 07/11/2016)
07/11/2016	<a href="#">7</a> (2 pgs)	Chapter 11 Non-Individual: List of Creditors Who Have 20 Largest Unsecured Claims Against You and Are Not Insiders Filed by Howard T. Duncan on behalf of Kings Industries, LLC . EXTRACTED FROM [#1] TO PROPERLY REFLECT ON THE DOCKET. (kkb) (Entered: 07/11/2016)
07/13/2016	<a href="#">8</a> (2 pgs)	Notice of Appearance and Request for Notice Filed by Martin P. Pelster on behalf of Rajesh Prasad. (Pelster, Martin) (Entered: 07/13/2016)
07/13/2016	<a href="#">9</a> (3 pgs)	BNC Certificate of Mailing - Meeting of Creditors. (RE: related document(s) <a href="#">4</a> Meeting of Creditors Chapter 11 Corporation filed by U.S. Trustee Patricia Fahey). Notice Date 07/13/2016. (Admin.) (Entered: 07/13/2016)
07/22/2016	<a href="#">10</a> (1 pg)	Motion to Extend Time <i>COS</i> Filed by Debtor Kings Industries, LLC (Duncan, Howard). Related document(s) <a href="#">1</a> Voluntary Petition (Chapter 11) filed by Debtor Kings Industries, LLC. LINKAGE ADDED. Modified on 7/22/2016 (kkb). (Entered: 07/22/2016)
07/22/2016	11	Order Granting in part Motion to Extend Time for Filing Schedules and SOFA Filed by Debtor Kings Industries, LLC (Related Doc # <a href="#">10</a> ). The motion is granted in part. Schedules and SOFA shall be filed by August 5, 2016. ORDERED by Judge Thomas L. Saladino. (Text only order) (drs) (Entered: 07/22/2016)

08/08/2016	<a href="#">12</a> (27 pgs)	Declaration <i>Under Penalty of Perjury for Non-Individual Debtors</i> , Schedule A/B: Property Non-Individual , Schedule D: Non-Individual- Creditors Having Claims Secured by Property , Schedule E/F: Creditors Who Have Unsecured Claims Non-Individual , Schedule G: Non-Individual- Executory Contracts and Unexpired Leases , Schedule H: Non-Individual- Codebtors , Statement of Financial Affairs for Non-Individual , Disclosure of Compensation of Attorney for Debtor in the Amount of, Debtor's Verification of Creditor Matrix, Equity Security Holders Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 08/08/2016)
08/15/2016		Meeting of Creditors Held <i>On August 10, 2016</i> (RE: related document(s) <a href="#">4</a> Meeting of Creditors Chapter 11 Corporation filed by U.S. Trustee Patricia Fahey) (Jensen, Jerry) (Entered: 08/15/2016)
08/15/2016	13	The United States Trustee advises the Court that a committee under 11 U.S.C. Sec. 1102 has not been appointed because an insufficient number of persons holding unsecured claims against the debtor have expressed interest in serving on a committee. The UST reserves the right to appoint such a committee should interest develop among the creditors. (Jensen, Jerry) (Entered: 08/15/2016)
08/18/2016	<a href="#">14</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period July 2016 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 08/18/2016)
09/12/2016	<a href="#">15</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period August 2016 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 09/12/2016)
11/04/2016	<a href="#">16</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period September 2016 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 11/04/2016)
11/28/2016	<a href="#">17</a> (4 pgs; 2 docs)	Debtor-In-Possession Monthly Operating Report for Filing Period October 2016 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Attachments: # <a href="#">1</a> Worksheet) (Duncan, Howard) (Entered: 11/28/2016)
12/16/2016	<a href="#">18</a> (3 pgs; 2 docs)	Motion to Extend/Limit Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement Filed by Debtor Kings Industries, LLC 9013 Objections due by 1/6/2017. (Attachments: # <a href="#">1</a> Creditor Matrix) (Duncan, Howard) (Entered: 12/16/2016)
12/16/2016	<a href="#">19</a> (3 pgs; 2 docs)	Motion to Shorten Time Filed by Debtor Kings Industries, LLC (RE: related document(s) <a href="#">18</a> Motion to Extend

		Exclusivity Period filed by Debtor Kings Industries, LLC) (Attachments: # <a href="#">1</a> Creditor Matrix) (Duncan, Howard) (Entered: 12/16/2016)
12/19/2016	20	Order Granting Motion to Shorten Time for Filing Objections to Motion to Extend/Limit Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement Filed by Debtor Kings Industries, LLC(Related Doc # <a href="#">19</a> ). The request for shortened 9013-1 bar date is granted. Mr. Duncan shall proceed in giving immediate notice in accordance with Neb. R. Bankr. P. 9013 with a shortened bar date notice of ten days. Movant is responsible for giving notice to parties in interest as required by rule or statute. ORDERED by Judge Shon Hastings. (Text only order) (drs) (Entered: 12/19/2016)
12/23/2016	<a href="#">21</a> (6 pgs; 3 docs)	Debtor-In-Possession Monthly Operating Report for Filing Period November 2016 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Attachments: # <a href="#">1</a> November 2016 Expenses # <a href="#">2</a> November 2016 Bank Statement) (Duncan, Howard) (Entered: 12/23/2016)
01/09/2017	22	Order Granting Motion to Extend Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement Filed by Debtor Kings Industries, LLC (Related Doc # <a href="#">18</a> ). Debtor's motion was filed, served and noticed pursuant to local rules. No timely resistance/objection was filed. The motion is granted. The Exclusivity period is extended to April 9, 2017. Movant is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge Shon Hasting. (Text only order) (drs) (Entered: 01/09/2017)
01/25/2017	<a href="#">23</a> (5 pgs; 3 docs)	Debtor-In-Possession Monthly Operating Report for Filing Period December 2016 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Attachments: # <a href="#">1</a> Bank Statement # <a href="#">2</a> Income and Expenses) (Duncan, Howard) (Entered: 01/25/2017)
02/14/2017	<a href="#">24</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period January 2017 Filed by Patrick Patino on behalf of Kings Industries, LLC. (Patino, Patrick) (Entered: 02/14/2017)
03/13/2017	<a href="#">25</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period February 2017 Filed by Patrick Patino on behalf of Kings Industries, LLC. (Patino, Patrick) (Entered: 03/13/2017)
04/06/2017	<a href="#">26</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period March 2017 Filed by Patrick Patino on behalf of Kings Industries, LLC. (Patino, Patrick) (Entered: 04/06/2017)
04/07/2017	<a href="#">27</a> (8 pgs)	Chapter 11 Small Business Plan Filed by Debtor Kings Industries, LLC (Duncan, Howard) (Entered: 04/07/2017)
04/07/2017	28	

		Comment of the U. S. Trustee. The Office of United States Trustee has reviewed the small business combined plan and disclosure statement or disclosure statement and reports to the Court that it has no objection to the conditional approval of the disclosure statement. (RE: related document(s) <a href="#">27</a> Chapter 11 Small Business Plan filed by Debtor Kings Industries, LLC) (Jensen, Jerry) (Entered: 04/07/2017)
04/11/2017	<a href="#">29</a> (10 pgs)	Order Conditionally Approving Disclosure Statement and Setting Hearing on Confirmation (RE: related document(s) <a href="#">27</a> Chapter 11 Small Business Plan filed by Debtor Kings Industries, LLC) Confirmation hearing to be held on 5/17/2017 at 02:30 PM at Lincoln Courtroom-Telephonic Hearing. Last day to Object to Confirmation 5/12/2017. Last day to oppose disclosure statement is 5/12/2017. ORDERED by Judge Shon Hastings. <b>**Debtors shall serve notice of this Order and a copy of the plan and the ballot conforming to Official Form 14 upon creditors, equity security holders and other parties in interest by mail not later than April 13, 2017.**</b> SEE PDF ORDER IN ITS ENTIRETY. (drs) (Entered: 04/11/2017)
04/13/2017	<a href="#">30</a> (3 pgs; 2 docs)	Certificate of Service Filed by Debtor Kings Industries, LLC (RE: related document(s) <a href="#">27</a> Chapter 11 Small Business Plan filed by Debtor Kings Industries, LLC, <a href="#">29</a> Order Conditionally Approving Disclosure Statement and Setting Hearing on Confirmation.) (Attachments: # <a href="#">1</a> Exhibit Ballot) (Duncan, Howard). LINKAGE CORRECTED Modified on 4/14/2017 (nmw). (Entered: 04/13/2017)
05/12/2017	<a href="#">31</a> (2 pgs)	Objection to Confirmation of Plan Filed by Creditor Rajesh Prasad (RE: related document(s) <a href="#">27</a> Chapter 11 Small Business Plan filed by Debtor Kings Industries, LLC) (Pelster, Martin) (Entered: 05/12/2017)
05/12/2017	<a href="#">32</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period April 2017 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 05/12/2017)
05/16/2017	<a href="#">33</a> (4 pgs)	Chapter 11 Summary of Ballots Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 05/16/2017)
05/17/2017	34	Order Denying Confirmation of Chapter 11 Plan (RE: related document(s) <a href="#">27</a> Chapter 11 Small Business Plan filed by Debtor Kings Industries, LLC.). Confirmation Hearing held 5/17/2017. Howard Duncan appeared for Debtor; Jerry Jensen appeared for the United States Trustee; and Martin Pelster appeared for Rajesh Prasad. For the reasons stated on record the Debtor's Small Business Plan (Fil. #27) is denied confirmation. Debtor shall file an amended plan by June 7, 2017. ORDERED by Judge Shon Hastings. (Text only order) (drs) (Entered: 05/17/2017)

05/17/2017	<a href="#">35</a> (1 pg)	 PDF with attached Audio File. Court Date & Time [ 5/17/2017 2:29:18 PM ]. File Size [ 2655 KB ]. Run Time [ 00:11:04 ]. (CRTclerk). (Entered: 05/17/2017)
06/07/2017	<a href="#">36</a> (8 pgs)	Amended Chapter 11 Plan Filed by Debtor Kings Industries, LLC (RE: related document(s) <a href="#">27</a> Chapter 11 Small Business Plan filed by Debtor Kings Industries, LLC) (Duncan, Howard) (Entered: 06/07/2017)
06/12/2017	<a href="#">37</a> (10 pgs)	Order Conditionally Approving Disclosure Statement and Scheduling Hearings and Deadlines (RE: related document(s) <a href="#">36</a> Amended Chapter 11 Plan filed by Debtor Kings Industries, LLC) Confirmation hearing to be held on 7/19/2017 at 01:00 PM at Lincoln Courtroom-Telephonic Hearing. Last day to Object to Confirmation 7/14/2017. Last day to oppose disclosure statement is 7/14/2017. ORDERED by Judge Shon Hastings. <b>**Debtors shall serve notice of this Order and a copy of the plan and the ballot confirming to Official Form 14 upon creditors, equity security holders and other parties in interest by mail not later than June 15, 2017.**</b> SEE PDF ORDER IN ITS ENTIRETY FOR ALL DEADLINES. (dkk) (Entered: 06/12/2017)
06/13/2017	<a href="#">38</a> (22 pgs; 5 docs)	Certificate of Service Filed by Debtor Kings Industries, LLC (RE: related document(s) <a href="#">37</a> Order Conditionally Approving Disclosure Statement and Setting Hearing on Confirmation.) (Attachments: # <a href="#">1</a> Creditor Matrix # <a href="#">2</a> Ballot # <a href="#">3</a> Amended Plan # <a href="#">4</a> Order Conditionally Approving Disc. Stmt) (Duncan, Howard) (Entered: 06/13/2017)
06/13/2017	<a href="#">39</a> (21 pgs; 3 docs)	First Application for Fees & Expenses for Howard T. Duncan, Debtor's Attorney, Fee: \$21187.50, Expenses: \$0. Filed by Attorney Howard T. Duncan 9013 Objections due by 7/5/2017. (Attachments: # <a href="#">1</a> Exhibit A # <a href="#">2</a> Creditor Matrix) (Duncan, Howard) (Entered: 06/13/2017)
07/05/2017	40	Comment of the United States Trustee Pursuant to 28 U.S.C. § 586(a)(3)(A). The Office of U.S. Trustee has reviewed the Application and reports to the Court that it has no objection to the approval of the fees and expenses requested. The U.S. Trustee reserves the right to comment on or object to any future interim or final fee applications. (RE: related document (s) <a href="#">39</a> Application for Fees & Expenses filed by Debtor Kings Industries, LLC) (Jensen, Jerry) (Entered: 07/05/2017)
07/06/2017	41	Order Approving Application For Compensation for Howard T. Duncan, Debtor's Attorney, Filed by Attorney Howard T. Duncan (Related Doc # <a href="#">39</a> ). Debtor's counsel filed, served and noticed the application pursuant to local rules. No timely resistance/objection was filed. The application is approved. Fees are approved for Howard T. Duncan in the amount of \$21,187.50, expenses awarded in the amount of \$0.00. Movant is responsible for giving notice to parties in interest as required



		by rule or statute. ORDERED by Judge Shon Hastings. (Text only order) (drs) (Entered: 07/06/2017)
07/14/2017	<a href="#">42</a> (4 pgs)	Chapter 11 Summary of Ballots Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (RE: related document(s) <a href="#">36</a> Amended Chapter 11 Plan filed by Debtor Kings Industries, LLC) (Duncan, Howard) (Entered: 07/14/2017)
07/14/2017	<a href="#">43</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period May 2017 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 07/14/2017)
07/14/2017	<a href="#">44</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period June 2017 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 07/14/2017)
07/14/2017	<a href="#">45</a> (5 pgs)	Chapter 11 Summary of Ballots Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (RE: related document(s) <a href="#">42</a> Chapter 11 Summary of Ballots filed by Debtor Kings Industries, LLC) (Duncan, Howard) (Entered: 07/14/2017)
07/17/2017	<a href="#">46</a> (2 pgs)	Order Confirming Chapter 11 Plan (RE: related document(s) <a href="#">36</a> Amended Chapter 11 Plan filed by Debtor Kings Industries, LLC). IT IS ORDERED that: 1.Kings Industries, LLC's disclosure is approved. 2. Kings Industries, LLC's Amended Plan of Reorganization Dated June 7, 2017 is confirmed. 3. The Debtor shall: a. Carry out the confirmed Plan, by distribution and performance of all other necessary acts. 11 U.S.C. § 1142 and Fed. R. Bankr. Pro. 3021. b.Effect substantial confirmation of the Plan, not later than one hundred fifty (150) days after the date of this Order. c. Within thirty (30) days after substantial consummation of the Plan or one hundred and eighty (180) days after entry of this confirmation order, Debtor shall file a Final Accounting/Report and Application for Final Decree. ORDERED by Judge Shon Hastings. (See pdf confirmation order in its entirety) (drs) (Entered: 07/17/2017)
07/17/2017	<a href="#">47</a> (1 pg)	Notice of Confirmation. The movant shall give immediate notice to all parties in interest as required by rule or statute (RE: related document(s) <a href="#">46</a> Order Confirming Chapter 11 Plan). (law) (Entered: 07/17/2017)
08/22/2017	<a href="#">48</a> (5 pgs)	Debtor-In-Possession Monthly Operating Report for Filing Period July 2017 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 08/22/2017)
09/05/2017	<a href="#">49</a> (5 pgs)	Amended Debtor-In-Possession Monthly Operating Report for Filing Period July 2017 Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (Duncan, Howard) (Entered: 09/05/2017)



12/18/2017	<a href="#">50</a> (23 pgs; 3 docs)	Second Application for Fees & Expenses for Howard T. Duncan, Debtor's Attorney, Fee: \$17,137, Expenses: \$0. Filed by Attorney Howard T. Duncan 9013 Objections due by 1/8/2018. (Attachments: # <a href="#">1</a> Itemized Invoice # <a href="#">2</a> Creditor Matrix) (Duncan, Howard) (Entered: 12/18/2017)
12/18/2017	<a href="#">51</a> (9 pgs; 2 docs)	Final Motion for Final Decree Filed by Debtor Kings Industries, LLC 9013 Objections due by 1/8/2018. (Attachments: # <a href="#">1</a> Creditor Matrix) (Duncan, Howard) (Entered: 12/18/2017)
12/18/2017	<a href="#">52</a> (2 pgs)	Status Report <i>Final Ch. 11 Post-Confirmation Report</i> Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (RE: related document(s) <a href="#">36</a> Amended Chapter 11 Plan filed by Debtor Kings Industries, LLC) (Duncan, Howard) (Entered: 12/18/2017)
01/08/2018	53	Comment of the United States Trustee Pursuant to 28 U.S.C. § 586(a)(3)(A). The Office of U.S. Trustee has reviewed the Application and reports to the Court that it has no objection to the approval of the fees and expenses requested. The U.S. Trustee reserves the right to comment on or object to any future interim or final fee applications. (RE: related document (s) <a href="#">50</a> Application for Fees & Expenses filed by Debtor Kings Industries, LLC) (Jensen, Jerry) (Entered: 01/08/2018)
01/10/2018	54	Order Approving Second Application For Compensation for Fees & Expenses for Howard T. Duncan, Debtor's Attorney, Filed by Attorney Howard T. Duncan (Related Doc # <a href="#">50</a> ). Applicant filed, served and noticed the application pursuant to local rules. No timely resistance/objection was filed. The Second Application For Compensation is approved. Fees are approved for Howard T. Duncan in the amount of \$17,137.00, and expenses awarded in the amount of \$0.00. Movant is responsible for giving notice to parties in interest as required by rule or statute. ORDERED by Judge Shon Hastings. (Text only order) (drs) (Entered: 01/10/2018)
01/10/2018	55	Order Approving Final Application For Final Decree and Final Accounting Filed by Debtor Kings Industries, LLC (Related Doc # <a href="#">51</a> ). Debtor filed, served and noticed the application pursuant to local rules. No timely resistance/objection was filed. The application is approved. Separate Final Decree to be entered. Movant is responsible for giving notice to parties in interest as required by rule or statute. ORDERED by Judge Shon Hastings. (Text only order) (drs) (Entered: 01/10/2018)
01/10/2018	<a href="#">56</a> (1 pg)	Final Decree. The estate of the abovenamed debtor(s) having been fully administrated. It is ordered that: The Chapter 11 case of the abovenamed debtor(s) is closed. Judge Shon Hastings. (pdf) (drs) (Entered: 01/10/2018)
01/10/2018		Bankruptcy Case Closed . (nmw) (Entered: 01/10/2018)

05/14/2018	<a href="#">57</a> (4 pgs)	Affidavit of Martin P. Pelster. Filed by Martin P. Pelster on behalf of Rajesh Prasad. (Pelster, Martin) (Entered: 05/14/2018)
05/14/2018	58	Notice of Filing in a Closed Case. The document related to this notice has been filed in a closed case. YOU ARE NOTIFIED by the Clerk of the U.S. Bankruptcy Court that no action will be taken regarding this matter, unless a Motion to Reopen Case and the appropriate filing fee are received by this court. This document is considered administratively stricken from the record. (TEXT ONLY) (RE: related document(s) <a href="#">57</a> Affidavit filed by Creditor Rajesh Prasad). (nmw) (Entered: 05/14/2018)
05/18/2018	<a href="#">59</a> (2 pgs)	Request for Hearing Filed by Howard T. Duncan on behalf of Kings Industries, LLC. (RE: related document(s) <a href="#">57</a> Affidavit filed by Creditor Rajesh Prasad) (Duncan, Howard) (Entered: 05/18/2018)
05/18/2018	60	Notice of Filing in a Closed Case. The document related to this notice has been filed in a closed case. YOU ARE NOTIFIED by the Clerk of the U.S. Bankruptcy Court that no action will be taken regarding this matter, unless a Motion to Reopen Case and the appropriate filing fee are received by this court. This document is considered administratively stricken from the record. (TEXT ONLY) (RE: related document(s) <a href="#">59</a> Request for Hearing filed by Debtor Kings Industries, LLC). (nmw) (Entered: 05/18/2018)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/29/2018 10:41:56			
<b>PACER Login:</b>	tcn22015	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	16-81049-SKH Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60