

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF OHIO**  
**EASTERN DIVISION**

\_\_\_\_\_ )  
In re: ) Case No. 10-60702  
 )  
SII LIQUIDATION COMPANY, ) *Chapter 11*  
 )  
Debtor. ) JUDGE RUSS KENDIG  
 )  
 )  
 )  
\_\_\_\_\_ )

**BEST AGGREGATE CARRIERS, INC., P.G. BULK, INC. AND FAST FLORIDA**  
**FREIGHT, INC.’S MOTION FOR ALLOWANCE AND PAYMENT OF**  
**ADMINISTRATIVE EXPENSE CLAIMS INSTANTER**

Best Aggregate Carriers, Inc., P.G. Bulk, Inc and Fast Florida Freight, Inc. (hereinafter collectively referred to as “Movants”), by and through undersigned counsel, pursuant to Section 503(b) of the United States Code (the “Bankruptcy Code”), hereby moves the Court for allowance and payment of Chapter 11 administrative expense claims (“Motion”) in the amount of \$102,784.10. In support of this Motion, Movants respectfully represent as follows:

**JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. Service has been limited by Order of this court dated January 11, 2011 (Doc 739).

**BACKGROUND**

2. On February 28, 2010 (the “Petition Date”), Schwab Industries, Inc. and its affiliates (collectively referred to as “Debtors”), filed their voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

3. On March 3, 2010, all of the Schwab cases were consolidated for procedural purposes and are being jointly administered herein.

4. On December 15, 2010, this Court confirmed a joint plan of liquidation and created the Schwab Industries, Inc. Creditor Trust (the "Creditor Trust"), with a Creditor Trustee in charge of it.

5. Movants are Florida corporations that provided trucking services both pre-petition and post-petition. Movants previously filed proof of claims (claim numbers 5075, 5076 and 5077) for pre-petition work, only. This motion deals only with the post-petition services provided.

6. Between April 30, 2010 and June 5, 2010, during the post-petition period, Movants provided truck services worth \$102,784.10. Movants provided Debtors with invoices, but the entire balance remains unpaid.

7. Best Aggregate Carriers Inc. provided services worth \$32,506.20. Copies of Account Receivables report attached as Exhibit A.

8. P G. Bulk, Inc. provided services worth \$70,027.90. Copies of Account Receivables report attached as Exhibit B.

9. Fast Florida Freight, Inc. provided services worth \$250.00. Copies of Account Receivables report attached as Exhibit C.

10. The amounts owed by Debtors were actual, necessary costs and expenses of preserving Debtors' bankruptcy estates as a going concern and were incurred by Debtors in the ordinary course of business.

### **RELIEF REQUESTED**

11. Section 503(b)(1) of the Bankruptcy Code provides that the "actual, necessary costs and expenses of preserving the estate, including... [costs] for services rendered after the

commencement of the case” shall be allowed as an administrative expense. 11 U.S.C. § 503(b)(1)(A).

12. In the present case, Movants are entitled to Chapter 11 allowed administrative expense claims paid out by the Creditor Trust pursuant to Sections 364(a), 503(b)(1)(A) and 507(a)(2) of the Bankruptcy Code for post-petition charges because Movants supplied beneficial and valuable trucking services to Debtor post-petition in the ordinary course of Debtors’ business.

WHEREFORE, Best Aggregate Carriers, Inc., P.G. Bulk, Inc. and Fast Florida Freight, Inc. respectfully request the entry of an Order: (i) allowing an Administrative Expense in the amount of \$32,506.20, (ii) directing the Creditor Trustee to pay Best Aggregate Carriers, Inc. in the amount of \$32,506.20 within ten days from the date of such Order, (iii) allowing an Administrative Expense in the amount of \$70,027.90, (iv) directing the Creditor Trustee to pay P.G. Bulk, Inc. in the amount of \$70,027.90 within ten days from the date of such Order, (v) allowing an Administrative Expense in the amount of \$250.00, (vi) directing the Creditor Trustee to pay Fast Florida Freight, Inc. in the amount of \$250.00 within ten days from the date of such Order and (vii) for such other and further relief to which it may be justly entitled.

Respectfully submitted,

/S/ Matthew Thomas

David G. Finley, #0003489

Matthew Thomas, #0080680

Patrick M. Higgins, #0083765

*Attorneys for Best Aggregate Carriers, Inc.,*

*P.G. Bulk, Inc. and Fast Florida Freight, Inc.*

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## CERTIFICATE OF SERVICE

I certify that on February 23, 2011, the foregoing *Motion for Allowance and Payment of Administrative Expense Claims Instanter of Best Aggregate Carriers, Inc., P.G. Bulk, Inc. and Fast Florida Freight, Inc.* was filed electronically with this Court's CM/ECF system. It was electronically transmitted via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Notice will be electronically mailed to:

- The Office of the U. S. Trustee - maria.d.giannirakis@usdoj.gov
- Jeffrey Baddeley - jbaddeley@ulmer.com
- James L. Bickett - james.bickett@usdoj.gov, susan.lowe@usdoj.gov
- David D Black - dblack@cdfd.com, reeccee@yahoo.com
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- Cheryl Wear - cheryl.wear@ohioattorneygeneral.gov
- Gregory R. Wilson - wilson1010@aol.com, amflawoffice@fuse.net

Copies of the foregoing documents was also served via ordinary U.S. Mail on this 23<sup>rd</sup> day of February 2011 upon the following:

Ad Valorem Taxes  
 c/o Catherine M. Curtis  
 Lee County Tax Collector  
 Legal Department  
 PO Box 850  
 Ft. Myers, FL 33902

Allen Concrete & Masonry, Inc.  
 6301 Shirley Street  
 Naples, FL 34109

Ken Burton  
 Manatee County Tax Collector  
 PO Box 25300  
 Bradenton, FL 34206-5300

Conery Valuation Group  
 1437 Bayberry Dr  
 Jamison, PA 18929

Gillott Appraisal Services Inc.  
 3136 Windmoor Dr N  
 Palm Harbor, FL 3468

Morris-Depew Associates Inc.  
 2914 Cleveland Ave  
 Fort Myers, FL 33901

The Parkland Group  
 1375 E. Ninth St  
 Cleveland, OH 44114

/S/ Matthew Thomas  
 Matthew Thomas, #0080680

**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION**

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In re: ) Case No. 10-60702  
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SII LIQUIDATION COMPANY, ) *Chapter 11*  
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Debtor. ) JUDGE RUSS KENDIG  
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**NOTICE OF BEST AGGREGATE CARRIERS, INC., P.G. BULK, INC. AND FAST FLORIDA FREIGHT, INC.'S MOTION FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIMS INSTANTER**

Best Aggregate Carriers, Inc., P.G. Bulk, Inc. and Fast Florida Freight, Inc., by and through undersigned counsel, has filed papers with the court to apply for the allowance and payment of administrative expenses.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to grant the request, or if you want the court to consider your views on the request, then on or before March 17, 2011, you or your attorney must:

1. File a written response, explaining your position, at  
U.S. Bankruptcy Court  
Northern District of Ohio  
Ralph Regula Federal Building & U.S. Courthouse  
401 McKinley Avenue, S.W.  
Canton, OH 44702-1745

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above

2. Mail a copy to the following:  
David G. Finley, Esq.  
Matthew R. Thomas, Esq.  
Patrick M. Higgins, Esq.

FINLEY & CO., L P A.  
45 W. Prospect Ave., Suite 1650-G  
Cleveland, OH 44115

PLEASE TAKE FURTHER NOTICE that a hearing on the Request is now scheduled for March 24, 2011 at 2:00 p.m. E.T. at the United States Bankruptcy Court for the Northern District of Ohio, Ralph Regula Federal Building & U.S. Courthouse, 401 McKinley Avenue, S.W., Canton, Ohio 44702-1745.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the request and may enter an order granting that relief without a hearing.

Respectfully submitted,

FINLEY & CO., L P A.

/S/ Matthew Thomas

David G. Finley, #0003489

Matthew Thomas, #0080680

Patrick M. Higgins, #0083765

*Attorneys for Best Aggregate Carriers, Inc.,  
P.G. Bulk, Inc. and Fast Florida Freight, Inc.*

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