

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:	X	
	X	
ADVANCED SOLIDS CONTROL, LLC	X	CASE NO. 16-52748-RBK
	X	
DEBTOR	X	CHAPTER 11

MOTION OF ADVANCED SOLIDS CONTROL, LLC FOR AUTHORIZATION TO SELL REAL PROPERTY FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE RONALD B. KING, CHIEF JUDGE,
UNITED STATES BANKRUPTCY COURT:

NOW COMES, Advanced Solids Control, LLC, Debtor-in-Possession in the above styled and numbered Chapter 11 bankruptcy case, and files this its Motion For Authorization to Sell Real Property Free and Clear of All Liens, Claims and Encumbrances, and in support thereof would respectfully show the Court the following:

1. On December 2, 2016, Advanced Solids Control, LLC (hereinafter called "Debtor") filed its voluntary Petition for Relief under Chapter 11 of the United States Bankruptcy Code in the United

States Bankruptcy Court for the Western District of Texas, San Antonio Division. The Debtor is in the process of finalizing and filing its Plan of Reorganization.

2. The asset proposed to be sold is real property described as 4004 S. Pat Garrett Ct., Carlsbad, NM 88220. The property is a single family residence. This is the last piece of real property owned by the Debtor (other than the Debtor's yard located at 4116 Tidwell, Carlsbad, New Mexico). The Court has previously approved the sale of five (5) pieces of real property – four (4) in Carlsbad, New Mexico and one (1) in Midland, Texas. All five (5) of the sales closed and all of the net proceeds from the sales have been paid to First National Bank of Beeville on the two (2) Notes to First National Bank of Beeville, which are cross-collateralized. One Note to First National Bank of Beeville has been paid off, with the second Note being reduced to approximately \$1,070,000.00. First National Bank of Beeville will receive the net proceeds from this sale (4004 S. Pat Garrett Ct., Carlsbad, NM), and is still secured by the Debtor's yard (4116 Tidwell, Carlsbad, New Mexico), which the Debtor believes may have a value of up to \$1,500,000.00.

3. The Debtor proposes to sell the real property for the cash sales price in the amount of \$265,000.00 to Morgan A. And Stevin C. Sommerville (not related to the Debtor). The sale is scheduled to close on or before August 14, 2017. The Debtor has agreed to pay the costs of the survey and an American Home Shield policy (not to exceed the amount of \$625.00).

4. The Debtor believes that the proposed sales price approximates the real property's market value in the context of such a sale, and is a reasonable value based upon the asset proposed to be sold

and its marketability. The Debtor scheduled the house with a market value in the amount of \$265,000.00.

5. The real property is subject to a mortgage lien to First National Bank of Beeville as discussed above. Any outstanding ad valorem taxes, including the Eddy County ad valorem taxes (including 2017 pro-rata), will be paid in full from the sale.

6. The Debtor is requesting permission to pay all reasonable closing costs, including real estate commissions, directly at closing. The net proceeds from the sale will be paid to First National Bank of Beeville in partial satisfaction of the outstanding balance of its remaining Note.

7. The Debtor is requesting that the sale to Morgan A. and Stevin C. Sommerville be free and clear of all liens, claims and encumbrances pursuant to §363 of the U.S. Bankruptcy Code. The liens of First National Bank of Beeville and the local ad valorem taxing authorities will automatically attach to the net sales proceeds based upon their pre-petition priority, and paid through closing.

8. Should the sale to Morgan A. and Stevin C. Sommerville fail to close, the Debtor is requesting permission to sell the real property to any other third party for the minimum cash sales price in the amount of \$265,000.00.

9. A copy of the Contract is attached hereto as Exhibit "A".

10. A copy of the Order uploaded with this Motion is attached hereto.

WHEREFORE, PREMISES CONSIDERED, Debtor requests that the Court authorize it to sell free and clear of all liens, claims and encumbrances pursuant to §363 of the U.S. Bankruptcy Code the real property (4004 S. Pat Garrett Ct., Carlsbad, NM 88220) for the cash sales price in the amount of \$265,000.00 to Morgan A. and Stevin C. Sommerville pursuant to the terms set forth above, and for such other and further relief to which the Debtor may show itself entitled.

Date: July 6, 2017.

Respectfully submitted,



WILLIAM R. DAVIS, JR.
State Bar No. 05565500
LANGLEY & BANACK, INC.
745 E. Mulberry, Suite 900
San Antonio, TX 78212
(210) 736-6600

Attorneys for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2017, a true and correct copy of the above and foregoing instrument was mailed, first class, postage prepaid to the attached notice list.



WILLIAM R. DAVIS, JR.

Advanced Solids Control, LLC
c/o Mr. Lynn Frazier
5655 Bear Lane, Suite 100
Corpus Christi, TX 78405

U.S. Trustee
P.O. Box 1539
San Antonio, TX 78295-1539

Eddy County Treasurer
101 W. Greene, Suite 117
Carlsbad, NM 88220

First National Bank of Beeville
1400 E. Houston St.
Beeville, TX 78102

Midland Central Appraisal District
P.O. Box 908002
Midland, TX 79708

Midland County
c/o Laura J. Monroe
P.O. Box 817
Lubbock, TX 79408

Nueces County
P.O. Box 2810
Corpus Christi, TX 78403

Darin Jerle Harding
P.O. Box 743
Grande Prairie Alberta T8V3R5

Sentrimax Centrifuges, Inc.
108 Sentry Drive
Mansfield, TX 76063

Gary Sweetman
226 Augusta Drive
Portland, TX 78374

Magnum Oil Tools Int'l, Ltd.
5655 Bear Lane, Suite 100
Corpus Christi, TX 78405

Crain, Caton & James
17th Fl., 1401 McKinney St.
Houston, TX 77010-4035

Stang Automation, Inc.
100 Pointe Marcelle Beaumont
Alberta T4X 0G2 Canada

Ber Mar Rewind, Ltd.
9609 109 Street
Grand Prairie AB T8V 4E3 Canada

Kirby-Smith Machinery, Inc.
P.O. Box 270360
Oklahoma City, OK 73137

Williams Scotsman, Inc.
P.O. Box 91975
Chicago, IL 60693-1975

Tucker Albin & Assoc., Inc.
1702 N. Collins Blvd., Suite 100
Richardson, TX 75080

Harvey Fuels, Inc.
P.O. Box 8026
Ruidoso, NM 88355

Forrest Tire, Inc.
P.O. Box 1778
Carlsbad, NM 88221-1778

A.G. Investments, Ltd.
740 Walt Whitman Rd.
Melville, NY 11747-9090

Pactec, Inc.
P.O. Box 8069
Clinton, LA 70722

ASK Environmental Equipment
20504 Enfield Ave. N
Forest Lake, MN 55025

Harvey Rodriguez
215 E. Elm St.
Loving, NM 88256

United Healthcare
Dept. CH 1051
Palatine, IL 60055-0151

DNOW, LP
P.O. Box 40985
Houston, TX 77240-0985

JB Electric, LLC
P.O. Box 171
Carlsbad, NM 88221

Big Dog - Rig Movers
7500 W. Hwy. 80
Midland, TX 79706

Robert L. Barrows
Warren, Drugan & Barrows, PC
800 Broadway
San Antonio, TX 78215

Diane W. Sanders
Linebarger Goggan Blair & Sampson
PO Box 17428
Austin, TX 78760

Ronald A. Simank
Schauer & Simank, PC
615 N. Upper Broadway, Suite 700
Corpus Christi, TX 78401

Lee Gordon
McCreary, Veselka, Bragg & Allen
P.O. Box 1269
Round Rock, TX 78680

Scott Duncan
Magnum Oil Tools International
5655 Bear Lane, Suite 100
Corpus Christi, TX 78405



REALTORS® ASSOCIATION OF NEW MEXICO
COUNTEROFFER NO. 1 - 2017

This Counteroffer is made a part of the Residential Commercial Vacant Land Farm and Ranch Purchase Agreement dated July 1 2017 between Morgan A. Sommarville Stevin C Sommarville ("Buyer") and Advanced Solids Control ("Seller") and relating to the purchase of the following Property:
4004 S Pat Garrett Ct. Carlsbad 88220
Address City Zip Code

Legal Description
or see metes and bounds description attached as Exhibit _____, Eddy County, New Mexico.

Counteroffers that are not expressly listed here are not incorporated into the Purchase Agreement.
Counteroffers _____ are incorporated by reference into the Purchase Agreement of the parties, except as expressly modified by this Counteroffer.

Buyer and Seller accept the Purchase Agreement, subject to the following changes:
Purchase price to be \$265,000. Seller will pay for home warranty up to \$625 and will pay for survey.

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REALTORS® ASSOCIATION OF NEW MEXICO

COUNTEROFFER NO. 1 - 2017

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All other terms and conditions of the Purchase Agreement remain the same.

This offer will expire unless acceptance is delivered in writing to Buyer or Buyer's Broker or Seller or Seller's Broker on or before July 04 2017 at 5 am pm Mountain Time.

If not accepted, this offer can be withdrawn at any time before the expiration date.

It is recommended that the receiving party not sign this Counteroffer if making a subsequent Counteroffer. However, it is recommended the pages be initialed.

Authentisign		BUYER	07/03/2017	
<i>Morgan A. Sommerville</i>				
Buyer Signature	Morgan A. Sommerville		Date	Time
			07/03/2017	
<i>STEVEN C. SOMMERVILLE</i>				
Buyer Signature	STEVEN C. Sommerville		Date	Time
Authentisign		SELLER	07/03/2017	9:55 AM
<i>Pynn Frazier</i>				
Seller Signature	Advanced Solids Control		Date	Time
Seller Signature			Date	Time