

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In Re:

SCHWAB INDUSTRIES INC

Chapter 11

Case No: 10-60702

\_\_\_\_\_  
Debtor(s). \_\_\_\_\_ /

**AMENDED APPLICATION FOR PAYMENT OF  
AD VALOREM TAXES AS AN ADMINISTRATIVE EXPENSE  
ORIGINAL CLAIM NUMBER 243 FILED JULY 24, 2010**

FILED  
2010 NOV -8 AM 11:53  
CLERK OF COURT  
NORTHERN DISTRICT OF OHIO  
COLUMBUS, OHIO

**Account Numbers: See Attached**

**Tax Amount: \$95,279.94, plus statutory interest through the date of payment.**

COMES NOW, Cathy Curtis, Tax Collector of Lee County, Florida, pursuant to 11 U.S.C. § 503, and files this Application for payment of Ad Valorem Taxes as an Administrative Expense, stating as follows:

1. The Debtor filed its petition for relief as of 2/28/2010.
2. The post-petition taxes were incurred by the Estate on the Debtor's real and/or business personal property in Lee County, Florida. The total due as referenced above is shown on said tax bill(s), a copy of which is attached hereto and incorporated herein as Exhibit A.
3. Said real and/or personal property taxes were assessed on January 1 of the tax year, and became due and payable on November 1 of said tax year. Fla. Stat. §§ 197.122 & 197.333 (2006).
4. Said taxes are a first lien, superior to all other liens, on any property against which the taxes have been assessed. Fla. Stat. § 197.122 (2006).
5. Pursuant to 11 U.S.C. § 503(b)(1)(i), any tax incurred by the estate shall be allowed as an administrative expense and given priority under U.S.C. Section 507(a).

6. The above-referenced taxes are unpaid and no arrangements have been made with the Tax Collector to pay said taxes.

WHEREFORE, Cathy Curtis, Tax Collector of Lee County, Florida, respectfully requests the Court enter an Order allowing the payment of the referenced taxes as an administrative expense.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4 day of November, 2010, I filed the foregoing with the Clerk of the Court by U.S. Mail. I further certify that the foregoing was provided by U.S. Mail to:

THE GARDEN CITY GROUP INC, GARDEN CITY GROUP INC THE, 105 MAXESS ROAD,  
MELVILLE, NY 11747  
SCHWAB INDUSTRIES INC, 2301 PROGRESS ST, PO BOX 400, DOVER, OH 44622  
LAWRENCE E OSCAR, 200 PUBLIC SQ STE 2800, CLEVELAND, OH 44114-2301  
BROUSE MCDOWELL LPA, MARC MERKLIN, 388 S MAIN ST STE 500, AKRON, OH 44311  
OHIO NORTHERN CANTON, CLERK OF THE BANKRUPTCY COURT, 201 CLEVELAND AVE  
SW, CANTON, OH 44702

Catherine M. Curtis  
Lee County Tax Collector  
c/o Legal Department  
Post Office Box 850  
Fort Myers, FL 33902  
239.533.6067

By: *Catherine M. Curtis*  
Catherine M. Curtis  
Lee County Tax Collector

# Exhibit

Owner Name Business Name Site Address	Tax Year	Item	Amount
	<b>Tax Year</b>		
DAVID A SCHAWB EASTERN CEMENT CORP 6700 DANIELS PKWY FORT MYERS 33912	2010	BB00775403	\$434.16
DAVID A SCHWAB SCHWAB READY MIX INC 2140 PONDELLA RD NORTH FORT MYERS 33903	2010	BB00849730	\$76959.27
DAVID A SCHWAB SCHWAB READY MIX INC 6700 DANIELS PKWY FORT MYERS 33912	2010	BB00775402	\$1690.17
DAVID SCHWAB SCHWAB MATERIALS INC 19500 CORKSCREW RD ESTERO 33928	2010	BB00128142	\$1382.99
DAVID SCHWAB SCHWAB READY MIX INC 7290 ALICO RD FORT MYERS 33967	2010	BB00004835	\$14813.35

Total: \$95279.94

Plus 18%, Accrues 1.5% Monthly

Make Check Payable To:  
Lee County Tax Collector  
C/o Legal Department  
PO Box 850  
Fort Myers, FL 33902-0850