

*Response of Fred's Plumbing & Heating, Inc.*

*Page 1*

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MAINE

In re:	)	
	)	
	)	Chapter 11
MONTREAL, MAINE & ATLANTIC	)	No. 13-10670
RAILWAY, LTD.,	)	
Debtor.	)	
	)	
_____	)	

**RESPONSE TO TRUSTEE'S FIRST OMNIBUS OBJECTION TO CERTAIN PROOFS OF CLAIM**

NOW COMES, Fred's Plumbing & Heating, Inc., by and through Counsel and for its Response to the Trustee's First Omnibus Objection to Certain Proofs of Claim, states as follows:

1. On March 18, 2014 Fred's Plumbing and Heating, Inc. ("Fred's") filed a proof of claim in this case. Claim No. 44-1. The Bar Date Order set June 13, 2014 as the deadline to file proofs of claim.
2. The Claim was filed on Official Bankruptcy Form No. 10 in the amount of \$79,449.60 which included a statement from Fred's relating to the balance claimed in said Proof of Claim.
3. Subsequently on August 6, 2015, Trustee Robert J. Keach as Chapter 11 Trustee filed an Adversary Proceeding case number 15-01018, seeking demand of \$82,000.00 from Fred's Plumbing & Heating, Inc. for payments relating to Claim No. 44-1.
4. As part of the Adversary proceeding, the Trustee was in possession of the records relating to the above referenced claim as this was directly related to the Adversary proceeding.
5. On November 30, 2015 a settlement agreement was made in the aforementioned

*Response of Fred's Plumbing & Heating, Inc.*

*Page 2*

Adversary Proceeding wherein Fred's Plumbing & Heating, Inc. maintained its rights to Claim No. 44-1 filed the Court's Claim Register.

6. On February 17, 2016 the Chapter 11 Trustee filed a "Trustee's First Omnibus Objection to Certain Claims..." including Fred's Plumbing & Heating, Inc. Reason for objection was no supporting documentation filed with claim.
7. This Objection is not well founded as Fred's supplied supporting documentation at the time the claim was filed as well as further detailed supporting information through the adversary proceeding referenced above.
8. Attached as Exhibits to this Response is additional supporting documentation to the Claim 44-1.

WHEREFORE, Creditor, Fred's Plumbing & Heating, Inc. having satisfied the supporting documentation requisite request that this Honorable Court deny the Chapter 11 Trustee's Objection in regards to Fred's Plumbing & Heating, Inc., and for such other and further relief this honorable Court may deem just and fair.

Respectfully submitted,  
Fred's Plumbing & Heating, Inc.  
By its attorneys,

Dated: 02/25/2016

/s/ Dennis L. Morgan  
Dennis L. Morgan, Esq.(BNH 06138)  
Cooper Cargill Chant, P.A.  
2935 White Mountain Highway  
North Conway, NH 03860  
(603) 356-5439  
dmorgan@coopercargillchant.com

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MAINE

In re:	)	
	)	
	)	Chapter 11
MONTREAL, MAINE & ATLANTIC	)	No. 13-110670
RAILWAY, LTD.,	)	
Debtor.	)	
	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that copies of this Answer were served electronically on Timothy J. McKeon, counsel for Robert J. Keach, Chapter 11 Trustee of Montreal, Maine & Atlantic Railway, Ltd., 100 Middle Street, PO Box 9729, Portland, ME 04104-5029 and at [tmckeon@bernsteinshur.com](mailto:tmckeon@bernsteinshur.com).

02/252016  
Date

/s/ Dennis L. Morgan  
Dennis L. Morgan



3/18/14

To Whom It May Concern:

Montreal Maine Atlantic Railroad has an accrued finance charge balance of \$15,553.60. Any further questions feel free to contact me.

Thanks,

*Angel Graves*

Angel Graves

Office Manager

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[www.callfreds.com](http://www.callfreds.com)

326 Main Street  
P.O. Box 17  
Derby, Vermont 05829  
Tel. (802) 766-4949  
1-800-287-FRED

4920 Memorial Drive  
P.O. Box 122  
Lyndonville, Vermont 05851  
Tel. (802) 626-4588  
1-888-499-9992

231 Route 15W  
Morrisville, Vermont 05661  
Tel. (802) 888-3827  
1-866-331-4399

**Fred's Plumbing & Heating, Inc.**

**328 Main Street  
Derby, VT 05829  
802-766-4949**

**STATEMENT**

March 18, 2014

**STATEMENT**

Montreal Maine Atlantic Railroad  
P.O.Box 39  
Newport, VT 05855

Please supply us your email address!

Account Number
8092
Amount Enclosed

**Amount Due: \$79,449.60**

*Please Return Upper Portion of This Statement With Your Payment*

**Location Information:** Use This List of Location #s and Corresponding Addresses As a Reference To Where the Delivery / Work Was Performed

1 - South Yard Rd

2 - South Yard Rd

3 - South Yard

START DATE:		4/22/2013		ACCOUNT NUMBER:		8092		PREVIOUS BALANCE:		\$76,593.11	
DATE	REF NUM	Loc #	Quantity	REFERENCE		SALES	PAYMENTS	BALANCE			
4/22/13	71636	2	1233.5	High Sulfur Diesel @ \$3.135		\$3,867.02	\$0.00	\$80,460.13			
4/29/13	72780	2	2000	High Sulfur Diesel @ \$3.215		\$6,430.00	\$0.00	\$86,890.13			
4/30/13	20332555			Finance Charge		\$755.14	\$0.00	\$87,645.27			
5/3/13	73874	2	1699.3	High Sulfur Diesel @ \$3.145		\$5,344.30	\$0.00	\$92,989.57			
5/6/13	20336185			Check 15996		\$0.00	\$26,854.07	\$66,135.50			
5/9/13	74846	2	1838	High Sulfur Diesel @ \$3.245		\$5,964.31	\$0.00	\$72,099.81			
5/14/13	75312	2	2338.5	High Sulfur Diesel @ \$3.215		\$7,518.28	\$0.00	\$79,618.09			
5/20/13	76020	2	3005.3	High Sulfur Diesel @ \$3.215		\$9,662.04	\$0.00	\$89,280.13			
5/23/13	76599	2	1583.9	High Sulfur Diesel @ \$3.175		\$5,028.88	\$0.00	\$94,309.01			
5/28/13	76861	2	1296.4	High Sulfur Diesel @ \$3.175		\$4,116.07	\$0.00	\$98,425.08			
5/31/13	20352991			Finance Charge		\$940.62	\$0.00	\$99,365.70			
6/3/13	77844	2	2998.3	High Sulfur Diesel @ \$3.125		\$9,369.69	\$0.00	\$108,735.39			
6/5/13	20356284			Check 016317		\$0.00	\$20,763.88	\$87,971.51			
6/7/13	78545	2	1545.7	High Sulfur Diesel @ \$3.165		\$4,892.14	\$0.00	\$92,863.65			
6/13/13	79198	1	460.3	High Sulfur Diesel @ \$3.155		\$1,452.25	\$0.00	\$94,315.90			
6/13/13	79192	2	1612	High Sulfur Diesel @ \$3.155		\$5,085.86	\$0.00	\$99,401.76			
6/17/13	79469	2	3011.8	High Sulfur Diesel @ \$3.235		\$9,743.17	\$0.00	\$109,144.93			
6/17/13	79472	3	400	High Sulfur Diesel @ \$3.235		\$1,294.00	\$0.00	\$110,438.93			
6/21/13	80079	2	1224.1	High Sulfur Diesel @ \$3.205		\$3,923.24	\$0.00	\$114,362.17			
6/24/13	20367387			Check 016533		\$0.00	\$16,897.90	\$97,464.27			
6/27/13	80624	2	1505.9	High Sulfur Diesel @ \$3.155		\$4,751.11	\$0.00	\$102,215.38			
6/30/13	20371633			Finance Charge		\$923.67	\$0.00	\$103,139.05			
7/3/13	81179	2	1853.1	High Sulfur Diesel @ \$3.195		\$5,920.65	\$0.00	\$109,059.70			
7/5/13	20374337			Check 016597		\$0.00	\$6,430.00	\$102,629.70			

Current	Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days	AMOUNT DUE
\$21,577.63	\$41,435.13	\$16,436.84	\$0.00	\$0.00	
<b>Thank You</b>					<b>\$79,449.60</b>

**Fred's Plumbing & Heating, Inc.**  
328 Main Street  
Derby, VT 05829  
802-766-4949

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 328 Main Street  
 Derby, VT 05829  
 802-766-4949

**STATEMENT**

March 18, 2014

**STATEMENT**

Montreal Maine Atlantic Railroad  
 P.O.Box 39  
 Newport, VT 05855

Please supply us your email address!

<b>Account Number</b>
8092
<b>Amount Enclosed</b>

**Amount Due: \$79,449.60**

*Please Return Upper Portion of This Statement With Your Payment*

Date	Account No.	Qty	Rate	Description	Amount	Balance	Previous Balance
7/8/13	20375329			Check 016663	\$0.00	\$38,837.08	\$63,792.62
7/9/13	81636	2	1500	High Sulfur Diesel @ \$3.265	\$4,897.50	\$0.00	\$68,690.12
7/11/13	81795	1	400	#2 Fuel Oil @ \$3.275	\$1,388.60	\$0.00	\$70,078.72
7/17/13	82270	2	1110.1	High Sulfur Diesel @ \$3.339	\$3,706.62	\$0.00	\$73,785.34
7/23/13	82817	2	1424.4	High Sulfur Diesel @ \$3.375	\$4,807.35	\$0.00	\$78,592.69
7/31/13	20388070			Finance Charge	\$856.91	\$0.00	\$79,449.60
<b>Totals As Of 7/31/13:</b>					<b>\$112,639.42</b>	<b>\$109,782.9</b>	<b>\$79,449.60</b>

Current	Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days	<b>AMOUNT DUE</b>
\$21,577.63	\$41,435.13	\$16,436.84	\$0.00	\$0.00	
<b>Thank You</b>					<b>\$79,449.60</b>

**Fred's Plumbing & Heating, Inc.**  
 328 Main Street  
 Derby, VT 05829  
 802-766-4949