

**United States Bankruptcy Court
Western District of New York**

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Dommer Construction Corporation	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 16-1540026	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 21 Palmer Place Lancaster, NY <div style="text-align: right;">ZIP Code 14086</div>	Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right;">ZIP Code</div>
County of Residence or of the Principal Place of Business: Erie	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): <div style="text-align: right;">ZIP Code</div>	Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right;">ZIP Code</div>
Location of Principal Assets of Business Debtor (if different from street address above):	

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
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Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/> 1-49</td> <td><input checked="" type="checkbox"/> 50-99</td> <td><input type="checkbox"/> 100-199</td> <td><input type="checkbox"/> 200-999</td> <td><input type="checkbox"/> 1,000-5,000</td> <td><input type="checkbox"/> 5,001-10,000</td> <td><input type="checkbox"/> 10,001-25,000</td> <td><input type="checkbox"/> 25,001-50,000</td> <td><input type="checkbox"/> 50,001-100,000</td> <td><input type="checkbox"/> OVER 100,000</td> </tr> </table> Estimated Assets <table style="width:100%; text-align: center;"> <tr> <td><input checked="" type="checkbox"/> \$0 to \$50,000</td> <td><input type="checkbox"/> \$50,001 to \$100,000</td> <td><input type="checkbox"/> \$100,001 to \$500,000</td> <td><input type="checkbox"/> \$500,001 to \$1 million</td> <td><input type="checkbox"/> \$1,000,001 to \$10 million</td> <td><input type="checkbox"/> \$10,000,001 to \$50 million</td> <td><input type="checkbox"/> \$50,000,001 to \$100 million</td> <td><input type="checkbox"/> \$100,000,001 to \$500 million</td> <td><input type="checkbox"/> \$500,000,001 to \$1 billion</td> <td><input type="checkbox"/> More than \$1 billion</td> </tr> </table> Estimated Liabilities <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/> \$0 to \$50,000</td> <td><input type="checkbox"/> \$50,001 to \$100,000</td> <td><input type="checkbox"/> \$100,001 to \$500,000</td> <td><input type="checkbox"/> \$500,001 to \$1 million</td> <td><input checked="" type="checkbox"/> \$1,000,001 to \$10 million</td> <td><input type="checkbox"/> \$10,000,001 to \$50 million</td> <td><input type="checkbox"/> \$50,000,001 to \$100 million</td> <td><input type="checkbox"/> \$100,000,001 to \$500 million</td> <td><input type="checkbox"/> \$500,000,001 to \$1 billion</td> <td><input type="checkbox"/> More than \$1 billion</td> </tr> </table>	<input type="checkbox"/> 1-49	<input checked="" type="checkbox"/> 50-99	<input type="checkbox"/> 100-199	<input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 5,001-10,000	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000	<input type="checkbox"/> 50,001-100,000	<input type="checkbox"/> OVER 100,000	<input checked="" type="checkbox"/> \$0 to \$50,000	<input type="checkbox"/> \$50,001 to \$100,000	<input type="checkbox"/> \$100,001 to \$500,000	<input type="checkbox"/> \$500,001 to \$1 million	<input type="checkbox"/> \$1,000,001 to \$10 million	<input type="checkbox"/> \$10,000,001 to \$50 million	<input type="checkbox"/> \$50,000,001 to \$100 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> \$500,000,001 to \$1 billion	<input type="checkbox"/> More than \$1 billion	<input type="checkbox"/> \$0 to \$50,000	<input type="checkbox"/> \$50,001 to \$100,000	<input type="checkbox"/> \$100,001 to \$500,000	<input type="checkbox"/> \$500,001 to \$1 million	<input checked="" type="checkbox"/> \$1,000,001 to \$10 million	<input type="checkbox"/> \$10,000,001 to \$50 million	<input type="checkbox"/> \$50,000,001 to \$100 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> \$500,000,001 to \$1 billion	<input type="checkbox"/> More than \$1 billion	THIS SPACE IS FOR COURT USE ONLY
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Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

Dommer Construction Corporation**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location

Where Filed: **- None -**

Case Number:

Date Filed:

Location

Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, 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.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Dommer Construction Corporation**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X _____
Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Signature of Attorney*

X **/s/ Beth Ann Bivona** _____
Signature of Attorney for Debtor(s)

Beth Ann Bivona

Printed Name of Attorney for Debtor(s)

Damon Morey LLP

Firm Name

**The Avant Building, Suite 1200
200 Delaware Avenue
Buffalo, NY 14202-2150**

Address

(716) 856-5500 Fax: (716) 856-5510

Telephone Number

June 23, 2010

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

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

X **/s/ Paul K. Dommer** _____
Signature of Authorized Individual

Paul K. Dommer

Printed Name of Authorized Individual

President

Title of Authorized Individual

June 23, 2010

Date

UNANIMOUS CONSENT
OF
BOARD OF DIRECTORS
OF
DOMMER CONSTRUCTION CORPORATION

THE UNDERSIGNED, being the Directors of DOMMER CONSTRUCTION CORPORATION, a New York Corporation (the "Corporation"), who would be entitled to notice of meeting of the Board of Directors of the Corporation for the purpose of taking such action and adopting the resolutions set forth below, do hereby waive such notice, take the following action, and adopt the following resolutions by unanimous written consent to action pursuant to Section 708 of the Business Corporation Law of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the filing by this Corporation of a petition for relief under Chapter 11 of Title 11, United States Code, 11 U.S. Section 101, et seq. (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Western District of New York be, and it hereby is, authorized and approved;

RESOLVED FURTHER, each of the officers of the Corporation is authorized and empowered to execute on behalf of the Corporation a petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy court for the Western District of New York, and any affidavits, forms, schedules, applications or any other pleadings or documents which are necessary or appropriate;

RESOLVED FURTHER, that the Corporation is authorized to retain Damon Morey LLP as its General Counsel, in connection with its Chapter 11 Filing, upon the terms and conditions set forth in Damon Morey's June 23, 2010 retainer letter;

RESOLVED FURTHER, that each of the officers of the Corporation is authorized to retain on behalf of this Corporation such other professionals as they deem necessary or appropriate, upon such terms and conditions as shall approve, to render services to this Corporation in Connection with such Chapter 11 proceeding and with respect to other related matters in connection therewith;

RESOLVED FURTHER, that each officer of the Corporation be, and each of them is authorized and empowered to open Debtor-in-Possession bank accounts with M + T Bank Bank, once a Chapter 11 case has been commenced;


RESOLVED FURTHER, that each of the officers of the Corporation is authorized and directed to take any and all further action and to execute and deliver any and all such further instruments and documents and to pay all such expenses (subjects to bankruptcy court approval), where necessary or appropriate in order to carry out fully the intent and accomplish the purposes of the resolutions adopted herein;

RESOLVED FURTHER, that all actions taken by each of the officers and directors of the Corporation or any matter related thereto, or by virtue of these resolutions, are hereby in all respects ratified, confirmed and approved;


RESOLVED, that each officer of the Corporation be, and each of them hereby is, authorized and empowered to do or cause to be done all such acts, deeds and things and to make, execute and deliver, or cause to be made, executed or delivered, all such agreements, undertakings, documents, instruments or certificates, in the name and on behalf of the Corporation or otherwise, as he/she may deem necessary, advisable or appropriate to effectuate or fulfill the purposes and intent of the foregoing resolutions.

RESOLVED FURTHER, that this resolution shall constitute the minutes of the meeting of the Board of Directors of the Corporation.

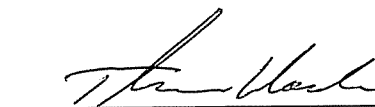
IN WITNESS WHEREOF, the undersigned have executed this Consent, which may be signed in one or more counterparts, which taken together shall constitute one document, as of this 23 day of June, 2010.



Paul K Sommer, Director



Gary Sankes, Director



Thomas Wang, Director

_____, Director

#1457359

DOMMER CONSTRUCTION CORPORATION
AND
SUBSIDIARY

Consolidated Financial Statements
(with supplementary information)

December 31, 2009

DOMMER CONSTRUCTION CORPORATION
AND
SUBSIDIARY

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Consolidating Schedule of Contract Costs	Schedule	III
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BROWN & COMPANY, LLP

CERTIFIED PUBLIC ACCOUNTANTS

To the Stockholders of
Dommer Construction Corporation and Subsidiary
Lancaster, New York

INDEPENDENT ACCOUNTANTS' REVIEW REPORT

We have reviewed the accompanying consolidated balance sheet of Dommer Construction Corporation and Subsidiary as of December 31, 2009 and the related consolidated statements of operations and accumulated deficit, and cash flows for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. All information included in these consolidated financial statements is the representation of the management of Dommer Construction Corporation and Subsidiary.

A review consists principally of inquiries of Company personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the consolidated financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, we are not aware of any material modifications that should be made to the accompanying consolidated financial statements in order for them to be in conformity with generally accepted accounting principles.

Our review was made for the purpose of expressing limited assurance that there are no material modifications that should be made to the consolidated financial statements in order for them to be in conformity with generally accepted accounting principles. The supplementary information included in the accompanying Schedules I through IV is presented only for supplementary analysis purposes. Such information has been subjected to the inquiry and analytical procedures applied in the review of the basic consolidated financial statements, and we are not aware of any material modifications that should be made thereto.

Brown + Company, LLP

March 25, 2010

(1)

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Consolidated Balance Sheet

December 31, 2009

ASSETS

Current assets:

Cash	\$ 326,572
Accounts receivables, net	1,029,332
Advances from others, current portion	121
Costs and estimated earnings in excess of billings on uncompleted contracts	56,710
Prepaid expenses and other	<u>173,026</u>
Total current assets	1,585,761

Property and equipment, net

41,692

Other assets:

Due from related parties	103,143
Advances from others, excluding current portion	<u>85,329</u>
Total other assets	<u>188,472</u>

\$ 1,815,925

LIABILITIES AND STOCKHOLDERS' DEFICIENCY

Current liabilities:

Accounts payable	887,245
Accrued payroll and taxes and expenses	179,957
Loans payable - stockholders	7,526
Distributions payable - stockholders	489,055
Billings in excess of costs and estimated earnings on uncompleted contracts	<u>42,055</u>

Total current liabilities

1,605,838

Notes payable - stockholders

500,000

Minority interest

(21,703)

Stockholders' deficiency:

Common stock, no par value 100 shares authorized, issued and outstanding	3,000
Accumulated deficit	<u>(271,210)</u>

Total stockholders' deficiency

(268,210)

\$ 1,815,925

See independent accountants' review report and notes to the consolidated financial statements.

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Consolidated Statement of Operations and Accumulated Deficit

For the year ended December 31, 2009

Contract revenues	\$ 4,357,292
Contract costs	<u>3,423,864</u>
Gross profit	933,428
Selling, general and administrative expenses	<u>666,565</u>
Income from operations	266,863
Other income (expense):	
Debt forgiveness	301,467
Penalty abatement income	12,574
Gain (loss) on fixed asset disposals	(1,096)
Miscellaneous income	666
Interest expense	(48,873)
Penalties	<u>(20,281)</u>
Total other income (expense)	<u>244,457</u>
Income before minority interest	511,320
Minority interest in income of subsidiary	<u>(136,874)</u>
Net income	374,446
Accumulated deficit:	
Beginning of year	(354,584)
Less: Stockholder distributions	<u>(291,072)</u>
End of year	<u><u>\$ (271,210)</u></u>

See independent accountants' review report and notes to the consolidated financial statements.

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Consolidated Statement of Cash Flows

For the year ended December 31, 2009

Cash flows from operating activities:	
Net income	\$ 374,446
Adjustments to reconcile net income to net cash provided by operating activities:	
Minority interest	136,874
Depreciation	7,686
Loss on disposal of fixed assets	1,096
Changes in operating assets and liabilities affecting cash flows:	
Accounts receivable, net	878,210
Costs and estimated earnings in excess of billings on uncompleted contracts	86,342
Prepaid expenses and other	(13,869)
Accounts payable and accrued expenses	(992,264)
Billings in excess of costs and estimated earnings on uncompleted contracts	(348,876)
Net cash provided by operating activities	129,645
Cash flows from investing activities:	
Change in due from related parties	66,715
Net cash provided by investing activities	66,715
Cash flows from financing activities:	
Increase in advances receivable	(6,308)
Net decrease in line-of-credit	(3)
Distributions payable - stockholders	(1,928)
Increase in notes payable - stockholders	7,526
Stockholder distributions	(291,072)
Net cash used by financing activities	(291,785)
Net decrease in cash	(95,425)
Cash at beginning of year	421,997
Cash at end of year	\$ 326,572
Supplemental disclosures of cash flows information:	
Income taxes, net of (refunds)	\$ 5,625
Interest	\$ 57,764

See independent accountants' review report and notes to the consolidated financial statements.

DOMMER CONSTRUCTION CORPORATION AND SUBSIDIARY

Notes to the Consolidated Financial Statements

December 31, 2009

(Unaudited – see independent accountants' review report)

(1) ORGANIZATION

Dommer Construction Corporation (Dommer) and its subsidiary, Ortega Construction Methods, Inc. (Ortega), provide commercial drywall installation services to customers throughout the Western New York area. Ortega is in the process of winding down its business and management anticipates that it will be closed by December 31, 2010.

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Variable Interest Entities

Dommer follows the authoritative literature on accounting for a variable interest in a variable interest entity which requires variable interest entities to be consolidated with their primary beneficiaries. In accordance with this authoritative literature, management determined that Dommer is the primary beneficiary of Ortega, which qualifies as a variable interest entity. Accordingly, the accompanying consolidated financial statements include the accounts of Dommer and Ortega (collectively, the Companies). The Companies have common management and common ownership. All significant inter-company accounts and transactions have been eliminated in consolidation.

As of December 31, 2009, and for the year then ended, Ortega had assets of \$127,143, liabilities of \$169,448, revenues of \$985,474, and expenses of \$717,093. The creditors of Ortega have no recourse to the assets or general credit of Dommer.

Minority Interest

Minority interest represents an investor's 51% interest in Ortega.

Cash

The Companies maintain their cash in bank deposit accounts which, at times, may exceed federally insured limits. The Companies have not experienced any losses in such accounts and believe that they are not exposed to any significant credit risk with respect to their cash.

Revenue and Cost Recognition

The Companies recognize revenue using the percentage-of-completion, cost-to-cost method for uncompleted contracts. Accordingly, revenue is recognized based upon the percentage of costs incurred to date to management's estimate of total costs at the completion of each contract. This method is used because management considers expended costs to be the best available measure of progress on these contracts. Because of the inherent uncertainties in estimating costs, it is at least reasonably possible that the estimates used will change in the near-term.

Contract costs include all direct material, labor and subcontract costs, and those indirect costs related to contract performance such as indirect labor, supplies, and tool costs. Provisions for estimated losses on uncompleted contracts are made in the period in which such losses are determined. Changes in job performance, job conditions, and estimated profitability, including those arising from contract penalty provisions and final contract settlements, may result in revisions to costs and income, and are recognized in the period in which the revisions are determined.

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Notes to the Consolidated Financial Statements

December 31, 2009

(Unaudited - see independent accountants' review report)

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash in banks, and all highly liquid investments with a maturity of three months or less at the time of purchase.

Due From Related Parties

Due from related parties includes amounts due from various affiliates. The amounts are non-interest bearing and have no specific repayment terms. Management does not expect these amounts to be collected in the near-term and, accordingly, they have been classified as a non-current asset in the accompanying consolidated balance sheet.

Property and Equipment

Property and equipment are stated at cost. Depreciation over the estimated useful lives of the assets (5 to 39 years) is computed on the straight-line method for financial statements reporting purposes. Maintenance and repairs are charged to operations as incurred; significant betterments are capitalized.

Income Taxes

Dommer, with the consent of its stockholders, has elected to be treated as an S corporation for federal and state income tax purposes, whereby income or loss from the Company is taxed at the individual stockholder level. Accordingly, no provision for income taxes related to Dommer has been reflected in the accompanying consolidated financial statements.

Ortega is a C corporation. Accordingly, deferred income tax assets and liabilities for Ortega are recognized for the estimated future tax consequences attributable to temporary differences between financial statement carrying amounts of existing assets and liabilities and their respective tax bases. Deferred tax assets and liabilities are measured using enacted tax rates expected to apply to taxable income in the years in which those temporary differences are expected to be recovered or settled.

Use of Estimates

The preparation of consolidated financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the consolidated financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results may differ from those estimates.

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Notes to the Consolidated Financial Statements

December 31, 2009

(Unaudited - see independent accountants' review report)

(3) ACCOUNTS RECEIVABLE

It is the policy of the Companies to assess the credit worthiness of each of its customers. Furthermore, the Companies generally have specific lien rights on properties related to their uncompleted contracts until payment is received. The Companies use the reserve method to account for bad debts and review their accounts receivable on a monthly basis. When an account is deemed uncollectible, the Companies charge operations. At December 31, 2009, an \$8,565 bad debt allowance was established by management for the Companies' estimated uncollectible accounts. At December 31, 2009, approximately 43% of accounts receivable was due from four customers. Additionally, at December 31, 2009, accounts receivable included \$416,026 in related retentions receivable, and \$165,496 of unbilled receivables which are to be billed in 2010 and which management expects to receive by December 31, 2010.

(4) COSTS AND ESTIMATED EARNINGS ON UNCOMPLETED CONTRACTS

Costs and estimated earnings on uncompleted contracts consisted of the following at December 31, 2009:

Costs incurred on uncompleted contracts	\$ 1,533,210
Estimated earnings	<u>397,464</u>
	1,930,674
Less billings to date	<u>1,916,019</u>
	<u>\$ 14,655</u>

Included in the accompanying consolidated balance sheet under the following captions:

Costs and estimated earnings in excess of billing on uncompleted contracts	\$ 56,710
Billings in excess of costs and estimated earnings on uncompleted contracts	<u>(42,055)</u>
	<u>\$ 14,655</u>

(5) PROPERTY AND EQUIPMENT

Property and equipment consisted of the following at December 31, 2009:

Vehicles	\$ 34,515
Leasehold improvements	39,571
Equipment	<u>52,578</u>
	126,664
Less accumulated depreciation	<u>84,972</u>
	<u>\$ 41,692</u>

Depreciation expense amounted to \$7,686 for the year ended December 31, 2009.

(6) LINE-OF-CREDIT

Loans payable – stockholder consisted of an unsecured loan that is non-interest bearing and which management intends to pay by December 31, 2010. The total outstanding balance amounted to \$7,526 at December 31, 2009.

(7)

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Notes to the Consolidated Financial Statements

December 31, 2009

(Unaudited - see independent accountants' review report)

(7) NOTES PAYABLE – STOCKHOLDERS

Notes payable – stockholders consisted of unsecured loans, accruing interest at the prime rate (5.0% at December 31, 2009). No specific repayment terms exist for these loans and management does not intend to repay the balances in the near-term. Accordingly, the amounts have been classified as non-current liabilities in the accompanying consolidated balance sheet. The total outstanding balances amounted to \$500,000 at December 31, 2009.

(8) INCOME TAXES

The actual benefit from income taxes differs from the expected tax benefit (computed by applying the U.S. federal corporate tax rate of 15% to income before income taxes) primarily as a result of Dommer's S Corporation tax status, state income taxes, graduated tax rates, and from an decrease in the valuation allowance offsetting Ortega's deferred tax assets.

Ortega's deferred income taxes consisted of the following at December 31, 2009:

Total deferred tax assets	\$ -
Valuation allowance	<u>-</u>
Net deferred tax assets	<u>\$ -</u>

Deferred income taxes results principally from Ortega's net operating loss carryforwards. At December 31, 2009, a valuation allowance was recorded to fully offset the deferred tax assets because realization of the related income tax benefits is uncertain.

At December 31, 2009, Ortega had federal and state net operating loss carryforwards of approximately \$0- available to offset future taxable income.

(9) RELATED PARTY TRANSACTIONS

Dommer leases its operating facility from a stockholder under a month-to-month operating lease agreement. The agreement provides for monthly rental payments of \$2,500 plus additional amounts for property taxes, utilities, insurance, repairs, and maintenance relating to the property. Related rental expense amounted to \$30,000 for the year ended December 31, 2009.

Included in due from related parties, in the amount of \$103,143 on the consolidated balance sheet at December 31, 2009 are stockholder and related company loans of \$103,143 and employee receivables of \$0-.

Included in accounts receivable on the consolidated balance sheet is \$18,357 from a related company. Included in contract revenues on the consolidated statement of operations and accumulated deficit is \$1,446 of sales and \$6,411 of credit memos to a related company.

See Note 6 relative to loans payable-stockholders and Note 7 relative to notes payable-stockholders at December 31, 2009.

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Notes to the Consolidated Financial Statements

December 31, 2009

(Unaudited - see independent accountants' review report)

(10) NEW YORK STATE LIEN LAW

The Company's contracts are subject to the Trust Fund provisions of the New York State Lien Law which requires separate record keeping of amounts received or to be received and disbursed or to be disbursed under certain construction contracts. Such amounts are considered to be trust funds for the benefit of stated beneficiaries and may be used for only certain designated purposes until all trust liability under the laws would only be asserted if the Company was unable to meet its claims when due. At December 31, 2009, all known claims have been paid or provided for.

(11) UNCERTAINTIES, CONTINGENCIES AND RISKS

Ortega has outstanding payroll tax liabilities from prior years included as a liability on its balance sheet at December 31, 2009. There are also more recent unpaid payroll tax liabilities included as a liability on the balance sheet for Dommer. No related interest or penalties have been accrued in these financial statements as management cannot reasonably estimate the amounts, if any, with certainty.

The Company is a co-defendant in a lawsuit brought on by the Business Funding Group, Inc. The plaintiff's assignor, the MBE Group, Inc., entered into a sub-contract with the Company for the performance of construction work and the supply of materials for the Highgate Heights Elementary School and the New Comprehensive East High School. The plaintiff claims that the MBE Group completed its work for the Company, but the Company did not pay the MBE Group what it was owed which in turn was assigned to the plaintiff. The Company is vigorously defending this lawsuit. The amount of the liability from the claims cannot be determined with certainty; however, management has accrued \$69,474 and is of the opinion that the outcome of the claims will not have a material adverse impact on the consolidated financial position. Based on legal opinion, management believes its maximum expense to be \$35,000 but no more than \$273,000. Due to uncertainties in the settlement process, it is at least reasonably possible that management's estimate of the outcome will change within the next year.

(12) SUBSEQUENT EVENTS

Management has evaluated subsequent events through March 25, 2010, the date the financial statements were available to be issued.

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Consolidating Balance Sheet

For the year ended December 31, 2009

	<u>Consolidated</u>	<u>Eliminations</u>	<u>Dommer Construction Corporation</u>	<u>Ortega Construction Methods, Inc.</u>
Current assets:				
Cash	\$ 326,572	-	326,536	36
Accounts receivable, net	1,029,332	(77,623)	980,169	126,786
Advances from others, current portion	121	-	-	121
Cost and estimated earnings in excess of billings on uncompleted contracts	56,710	-	56,710	-
Prepaid expenses and other	173,026	-	173,026	-
Stock subscription receivable	-	(200)	-	200
Total current assets	1,585,761	(77,823)	1,536,441	127,143
Property and equipment, net	41,692	-	41,692	-
Other assets:				
Due from related parties	103,143	(4,262)	107,405	-
Advances from others, excluding current portion	85,329	-	85,329	-
Total other assets	188,472	(4,262)	192,734	-
	<u>\$ 1,815,925</u>	<u>(82,085)</u>	<u>1,770,867</u>	<u>127,143</u>
Current liabilities:				
Accounts payable	887,245	(81,885)	828,933	140,197
Accrued payroll taxes and expenses	179,957	-	158,182	21,775
Loans payable - stockholders	7,526	-	-	7,526
Distributions payable - stockholders	489,055	-	489,055	-
Billings in excess of costs and estimated earnings on uncompleted contracts	42,055	-	42,055	-
Total current liabilities	1,605,838	(81,885)	1,518,225	169,498
Notes payable - stockholders	500,000	-	500,000	-
Minority interest	(21,703)	-	-	(21,703)
Stockholders' deficiency:				
Common stock, no par value 100 shares authorized and issued	3,000	(200)	3,000	200
Accumulated deficit	(271,210)	-	(250,358)	(20,852)
Total stockholders' deficiency	(268,210)	(200)	(247,358)	(20,652)
	<u>\$ 1,815,925</u>	<u>(82,085)</u>	<u>1,770,867</u>	<u>127,143</u>

See independent accountants' review report.

DOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Consolidating Statement of Operations and Accumulated Deficit

For the year ended December 31, 2009

	<u>Consolidated</u>	<u>Eliminations</u>	<u>Dommer Construction Corporation</u>	<u>Ortega Construction Methods, Inc.</u>
Contract revenues	\$4,357,292	(391,942)	4,077,371	671,863
Contract costs	<u>3,423,864</u>	<u>(391,942)</u>	<u>3,156,786</u>	<u>659,020</u>
Gross profit	933,428	-	920,585	12,843
Selling, general and administrative expenses	<u>666,565</u>	<u>-</u>	<u>608,496</u>	<u>58,069</u>
Income (loss) from operations	266,863	-	312,089	(45,226)
Other income (expense):				
Debt forgiveness	301,467	-	-	301,467
Penalty abatement income	12,574	-	-	12,574
Gain (loss) on fixed asset disposals	(1,096)	-	-	(1,096)
Miscellaneous income	666	-	-	666
Interest expense	(48,873)	-	(48,873)	-
Penalties	<u>(20,281)</u>	<u>-</u>	<u>(20,277)</u>	<u>(4)</u>
Total other income (expense)	<u>244,457</u>	<u>-</u>	<u>(69,150)</u>	<u>313,607</u>
Income before minority interest	511,320	-	242,939	268,381
Minority interest in income of subsidiary	<u>(136,874)</u>	<u>-</u>	<u>-</u>	<u>(136,874)</u>
Net income	374,446	-	242,939	131,507
Accumulated deficit:				
Beginning of year	(354,584)	-	(202,225)	(152,359)
Less: Stockholder distributions	<u>(291,072)</u>	<u>-</u>	<u>(291,072)</u>	<u>-</u>
End of year	<u>\$ (271,210)</u>	<u>-</u>	<u>(250,358)</u>	<u>(20,852)</u>

See independent accountants' review report.

Schedule IIIDOMMER CONSTRUCTION CORPORATION
AND SUBSIDIARY

Consolidating Schedule of Contract Costs

For the year ended December 31, 2009

	<u>Consolidated</u>	<u>Eliminations</u>	<u>Dommer Construction Corporation</u>	<u>Ortega Construction Methods, Inc.</u>
Labor	\$ 1,229,974	-	1,229,974	-
Materials	799,870	-	704,019	95,851
Subcontractor	604,994	-	41,825	563,169
Union dues and benefits	773,761	-	773,761	-
Payroll taxes	137,979	-	137,979	-
Insurance	95,375	-	95,375	-
Equipment rental	19,174	-	19,174	-
Vehicle	60,280	-	60,280	-
Other	94,399	-	94,399	-
	<u>\$ 3,815,806</u>	<u>-</u>	<u>3,156,786</u>	<u>659,020</u>

See independent accountants' review report.

DOMMER CONSTRUCTION CORPORATION

Schedule of uncompleted contracts

For the year ended December 31, 2009

Job	Total Contract Price	Costs to Date	Estimated Cost to Complete	Total costs to date plus Est cost to complete	Estimated gross profit (loss) on entire job	Percent complete	Accrued gross profit (loss) to date	Total billed to date (including retainage)	Costs & Est earnings in excess of billings	Billings in excess of costs & Est earnings
Rath Building - 1st/16th Floors	\$ 106,751	71,290	4,340	75,630	31,121	94.26%	29,335	101,267	-	642
BNIA Concourse Phase II	248,028	202,472	1,395	203,867	44,161	99.32%	43,859	248,028	-	1,697
BNIA Concourse Phase I	600,000	417,645	1,000	418,645	181,355	99.76%	180,922	581,554	17,013	-
SUNY Fredonia-Maytun Hall	210,000	703	182,537	183,240	26,760	0.38%	103	-	806	-
Mason Hall - SUNY Fredonia	589,000	75,623	425,815	501,438	87,562	15.08%	13,205	75,000	13,828	-
ECMC - Group I	836,300	111,241	576,974	688,215	148,085	16.16%	23,936	168,355	-	33,178
Johnnie B. Wiley Sports Compl	10,790	1,402	6,043	7,445	3,345	18.83%	630	-	2,032	-
Sheehan Res - Plaster Repair	1,600	288	1,000	1,288	312	22.36%	70	-	358	-
Ralph Wilson - Phase IV	29,900	6,490	18,090	24,580	5,320	26.40%	1,405	-	7,895	-
Catholic Center -3rd Floor	2,525	1,014	775	1,789	736	56.68%	417	2,525	-	1,094
Jamestown Airport	23,600	9,309	6,491	15,800	7,800	58.92%	4,596	-	13,905	-
St. John Kanty	8,195	2,992	1,340	4,332	3,863	69.07%	2,668	8,195	-	2,535
Queen of Heaven	3,480	1,769	509	2,278	1,202	77.66%	933	3,480	-	778
St. Joseph's - Gowanda	6,603	4,750	495	5,245	1,358	90.56%	1,230	6,603	-	623
Our Lady of Mt. Carmel - Silver Creek	20,007	19,287	1,001	20,288	(281)	95.07%	(267)	20,007	-	987
Wilson Greatbatch - Corridor	14,355	9,451	356	9,807	4,548	96.37%	4,383	14,355	-	521
East Aurora Middle	690,285	597,484	2,400	599,884	90,401	99.60%	90,039	686,650	873	-
	\$ 3,401,419	1,533,210	1,230,561	2,763,771	637,648		397,464	1,916,019	56,710	42,055

See independent accountants' review report.

Form 1120S

Department of the Treasury
Internal Revenue Service

U.S. Income Tax Return for an S Corporation

► Do not file this form unless the corporation has filed or is attaching Form 2553 to elect to be an S corporation.
► See separate instructions.

OMB No. 1545-0130

2009

For calendar year 2009 or tax year beginning , 2009, ending

A Selection effective date 12/01/1997	Use IRS label. Otherwise, print or type.	DOMMER CONSTRUCTION CORPORATION 21 PALMER PLACE LANCASTER, NY 14086	D Employer identification number [REDACTED]
B Business activity code number (see Instrs) 238900			E Date incorporated 12/01/1997
C Check if Sch M-3 attached <input type="checkbox"/>			F Total assets (see instructions) \$ 1,770,867.

G Is the corporation electing to be an S corporation beginning with this tax year? Yes ☐ No ☒ If 'Yes,' attach Form 2553 if not previously filed

H Check if: (1) ☐ Final return (2) ☐ Name change (3) ☐ Address change
(4) ☐ Amended return (5) ☐ S election termination or revocation

I Enter the number of shareholders who were shareholders during any part of the tax year. 4

Caution. Include *only* trade or business income and expenses on lines 1a through 21. See the instructions for more information.

I N C O M E	1a Gross receipts or sales 4,077,371.	b Less returns and allowances	c Bal	1c	4,077,371.
	2 Cost of goods sold (Schedule A, line 8)			2	3,125,162.
	3 Gross profit. Subtract line 2 from line 1c.			3	952,209.
	4 Net gain (loss) from Form 4797, Part II, line 17 (attach Form 4797)			4	
	5 Other income (loss) (attach statement)			5	
	6 Total income (loss). Add lines 3 through 5			6	952,209.
D E D U C T I O N S	7 Compensation of officers			7	76,328.
	8 Salaries and wages (less employment credits)			8	283,558.
	9 Repairs and maintenance			9	2,134.
	10 Bad debts			10	
	11 Rents			11	30,000.
	12 Taxes and licenses SEE STATEMENT. 1			12	36,713.
	13 Interest			13	48,873.
	14 Depreciation not claimed on Schedule A or elsewhere on return (attach Form 4562)			14	16.
	15 Depletion (Do not deduct oil and gas depletion.)			15	
	16 Advertising			16	1,250.
	17 Pension, profit-sharing, etc, plans			17	1,809.
	18 Employee benefit programs			18	22,728.
	19 Other deductions (attach statement) SEE STATEMENT. 2			19	152,414.
	20 Total deductions. Add lines 7 through 19			20	655,823.
	21 Ordinary business income (loss). Subtract line 20 from line 6.			21	296,386.
T A X A N D P A Y M E N T S	22a Excess net passive income or LIFO recapture tax (see instructions)	22a		22c	
	b Tax from Schedule D (Form 1120S)	22b			
	c Add lines 22a and 22b (see instructions for additional taxes)				
	23a 2009 estimated tax payments and 2008 overpayment credited to 2009	23a		23d	
	b Tax deposited with Form 7004	23b			
	c Credit for federal tax paid on fuels (attach Form 4136)	23c			
	d Add lines 23a through 23c.				
	24 Estimated tax penalty (see instructions). Check if Form 2220 is attached <input type="checkbox"/>			24	
	25 Amount owed. If line 23d is smaller than the total of lines 22c and 24, enter amount owed.			25	0.
	26 Overpayment. If line 23d is larger than the total of lines 22c and 24, enter amount overpaid			26	
27 Enter amount from line 26 Credited to 2010 estimated tax Refunded			27		

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer _____ Date _____ Title **PRESIDENT**

May the IRS discuss this return with the preparer shown below (see instructions)? ☒ Yes ☐ No

Paid Preparer's Use Only	Preparer's signature _____	Date 3/16/10	Check if self-employed <input checked="" type="checkbox"/>	Preparer's SSN or PTIN [REDACTED]
	Firm's name (or yours if self-employed), address, and ZIP code BROWN & COMPANY, LLP 4992 SWEET HOME ROAD NIAGARA FALLS, NY 14305	EIN [REDACTED]	Phone no. 716.298.8000	

BAA For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

SPSA0105L 12/16/09 Form 1120S (2009)

Schedule A Cost of Goods Sold (see instructions)

1	Inventory at beginning of year	1	
2	Purchases	2	
3	Cost of labor	3	1,229,974.
4	Additional section 263A costs (attach statement)	4	
5	Other costs (attach statement) SEE STATEMENT 3	5	1,895,188.
6	Total. Add lines 1 through 5	6	3,125,162.
7	Inventory at end of year	7	
8	Cost of goods sold. Subtract line 7 from line 6. Enter here and on page 1, line 2.	8	3,125,162.

9a Check all methods used for valuing closing inventory:

- (i) ☐ Cost as described in Regulations section 1.471-3
(ii) ☐ Lower of cost or market as described in Regulations section 1.471-4
(iii) ☐ Other (Specify method used and attach explanation.)

b Check if there was a writedown of subnormal goods as described in Regulations section 1.471-2(c).

c Check if the LIFO inventory method was adopted this tax year for any goods (if checked, attach Form 970).

d If the LIFO inventory method was used for this tax year, enter percentage (or amounts) of closing inventory computed under LIFO 9d

e If property is produced or acquired for resale, do the rules of section 263A apply to the corporation? ☐ Yes ☐ Nof Was there any change in determining quantities, cost, or valuations between opening and closing inventory? If 'Yes,' attach explanation. ☐ Yes ☐ No**Schedule B Other Information** (see instructions)

	Yes	No
1 Check accounting method: a <input type="checkbox"/> Cash b <input checked="" type="checkbox"/> Accrual c <input type="checkbox"/> Other (specify) _____		
2 See the instructions and enter the: a Business activity <u>CONSTRUCTION</u> b Product or service... <u>DRYWALL</u>		
3 At the end of the tax year, did the corporation own, directly or indirectly, 50% or more of the voting stock of a domestic corporation? (For rules of attribution, see section 267(c).) If 'Yes,' attach a statement showing: (a) name and employer identification number (EIN), (b) percentage owned, and (c) if 100% owned, was a QSub election made?		X
4 Has this corporation filed, or is it required to file, a return under section 6111 to provide information on any reportable transaction?		X
5 Check this box if the corporation issued publicly offered debt instruments with original issue discount. <input type="checkbox"/> If checked, the corporation may have to file Form 8281, Information Return for Publicly Offered Original Issue Discount Instruments.		
6 If the corporation: (a) was a C corporation before it elected to be an S corporation or the corporation acquired an asset with a basis determined by reference to its basis (or the basis of any other property) in the hands of a C corporation and (b) has net unrealized built-in gain (defined in section 1374(d)(1)) in excess of the net recognized built-in gain from prior years, enter the net unrealized built-in gain reduced by net recognized built-in gain from prior years \$ _____		
7 Enter the accumulated earnings and profits of the corporation at the end of the tax year. \$ _____		
8 Are the corporation's total receipts (see instructions) for the tax year and its total assets at the end of the tax year less than \$250,000? If 'Yes,' the corporation is not required to complete Schedules L and M-1.		X

Schedule K Shareholders' Pro Rata Share Items

	Total amount
1 Ordinary business income (loss) (page 1, line 21)	296,386.
2 Net rental real estate income (loss) (attach Form 8825)	
3a Other gross rental income (loss)	3a
b Expenses from other rental activities (attach statement)	3b
c Other net rental income (loss). Subtract line 3b from line 3a	3c
4 Interest income	4
5 Dividends: a Ordinary dividends	5a
b Qualified dividends	5b
6 Royalties	6
7 Net short-term capital gain (loss) (attach Schedule D (Form 1120S))	7
8a Net long-term capital gain (loss) (attach Schedule D (Form 1120S))	8a
b Collectibles (28%) gain (loss)	8b
c Unrecaptured section 1250 gain (attach statement)	8c
9 Net section 1231 gain (loss) (attach Form 4797)	9
10 Other income (loss) (see instructions) Type	10

Form 1120S (2009)

Shareholders' Pro Rata Share Items (continued)		Total amount	
Deductions	11 Section 179 deduction (attach Form 4562)	11	
	12a Contributions SEE STATEMENT 4	12a	5,315.
	b Investment interest expense	12b	
	c Section 59(e)(2) expenditures (1) Type ▶ (2) Amount ▶	12c (2)	
	d Other deductions (see instructions) .. Type ▶ SEE STATEMENT 5	12d	
Credits	13a Low-income housing credit (section 42(j)(5))	13a	
	b Low-income housing credit (other)	13b	
	c Qualified rehabilitation expenditures (rental real estate) (attach Form 3468)	13c	
	d Other rental real estate credits (see instrs) Type ▶	13d	
	e Other rental credits (see instrs) Type ▶	13e	
	f Alcohol and cellulosic biofuel fuels credit (attach Form 6478)	13f	
	g Other credits (see instructions) Type ▶	13g	
Foreign Transactions	14a Name of country or U.S. possession ▶	14a	
	b Gross income from all sources	14b	
	c Gross income sourced at shareholder level	14c	
	Foreign gross income sourced at corporate level	14d	
	d Passive category	14e	
	e General category	14f	
	f Other (attach statement)	14g	
	Deductions allocated and apportioned at shareholder level	14h	
	g Interest expense	14i	
	h Other	14j	
	Deductions allocated and apportioned at corporate level to foreign source income	14k	
	i Passive category	14l	
	j General category	14m	
	k Other (attach statement)		
	Other information		
	l Total foreign taxes (check one): ▶ <input type="checkbox"/> Paid <input type="checkbox"/> Accrued		
m Reduction in taxes available for credit (attach statement)			
n Other foreign tax information (attach statement)			
Alternative Minimum Tax (AMT) Items	15a Post-1986 depreciation adjustment	15a	-1.
	b Adjusted gain or loss	15b	
	c Depletion (other than oil and gas)	15c	
	d Oil, gas, and geothermal properties — gross income	15d	
	e Oil, gas, and geothermal properties — deductions	15e	
	f Other AMT items (attach statement)	15f	
Items Affecting Shareholder Basis	16a Tax-exempt interest income	16a	
	b Other tax-exempt income	16b	
	c Nondeductible expenses	16c	42,938.
	d Property distributions	16d	291,072.
	e Repayment of loans from shareholders	16e	
Other Information	17a Investment income	17a	
	b Investment expenses	17b	
	c Dividend distributions paid from accumulated earnings and profits	17c	
	d Other items and amounts (attach statement)		
Reconciliation	18 Income/loss reconciliation. Combine the amounts on lines 1 through 10 in the far right column. From the result, subtract the sum of the amounts on lines 11 through 12d and lines 14l ...	18	291,071.

BAA

Form 1120S (2009)

Schedule L Balance Sheets per Books		Beginning of tax year		End of tax year	
Assets		(a)	(b)	(c)	(d)
1	Cash		372,109.		326,535.
2a	Trade notes and accounts receivable	1,638,225.		988,734.	
b	Less allowance for bad debts	10,167.	1,628,058.	8,565.	980,169.
3	Inventories				
4	U.S. government obligations				
5	Tax-exempt securities (see instructions)				
6	Other current assets (attach stmt) ... SEE. ST. 6.		421,169.		335,896.
7	Loans to shareholders		86,573.		86,573.
8	Mortgage and real estate loans				
9	Other investments (attach statement)				
10a	Buildings and other depreciable assets	126,664.		126,664.	
b	Less accumulated depreciation	77,286.	49,378.	84,972.	41,692.
11a	Depletable assets				
b	Less accumulated depletion				
12	Land (net of any amortization)				
13a	Intangible assets (amortizable only)				
b	Less accumulated amortization				2.
14	Other assets (attach stmt) ... SEE. ST. 7.		2,557,287.		1,770,867.
15	Total assets				
Liabilities and Shareholders' Equity					
16	Accounts payable		1,055,342.		828,933.
17	Mortgages, notes, bonds payable in less than 1 year				
18	Other current liabilities (attach stmt) ... SEE. ST. 8.		1,201,170.		689,292.
19	Loans from shareholders		500,000.		250,000.
20	Mortgages, notes, bonds payable in 1 year or more				250,000.
21	Other liabilities (attach statement)				
22	Capital stock		3,000.		3,000.
23	Additional paid-in capital				
24	Retained earnings		-202,225.		-250,358.
25	Adjustments to shareholders' equity (att stmt)				
26	Less cost of treasury stock				
27	Total liabilities and shareholders' equity		2,557,287.		1,770,867.

Schedule M-1 Reconciliation of Income (Loss) per Books With Income (Loss) per Return

Note: Schedule M-3 required instead of Schedule M-1 if total assets are \$10 million or more — see instructions

1	Net income (loss) per books	242,939.	5	Income recorded on books this year not included on Schedule K, lines 1 through 10 (itemize):	
2	Income included on Schedule K, lines 1, 2, 3c, 4, 5a, 6, 7, 8a, 9, and 10, not recorded on books this year (itemize):		a	Tax-exempt interest. \$	
3	Expenses recorded on books this year not included on Schedule K, lines 1 through 12, and 14i (itemize):		6	Deductions included on Schedule K, lines 1 through 12, and 14i, not charged against book income this year (itemize):	
a	Depreciation. \$ 7,686.		a	Depreciation ... \$ 2,492.	2,492.
b	Travel and entertainment. \$ 22,647.		7	Add lines 5 and 6	2,492.
SEE STATEMENT 9	20,291.	50,624.	8	Income (loss) (Schedule K, ln 18). Ln 4 less ln 7 ...	291,071.
4	Add lines 1 through 3	293,563.			

Schedule M-2 Analysis of Accumulated Adjustments Account, Other Adjustments Account, and Shareholders' Undistributed Taxable Income Previously Taxed (see instructions)

	(a) Accumulated adjustments account	(b) Other adjustments account	(c) Shareholders' undistributed taxable income previously taxed
1	Balance at beginning of tax year	-656,305.	428,165.
2	Ordinary income from page 1, line 21	296,386.	
3	Other additions		
4	Loss from page 1, line 21		
5	Other reductions ... SEE. STATEMENT 10 ...	(53,447.)	
6	Combine lines 1 through 5	-413,366.	428,165.
7	Distributions other than dividend distributions		291,072.
8	Balance at end of tax year. Subtract line 7 from line 6	-413,366.	137,093.

SUPPLEMENTAL INFORMATION

ADD NYS TAX OF \$300; ADD HEALTH INSUR \$8,208; DEDUCT HEALTH INSUR \$8,208.

Schedule K-1
(Form 1120S)

Department of the Treasury
Internal Revenue Service

2009

For calendar year 2009, or tax
year beginning _____, 2009
ending _____,

☐ Final K-1

☐ Amended K-1

671109
OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc. ▶ See page 2 of form and separate instructions.

Part I Information About the Corporation	
A Corporation's employer identification number [REDACTED]	
B Corporation's name, address, city, state, and ZIP code DOMMER CONSTRUCTION CORPORATION 21 PALMER PLACE LANCASTER, NY 14086	
C IRS Center where corporation filed return E-FILE	
Part II Information About the Shareholder	
D Shareholder's identifying number [REDACTED]	
E Shareholder's name, address, city, state, and ZIP code JOSHUA SANKES 1240 CORNISH COURT SARASOTA, FL 34232	
F Shareholder's percentage of stock ownership for tax year 17.5 %	
FOR IRS USE ONLY	

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items			
1	Ordinary business income (loss)	13	Credits
	51,868.		
2	Net rental real estate income (loss)		
3	Other net rental income (loss)		
4	Interest income		
5a	Ordinary dividends		
5b	Qualified dividends	14	Foreign transactions
6	Royalties		
7	Net short-term capital gain (loss)		
8a	Net long-term capital gain (loss)		
8b	Collectibles (28%) gain (loss)		
8c	Unrecaptured section 1250 gain		
9	Net section 1231 gain (loss)		
10	Other income (loss)	15	Alternative minimum tax (AMT) items
11	Section 179 deduction	16	Items affecting shareholder basis
		C	7,515.
12	Other deductions	D	50,938.
A	930.		
Q	51,868.		
R	278,226.		
		17	Other information
*See attached statement for additional information.			

SUPPLEMENTAL INFORMATION

ADD NYS TAX OF \$175 TO NY STATE RETURN

DISTRIBUTIONS IN EXCESS OF BASIS\$ 7515

Schedule K-1
(Form 1120S)

2009

Department of the Treasury
Internal Revenue ServiceFor calendar year 2009, or tax
year beginning _____, 2009
ending _____,Shareholder's Share of Income, Deductions,
Credits, etc. ▶ See page 2 of form and separate instructions.☐ Final K-1☐ Amended K-1**Part III** Shareholder's Share of Current Year Income,
Deductions, Credits, and Other Items

1	Ordinary business income (loss)	13	Credits
	103,735.		
2	Net rental real estate income (loss)		
3	Other net rental income (loss)		
4	Interest income		
5a	Ordinary dividends		
5b	Qualified dividends	14	Foreign transactions
6	Royalties		
7	Net short-term capital gain (loss)		
8a	Net long-term capital gain (loss)		
8b	Collectibles (28%) gain (loss)		
8c	Unrecaptured section 1250 gain		
9	Net section 1231 gain (loss)		
10	Other income (loss)	15	Alternative minimum tax (AMT) items
		A	-1.
11	Section 179 deduction	16	Items affecting shareholder basis
		C	15,029.
12	Other deductions		
A	1,860.	D	101,875.
Q	103,735.		
R	556,451.		
		17	Other information

*See attached statement for additional information.

Part I Information About the Corporation

A Corporation's employer identification number

B Corporation's name, address, city, state, and ZIP code
DOMMER CONSTRUCTION CORPORATION
21 PALMER PLACE
LANCASTER, NY 14086C IRS Center where corporation filed return
E-FILE**Part II** Information About the Shareholder

D Shareholder's identifying number

E Shareholder's name, address, city, state, and ZIP code
THOMAS WARDA
6479 EDGEWOOD DR
LOCKPORT, NY 14094F Shareholder's percentage of stock
ownership for tax year 35 %FOR
IRS
USE
ONLY

SUPPLEMENTAL INFORMATION

ADD NYS TAX OF \$350.

Schedule K-1
(Form 1120S)

Department of the Treasury
Internal Revenue Service

2009

For calendar year 2009, or tax
year beginning _____, 2009
ending _____,

☐ Final K-1

☐ Amended K-1

671109
OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc. ▶ See page 2 of form and separate instructions.

Part I Information About the Corporation	
A Corporation's employer identification number [REDACTED]	
B Corporation's name, address, city, state, and ZIP code DOMMER CONSTRUCTION CORPORATION 21 PALMER PLACE LANCASTER, NY 14086	
C IRS Center where corporation filed return E-FILE	
Part II Information About the Shareholder	
D Shareholder's identifying number [REDACTED]	
E Shareholder's name, address, city, state, and ZIP code MATTHEW SANKES 7876 BERGAMO AVENUE SARASOTA, FL 34238	
F Shareholder's percentage of stock ownership for tax year 17.5 %	
FOR IRS USE ONLY	

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items			
1	Ordinary business income (loss)	13	Credits
	51,867.		
2	Net rental real estate income (loss)		
3	Other net rental income (loss)		
4	Interest income		
5a	Ordinary dividends		
5b	Qualified dividends	14	Foreign transactions
6	Royalties		
7	Net short-term capital gain (loss)		
8a	Net long-term capital gain (loss)		
8b	Collectibles (28%) gain (loss)		
8c	Unrecaptured section 1250 gain		
9	Net section 1231 gain (loss)		
10	Other income (loss)	15	Alternative minimum tax (AMT) items
11	Section 179 deduction	16	Items affecting shareholder basis
		C	7,513.
12	Other deductions	D	50,937.
A	930.		
Q	51,867.		
R	278,225.		
		17	Other information
*See attached statement for additional information.			

SUPPLEMENTAL INFORMATION

ADD NYS TAX OF \$175 TO NY STATE RETURN

DISTRIBUTIONS IN EXCESS OF BASIS.....\$ 7513

Depreciation and Amortization
(Including Information on Listed Property)

OMB No. 1545-0172

2009Department of the Treasury
Internal Revenue Service (99)

▶ See separate instructions. ▶ Attach to your tax return.

Attachment
Sequence No. **67**

Name(s) shown on return

DOMMER CONSTRUCTION CORPORATION

Business or activity to which this form relates

FORM 1120S, SCHEDULE A (COGS)

Identifying number

Part I Election To Expense Certain Property Under Section 179*Note: If you have any listed property, complete Part V before you complete Part I.*

1	Maximum amount. See the instructions for a higher limit for certain businesses.	1	\$250,000.
2	Total cost of section 179 property placed in service (see instructions).	2	
3	Threshold cost of section 179 property before reduction in limitation (see instructions).	3	\$800,000.
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-.	4	
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions.	5	
6	(a) Description of property	(b) Cost (business use only)	(c) Elected cost
7	Listed property. Enter the amount from line 29.	7	
8	Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7.	8	
9	Tentative deduction. Enter the smaller of line 5 or line 8.	9	
10	Carryover of disallowed deduction from line 13 of your 2008 Form 4562.	10	
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instrs.).	11	
12	Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11.	12	
13	Carryover of disallowed deduction to 2010. Add lines 9 and 10, less line 12.	13	

*Note: Do not use Part II or Part III below for listed property. Instead, use Part V.***Part II Special Depreciation Allowance and Other Depreciation (Do not include listed property.)** (See instructions.)

14	Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see instructions).	14	
15	Property subject to section 168(f)(1) election.	15	
16	Other depreciation (including ACRS).	16	

Part III MACRS Depreciation (Do not include listed property.) (See instructions.)**Section A**

17	MACRS deductions for assets placed in service in tax years beginning before 2009.	17	2,476.
18	If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here.		

Section B — Assets Placed in Service During 2009 Tax Year Using the General Depreciation System

(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only — see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19a 3-year property						
b 5-year property						
c 7-year property						
d 10-year property						
e 15-year property						
f 20-year property						
g 25-year property			25 yrs		S/L	
h Residential rental property			27.5 yrs	MM	S/L	
i Nonresidential real property			27.5 yrs	MM	S/L	
			39 yrs	MM	S/L	

Section C — Assets Placed in Service During 2009 Tax Year Using the Alternative Depreciation System

20a Class life					S/L	
b 12-year			12 yrs		S/L	
c 40-year			40 yrs	MM	S/L	

Part IV Summary (See instructions.)

21	Listed property. Enter amount from line 28.	21	
22	Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations — see instructions.	22	2,476.
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs.	23	

Part V Listed Property (Include automobiles, certain other vehicles, cellular telephones, certain computers, and property used for entertainment, recreation, or amusement.)

Note: For any vehicle for which you are using the standard mileage rate or deducting lease expense, complete **only** 24a, 24b, columns (a) through (c) of Section A, all of Section B, and Section C if applicable.

Section A — Depreciation and Other Information (Caution: See the instructions for limits for passenger automobiles.)

24a Do you have evidence to support the business/investment use claimed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								24b If 'Yes,' is the evidence written? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(a) Type of property (list vehicles first)	(b) Date placed in service	(c) Business/investment use percentage	(d) Cost or other basis	(e) Basis for depreciation (business/investment use only)	(f) Recovery period	(g) Method/Convention	(h) Depreciation deduction	(i) Elected section 179 cost	
25 Special depreciation allowance for qualified listed property placed in service during the tax year and used more than 50% in a qualified business use (see instructions)								25	
26 Property used more than 50% in a qualified business use:									
2005 SAVANA	7/29/05	100.0	32,394.		5.0	200DBHY			
27 Property used 50% or less in a qualified business use:									
								28	0.
28 Add amounts in column (h), lines 25 through 27. Enter here and on line 21, page 1								29	0.
29 Add amounts in column (i), line 26. Enter here and on line 7, page 1									

Section B — Information on Use of Vehicles

Complete this section for vehicles used by a sole proprietor, partner, or other 'more than 5% owner,' or related person. If you provided vehicles to your employees, first answer the questions in Section C to see if you meet an exception to completing this section for those vehicles.

	(a) Vehicle 1		(b) Vehicle 2		(c) Vehicle 3		(d) Vehicle 4		(e) Vehicle 5		(f) Vehicle 6	
30 Total business/investment miles driven during the year (do not include commuting miles)												
31 Total commuting miles driven during the year												
32 Total other personal (noncommuting) miles driven												
33 Total miles driven during the year. Add lines 30 through 32.												
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
34 Was the vehicle available for personal use during off-duty hours?												
35 Was the vehicle used primarily by a more than 5% owner or related person?												
36 Is another vehicle available for personal use?												

Section C — Questions for Employers Who Provide Vehicles for Use by Their Employees

Answer these questions to determine if you meet an exception to completing Section B for vehicles used by employees who are not more than 5% owners or related persons (see instructions).

	Yes	No
37 Do you maintain a written policy statement that prohibits all personal use of vehicles, including commuting, by your employees?		
38 Do you maintain a written policy statement that prohibits personal use of vehicles, except commuting, by your employees? See the instructions for vehicles used by corporate officers, directors, or 1% or more owners.		
39 Do you treat all use of vehicles by employees as personal use?		
40 Do you provide more than five vehicles to your employees, obtain information from your employees about the use of the vehicles, and retain the information received?		
41 Do you meet the requirements concerning qualified automobile demonstration use? (See instructions.)		
Note: If your answer to 37, 38, 39, 40, or 41 is 'Yes,' do not complete Section B for the covered vehicles.		

Part VI Amortization

(a) Description of costs	(b) Date amortization begins	(c) Amortizable amount	(d) Code section	(e) Amortization period or percentage	(f) Amortization for this year
42 Amortization of costs that begins during your 2009 tax year (see instructions):					
43 Amortization of costs that began before your 2009 tax year					43
44 Total. Add amounts in column (f). See the instructions for where to report.					44

2009

FEDERAL STATEMENTS

PAGE 1

CLIENT 200

DOMMER CONSTRUCTION CORPORATION

3/10/10

11:33AM

STATEMENT 1
FORM 1120S, LINE 12
TAXES AND LICENSES

PAYROLL TAXES.....	\$	33,205.
REAL ESTATE TAXES.....		2,508.
STATE TAX.....		1,000.
TOTAL	\$	36,713.

STATEMENT 2
FORM 1120S, LINE 19
OTHER DEDUCTIONS

ACCOUNTING.....	\$	10,125.
AUTO AND TRUCK EXPENSE.....		35,095.
BANK CHARGES.....		1,020.
BONDS.....		360.
DUES AND SUBSCRIPTIONS.....		1,551.
EMPLOYEE RELATIONS.....		5,673.
INSURANCE.....		9,951.
LEGAL AND PROFESSIONAL.....		24,491.
MEALS AND ENTERTAINMENT EXPENSE.....		22,648.
MISCELLANEOUS.....		708.
OFFICE EXPENSE.....		18,178.
PLAN SPECS.....		5,460.
POSTAGE.....		3,079.
TELEPHONE.....		4,438.
TRAINING.....		984.
UNION BENEFIT-NON JOB.....		2,319.
UTILITIES.....		6,334.
TOTAL	\$	152,414.

STATEMENT 3
FORM 1120S, SCHEDULE A, LINE 5
OTHER COSTS

BONDING.....	\$	2,867.
DEPRECIATION.....		2,476.
DUMPSTER.....		30,020.
INSURANCE.....		95,375.
MATERIALS.....		704,019.
MILEAGE AND TOLLS.....		33,865.
MISC.....		34,532.
PAYROLL TAXES.....		137,979.
RENTAL.....		19,174.
SMALL EQUIP.....		1,992.
SUBCONTRACT.....		41,825.
TELEPHONE.....		17,303.
UNION BENEFITS.....		773,761.
TOTAL	\$	1,895,188.

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FEDERAL STATEMENTS

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DOMMER CONSTRUCTION CORPORATION

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STATEMENT 4
FORM 1120S, SCHEDULE K, LINE 12A
CHARITABLE CONTRIBUTIONS

CASH CONTRIBUTIONS - 50% LIMITATION.....	\$	5,315.
TOTAL	\$	<u>5,315.</u>

STATEMENT 5
FORM 1120S, SCHEDULE K, LINE 12D
OTHER DEDUCTIONS

QUALIFIED DOMESTIC PRODUCTION ACTIVITY INFORMATION

QUALIFIED PRODUCTION ACTIVITIES INCOME.....	\$	296,386.
EMPLOYER'S FORM W-2 WAGES.....		1,589,860.

STATEMENT 6
FORM 1120S, SCHEDULE L, LINE 6
OTHER CURRENT ASSETS

	BEGINNING	ENDING
COSTS & EST EARN IN EXCESS OF BILLINGS.....	\$ 143,052.	\$ 56,710.
DUE FROM RELATED PARTIES.....	119,111.	106,161.
PREPAID EXPENSES.....	159,006.	173,025.
TOTAL	<u>\$ 421,169.</u>	<u>\$ 335,896.</u>

STATEMENT 7
FORM 1120S, SCHEDULE L, LINE 14
OTHER ASSETS

	BEGINNING	ENDING
ROUNDING.....	\$ 0.	\$ 2.
TOTAL	<u>\$ 0.</u>	<u>\$ 2.</u>

STATEMENT 8
FORM 1120S, SCHEDULE L, LINE 18
OTHER CURRENT LIABILITIES

	BEGINNING	ENDING
ACCRUED EXPENSES.....	\$ 18,145.	\$ 3,482.
BILLINGS IN EXCESS OF COSTS & EST EARN.....	365,485.	42,055.
DISTRIBUTIONS PAYABLE TO S/H'S.....	490,983.	489,055.
PAYROLL TAXES AND BENEFITS.....	323,557.	153,695.
SALES TAX.....	0.	755.
STATE TAX PAYABLE.....	3,000.	250.
TOTAL	<u>\$ 1,201,170.</u>	<u>\$ 689,292.</u>

2009

FEDERAL STATEMENTS

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DOMMER CONSTRUCTION CORPORATION

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STATEMENT 9
FORM 1120S, SCHEDULE M-1, LINE 3
EXPENSES ON BOOKS NOT ON SCHEDULE K

ACCRUED LOSSES ON CONTRACTS IN PROGRESS.....	\$	14.
PENALTIES.....		20,277.
TOTAL	\$	<u>20,291.</u>

STATEMENT 10
FORM 1120S, SCHEDULE M-2, COLUMN A, LINE 5
OTHER REDUCTIONS

ACCRUED LOSSES ON CONTRACTS IN PROGRESS.....	\$	14.
BOOK/TAX DEPR DIFF.....		5,194.
CONTRIBUTIONS.....		5,315.
DISALLOWED MEALS AND ENTERTAINMENT.....		22,647.
PENALTIES.....		20,277.
TOTAL	\$	<u>53,447.</u>

12/31/09

2009 FEDERAL DEPRECIATION SCHEDULE

PAGE 1

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DOMMER CONSTRUCTION CORPORATION

3/10/10

11:33AM

NO.	DESCRIPTION	DATE ACQUIRED	DATE SOLD	COST/ BASIS	BUS. PCT.	CUR 179 BONUS	SPECIAL DEPR. ALLOW.	PRIOR 179/ BONUS/ SP. DEPR.	PRIOR DEC. BAL DEPR.	SALVAGE /BASIS REDUCT.	DEPR. BASIS	PRIOR DEPR.	METHOD	LIFE	RATE	CURRENT DEPR.
FORM 1120S																
FURNITURE AND FIXTURES																
5	OFFICE EQUIPMENT	7/01/00		8,257				8,257			0		200DB HY	7		0
9	DELL SERVER	6/25/04		604				302			302	286	200DB HY	5	.05/60	16
12	DIGITAL CAMERA	2/23/05		433				433			0		200DB HY	7		0
TOTAL FURNITURE AND FIXTURE				9,294		0	0	8,992	0	0	302	286				16
MISCELLANEOUS																
11	OFFICE FURNITURE	1/12/05		1,566				1,566			0		200DB HY	7		0
TOTAL MISCELLANEOUS				1,566		0	0	1,566	0	0	0	0				0
TOTAL DEPRECIATION				10,860		0	0	10,558	0	0	302	286				16
FORM 1120S, SCHEDULE A																
AUTO / TRANSPORT EQUIPMENT																
1	EQUIPMENT	7/01/98		2,121				2,121			0		200DB HY	7		0
13	2005 SAVANA CUBE VAN	7/29/05		32,394				32,394			0		200DB HY	5		0
TOTAL AUTO / TRANSPORT EQUIP IMPROVEMENTS				34,515		0	0	34,515	0	0	0	0				0

12/31/09

2009 FEDERAL DEPRECIATION SCHEDULE

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DOMMER CONSTRUCTION CORPORATION

3/10/10

11:33AM

NO.	DESCRIPTION	DATE ACQUIRED	DATE SOLD	COST/ BASIS	BUS. PCT.	CUR 179 BONUS	SPECIAL DEPR. ALLOW	PRIOR 179/ BONUS/ SP. DEPR.	PRIOR DEC. BAL DEPR.	SALVAGE /BASIS REDUCT.	DEPR. BASIS	PRIOR DEPR.	METHOD	LIFE	RATE	CURRENT DEPR.	
8	LEASEHOLD IMPROVEMENTS	7/01/02		39,571							39,571	6,556	S/L	MM	39	.02564	1,015
	TOTAL IMPROVEMENTS			39,571		0	0	0	0	0	39,571	6,556					1,015
MACHINERY AND EQUIPMENT																	
2	EQUIPMENT	7/01/98		5,992							5,853	5,853	200DB	HY	5		0
3	EQUIPMENT	1/07/99		4,934							0		200DB	HY	5		0
4	EQUIPMENT	7/01/00		5,018							0		200DB	HY	5		0
6	EQUIPMENT	7/01/01		1,082							0		200DB	HY	5		0
7	EQUIPMENT	7/01/02		11,828							0		200DB	HY	5		0
10	TOOL RANCH	6/14/04		1,461							730	568	200DB	HY	7	.08920	65
14	CFS BLUEMAX/GRACO MARK V	5/07/08		11,403							5,701	815	200DB	HY	7	.24490	1,396
	TOTAL MACHINERY AND EQUIPME			41,718		0	0	29,434	0	0	12,284	7,236					1,461
	TOTAL DEPRECIATION			115,804		0	0	63,949	0	0	51,855	13,792					2,476
	GRAND TOTAL DEPRECIATION			126,664		0	0	74,507	0	0	52,157	14,078					2,492

**United States Bankruptcy Court
Western District of New York**

In re **Dommer Construction Corporation**

Debtor(s)

Case No.

Chapter **11**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Business Funding Group 16 West Main Street, 7th Floor Rochester, NY 14614	Business Funding Group 16 West Main Street, 7th Floor Rochester, NY 14614	Judgement		438,725.17
Empire State Carpenters (Buffalo) 181 Industrial Park Road Horseheads, NY 14845	Tom Burke Empire State Carpenters (Buffalo) 1159 Maryvale Drive Cheektowaga, NY 14225 (607) 739-1028	Carpenters' Union		217,148.11
Kamco Supply Corp. of New England PO Box 530 Wallingford, CT 06492	Donna Kamco Supply Corp. of New England 1300 Perry Street at Dole Buffalo, NY 14210 (716) 823-3907	Supplier		111,405.51
Henrietta Building Supplies 1 Riverton Way W. Henrietta, NY 14586	Ron Cedruly Henrietta Building Supplies 1 Riverton Way W. Henrietta, NY 14586 (585) 334-4020	Supplier		79,988.02
Electrolab, Inc. 4535 Bailey Avenue Buffalo, NY 14226	Electrolab, Inc. 4535 Bailey Avenue Buffalo, NY 14226 (716) 833-4457	Supplier		39,150.00
OCM Construction, Inc. 116 Edison Street Lackawanna, NY 14218	Konrad Ortega OCM Construction, Inc. 116 Edison Street Lackawanna, NY 14218 (716) 681-0331	Subcontractor		21,064.35
Vanner Insurance Agency 11 Pinchot Court #100 Amherst, NY 14228	Bill Quinn Vanner Insurance Agency 11 Pinchot Court #100 Amherst, NY 14228 (716) 688-8888	Insurance		16,821.00

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Hilti, Inc. PO Box 382002 Pittsburgh, PA 15250-8002	Jeff Cervoni Hilti, Inc. 4974 Harlem Road Buffalo, NY 14226 (800) 950-6196	Supplier		15,832.76
DC-4 Trust Fund 585 Aero Drive Cheektowaga, NY 14225	Mark Stevens DC-4 Trust Fund 585 Aero Drive Cheektowaga, NY 14225	Painters' Union		13,343.65
Progressive Systems, Inc. 8095 Riley Street Zeeland, MI 49464	Progressive Systems, Inc. 8095 Riley Street Zeeland, MI 49464 (616) 748-1384	Supplier		12,077.82
Brown & Company 4992 Sweet Home Road Niagara Falls, NY 14305	Chris Brown Brown & Company 4992 Sweet Home Road Niagara Falls, NY 14305 (716) 298-8000	Accountant		9,250.00
IUPAT Pension Fund PO Box 92869 Chicago, IL 60675-2869	IUPAT Pension Fund PO Box 92869 Chicago, IL 60675-2869	Painters' Union		8,352.80
Tool Ranch 3857 Walden Avenue Lancaster, NY 14086	Colleen Tool Ranch 3857 Walden Avenue Lancaster, NY 14086 (716) 685-1556	Supplier		8,311.04
Bloom & Shonn LLP 6 North Pearl Street Buffalo, NY 14202	Eric A. Bloom, Esq. Bloom & Shonn LLP 6 North Pearl Street Buffalo, NY 14202 (716) 856-5500	Legal fees		7,964.00
Rochester Davis Fetch Corp. 175 Dodge Street Rochester, NY 14606	Rochester Davis Fetch Corp. 175 Dodge Street Rochester, NY 14606 (585) 458-0150	Subcontractor		7,390.00
Admar 1950 Brighton Henrietta Townline Road Rochester, NY 14623	Admar 1950 Brighton Henrietta Townline Road Rochester, NY 14623	Supplier		4,882.60
Buffalo Laborers Benefit Fund 2750 Harlem Road - Suite 200 Cheektowaga, NY 14225	Tracy Baugher Buffalo Laborers Benefit Fund 2750 Harlem Road - Suite 200 Cheektowaga, NY 14225 (716) 894-8061	Laborers' Union		4,416.00
Plasterers Local 9 325 Oliver Street No. Tonawanda, NY 14120	Paul Brown Plasterers Local 9 325 Oliver Street No. Tonawanda, NY 14120	Plasterers' Union		4,253.76

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Empire State Carpenters (NiaGen) 181 Industrial Park Road Horseheads, NY 14845	Tom Burke Empire State Carpenters (NiaGen) 1159 Maryvale Drive Cheektowaga, NY 14225 (607) 739-1028	Carpenters' Union		4,175.92
Home Depot Dept 32-2003444084-PO Box 6029 The Lakes, NV 88901-6029	Home Depot 4139 Transit Road Williamsville, NY 14221 (716) 633-9200	Supplier		3,767.31

**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date **June 23, 2010**Signature **/s/ Paul K. Dommer**
Paul K. Dommer
President

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
 18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Western District of New York**

In re **Dommer Construction Corporation**

Debtor(s)

Case No. _____

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **June 23, 2010**

/s/ Paul K. Dommer

Paul K. Dommer/President

Signer/Title

Admar
1950 Brighton Henrietta Townline Road
Rochester, NY 14623

BC/BS
PO Box 5132
Buffalo, NY 14240-5132

Bloom & Shonn LLP
6 North Pearl Street
Buffalo, NY 14202

Brown & Company
4992 Sweet Home Road
Niagara Falls, NY 14305

Buffalo Crushed Stone
2544 Clinton Street
Buffalo, NY 14224

Buffalo Laborers Benefit Fund
2750 Harlem Road - Suite 200
Cheektowaga, NY 14225

Buffalo Sales Associates
3120 Elmwood Avenue
Buffalo, NY 14217

Building Specialties
675 Duke Road
Cheektowaga, NY 14225-5196

Business Funding Group
16 West Main Street, 7th Floor
Rochester, NY 14614

Catholic Directory/Diocese of Buffalo
Diocese of Buffalo - Lockbox Dept 294 -
Buffalo, NY 14267

CIEA - CIF Fund
Dept #222 - PO Box 8000
Buffalo, NY 14267

Colonial Business Systems
101 Lincoln Parkway
East Rochester, NY 14445

Constructive Solutions
Woodlands-3730 Commerce Ct #600
No. Tonawanda, NY 14120

Craig L. McGrain, Esq.
1163 Pittsford Victor Road, Suite 250
Pittsford, NY 14534

DC-4 Trust Fund
585 Aero Drive
Cheektowaga, NY 14225

District Council #4 Trust Fund
585 Aero Drive
Cheektowaga, NY 14225

Door Specialties, Inc.
530 Fillmore Avenue
Tonawanda, NY 14150

Eberl Iron Works, Inc.
128 Sycamore Street
Buffalo, NY 14204

Electrolab, Inc.
4535 Bailey Avenue
Buffalo, NY 14226

Empire State Carpenters (Buffalo)
181 Industrial Park Road
Horseheads, NY 14845

Empire State Carpenters (NiaGen)
181 Industrial Park Road
Horseheads, NY 14845

Erie County Water Authority
350 Ellicott Square Bldg - PO Box 5148
Buffalo, NY 14240

Exxon Mobil
PO Box 4575
Carol Stream, IL 60197-4575

FedEx
PO Box 371461
Pittsburgh, PA 15250-7461

Forest Materials
1665 Harlem Road
Buffalo, NY 14206-1987

Foxy Delivery
PO Box 691
Kenmore, NY 14217

Gary Sankes
2633 West River Road
Grand Island, NY 14072

Great Lakes Concrete Products
5690 Camp Road
Hamburg, NY 14075

Guard Contracting Corporation
317 Vulcan Street
Buffalo, NY 14207

Hartford
c/o Plasterers Local 9 325 Oliver Street
No. Tonawanda, NY 14120

Henrietta Building Supplies
1 Riverton Way
W. Henrietta, NY 14586

Hilti, Inc.
PO Box 382002
Pittsburgh, PA 15250-8002

Home Depot
Dept 32-2003444084-PO Box 6029
The Lakes, NV 88901-6029

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 21126
Philadelphia, PA 19114

IUPAT Pension Fund
PO Box 92869
Chicago, IL 60675-2869

Kamco Supply Corp. of New England
PO Box 530
Wallingford, CT 06492

Kelley Brothers
101 Benbro Drive
Buffalo, NY 14225

Laborers Local #91
2556 Seneca Avenue
Niagara Falls, NY 14305

Laborers Local #91 Benefit Funds
2556 Seneca Avenue
Niagara Falls, NY 14305

Laborers Union Local 210
2750 Harlem Road - Suite 100
Cheektowaga, NY 14225

Mead Supply, Inc.
75 Innsbruck Drive
Cheektowaga, NY 14227

National Fuel Gas
PO Box 4103
Buffalo, NY 14264

NFTA-Metro Transportation
PO Box 5008
Buffalo, NY 14205

NYS Department of Taxation & Finance
Bankruptcy Unit
P.O. Box 5300
Albany, NY 12205

NYSEG
PO Box 5600
Ithaca, NY 14852-5600

NYSLPAC
2750 Harlem Road - Suite 100
Cheektowaga, NY 14225

OCM Construction, Inc.
116 Edison Street
Lackawanna, NY 14218

Painters DC-4
585 Aero Drive
Cheektowaga, NY 14225

Paul Dommer - Rent
19 Cardy Lane
Depew, NY 14043

Plasterers Local 9
325 Oliver Street
No. Tonawanda, NY 14120

Progressive Systems, Inc.
8095 Riley Street
Zeeland, MI 49464

R. B U'Ren Equipment, Inc.
1120 Connecting Road
Niagara Falls, NY 14304

Richard W. Holtzberg, Esq.
2526 Browncroft Boulevard
Rochester, NY 14625

Rochester Davis Fetch Corp.
175 Dodge Street
Rochester, NY 14606

Scranton's Thruway Builders
3360 Walden Avenue
Depew, NY 14043

Seneca Blueprint
3360 Union Road
Buffalo, NY 14225

Shanor Electric Supply
285 Hinman Avenue
Buffalo, NY 14216

Sherwin Williams
2082 George Urban Blvd.
Depew, NY 14043

Skyworks, LLC
100 Thielman Drive
Buffalo, NY 14206

Staples Credit Plan
Dept 51-7819726943/PO Box 689020
Des Moines, IA 50368-9020

Thermal Foams
2101 Kenmore Avenue
Buffalo, NY 14207

Thomas Warda
3248 Lockport-Olcott Road
Newfane, NY 14108

Tool Ranch
3857 Walden Avenue
Lancaster, NY 14086

Tri Star Auto Repair
3625 Genesee Street
Cheektowaga, NY 14225

United Rentals, Inc.
45 Center Street
Batavia, NY 14020

Vanner Insurance Agency
11 Pinchot Court #100
Amherst, NY 14228

Verizon
PO Box 15124
Albany, NY 12212-5214

Village of Lancaster
5423 Broadway
Lancaster, NY 14086