

Andres Diaz (A4309)  
Timothy J. Larsen (A10263)  
DIAZ & LARSEN  
307 West 200 South, Suite 3003  
Salt Lake City, UT 84101  
Telephone: (801) 596-1661  
Fax: (801) 359-6803  
Email: courtmail@adexpresslaw.com  
*Attorneys for the Debtor in Possession*

---

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

|  |                                      |
|--|--------------------------------------|
| In Re: JOHNS TRUCKING, INC.,<br>910 North 750 West<br>Monroe, UT 84754 | Bankruptcy No 17-20954<br>Chapter 11 |
| Debtor in Possession.  | FILED ELECTRONICALLY                 |
|  | Chief Judge R. Kimball Mosier        |

---

DEBTOR'S DISCLOSURE STATEMENT RELATED TO THE DEBTOR'S PLAN OF  
REORGANIZATION DATED JANUARY 30, 2018

---

INTRODUCTION

Johns Trucking Inc., the above named debtor and debtor in possession (the "Debtor"), has prepared this Disclosure Statement, as modified, (the "Disclosure Statement") in connection with its solicitation of acceptances of the Debtor's Plan of Reorganization Dated January 30, 2018 (the "Plan"). The Plan has been filed with the United States Bankruptcy Court for the District of Utah in the Debtor's reorganization case under Chapter 11 of Title 11, United States Code (the "Bankruptcy Code"). This Disclosure Statement is provided to creditors and other parties in interest to disclose "adequate information" as far as reasonably practical in light of the nature and history of

the Debtor's business affairs so that holders of claims and interests can arrive at an informed judgment about the Plan within the meaning of 11 U.S.C. §1125(a)(1).

THE DEBTOR BELIEVES THIS DISCLOSURE STATEMENT IS ACCURATE AND COMPLETE; HOWEVER, THERE IS NO GUARANTEE THAT IT IS. THE INFORMATION IN THIS DISCLOSURE STATEMENT HAS NOT BEEN SUBJECT TO AN AUDIT OR CERTIFIED AUDIT. THE DEBTOR IS THEREFORE UNABLE TO WARRANT THAT THERE ARE NO INACCURACIES IN THE INFORMATION, ALTHOUGH THE DEBTOR MADE A GOOD FAITH EFFORT TO BE ACCURATE. NEITHER THE BANKRUPTCY COURT NOR ANY OTHER PARTY IN INTEREST HAS PASSED UPON THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

YOU SHOULD READ THIS DISCLOSURE STATEMENT, ITS EXHIBITS AND THE PLAN IN THEIR ENTIRETY BEFORE VOTING ON THE PLAN.

TABLE OF CONTENTS

PROCEDURAL INFORMATION .....1

ARTICLE A BACKGROUND OF THE CASE .....2

A-1.00 Petition.....2

A-2.00 Debtor in Possession .....2

A-3.00 No Unsecured Creditors’ Committee .....2

A-4.00 No Trustee or Examiner .....2

ARTICLE B BACKGROUND AND AFFAIRS OF THE DEBTOR.....2

B-1.00 Formation of the Debtor .....2

B-2.00 Manager of the Debtor .....3

B-3.00 Place of Business .....3

B-4.00 Nature of the Debtor’s Business.....3

B-5.00 Prepetition Operations and the Reason the Petition was Filed.....3

B-6.00 Guarantors and/or Co-obligors.....3

ARTICLE C SIGNIFICANT EVENTS IN THE DEBTOR’S REORGANIZATION CASE .....4

C-1.00 Petition .....4

C-2.00 Employment of General Counsel .....4

C-3.00 Statement and Schedules .....4

C-4.00 Meeting of Creditors.....4

C-5.00 Amended Petition.....4

C-6.00 BMO’s Motion for Relief from Stay .....4

C-7.00 Debtor’s Motion to Sell Property Free and Clear of Liens.....5

C-8.00 Monthly Financial Reports .....5

ARTICLE D FINANCIAL DATA, ASSETS AND LIABILITIES .....5

D-1.00 Summary of Chapter 11 Operations.....5

D-2.00 Claims Against the Debtor .....5

D-3.00 Latest Monthly Report .....6

ARTICLE E SUMMARY OF THE DEBTORS’ PLAN.....6

SECTION A. INTRODUCTION AND OVERVIEW .....6

E-1.00 Caution .....6

E-2.00 Overview of the Plan .....6

SECTION B. ADMINISTRATIVE EXPENSES AND TAXES .....7

E-3.00 Postpetition Operating Expenses.....7

E-4.00 Administrative Expenses.....7

E-5.00 Priority Tax Claims .....8

E-6.00 Classes of Claims and Interests .....8

SECTION C. DESIGNATION AND TREATMENT OF UNIMPAIRED CLASSES.....8  
 E-7.00 Class 1 – SBSU’s Secured Claim for Account No. 3905.....8  
 E-8.00 Class 2 – SBSU’s Secured Claim for Account No. 4054.....9

SECTION D. DESIGNATION AND TREATMENT OF IMPAIRED CLASSES.....9  
 E-9.00 Impaired Classes .....9  
 E-10.00 Class 3 – BMO’s Secured Claims .....10

SECTION E. TREATMENT OF UNSECURED CLAIMS .....11  
 E-11.00 Class 4 –Nonpriority Unsecured Claims.....11

SECTION F. TREATMENT OF INTERESTS AND OTHER CLAIMS .....11  
 E-12.00 Class 5 – Interests .....11  
 E-13.00 Other Claims .....11

SECTION G. EXECUTORY CONTRANCTS AND LEASES.....13  
 E-14.00 Assumed Leases and Executory Contracts.....13  
 E-15.00 Catch-all Rejection .....13  
 E-16.00 Cure .....13  
 E-17.00 Deadline for Claims Based Upon Rejected Contracts or Leases....14

SECTION H. OPERATIONS OF THE REORGANIZED DEBTOR.....14  
 E-18.00 Operation of the Business .....14  
 E-19.00 Manager of the Reorganized Debtor .....14  
 E-20.00 Compensation of Manager.....14  
 E-21.00 Estimated Cash Flow.....14  
 E-22.00 Avoidable Transfers .....14

SECTION I. OTHER MATTERS.....15  
 E-23.00 Default.....15  
 E-24.00 Retention of Jurisdiction.....16  
 E-25.00 Final Decree and Order Closing Case .....16

ARTICLE F LIQUIDATION ANALYSIS .....17  
 F-1.00 Liquidation Analysis.....17  
 F-2.00 Advantages of the Plan.....18

ARTICLE G ALTERNATIVES TO THE PLAN AND RISKS .....18  
 G-1.00 Alternatives .....18  
 G-2.00 Risks .....18

ARTICLE H MANNER OF VOTING AND CONFIRMATION OF THE

|   |    |
|---|----|
| PLAN .....  | 18 |
| H-1.00 Solicitation of Acceptances .....                    | 18 |
| H-2.00 Counting Votes and Acceptances .....                 | 19 |
| H-3.00 Acceptance by Impaired Classes .....                 | 19 |
| H-4.00 Manner of Voting.....                                | 19 |
| H-5.00 Hearing on Confirmation.....                         | 19 |
| H-6.00 Best Interest of Creditors.....                      | 20 |
| H-7.00 Confirmation Without Acceptance by All Classes ..... | 20 |
| H-8.00 Rejection by Secured Classes.....                    | 20 |
| H-9.00 Rejection by Unsecured Class .....                   | 20 |
| ARTICLE I TAX CONSEQUENCES OF THE PLAN.....                 | 21 |
| I-1.00 Tax Consequences.....                                | 21 |

EXHIBITS

|           |                                       |
|-----------|---------------------------------------|
| EXHIBIT 1 | SUMMARY OF MONTHLY REPORTS            |
| EXHIBIT 2 | SUMMARY OF CLAIMS SCHEDULED AND FILED |
| EXHIBIT 3 | LATEST MONTHLY REPORT                 |
| EXHIBIT 4 | AMORTIZATION SCHEDULE BMO CLASS 3     |
| EXHIBIT 5 | PROJECTED CASH FLOW                   |
| EXHIBIT 6 | LIQUIDATION ANALYSIS                  |

PROCEDURAL INFORMATION

Voting. A ballot to be used for voting for or against the Plan is enclosed. Under the Bankruptcy Code, “impaired” classes of claims are entitled to vote on the Plan.

CLAIMS IN CLASSES 1 THROUGH 2 ARE UNIMPAIRED AND ARE DEEMED TO HAVE VOTED IN FAVOR OF THE PLAN. CLAIMS IN CLASSES 3 THROUGH 4 AND INTERESTS IN CLASS 5 ARE IMPAIRED AND ENTITLED TO VOTE.

IN ORDER TO BE COUNTED, BALLOTS MUST BE RETURNED SO THAT THEY ARE RECEIVED NO LATER THAN 4:30 P.M., MOUNTAIN TIME, ON MARCH 5, 2018, AT THE FOLLOWING ADDRESS:

DIAZ & LARSEN  
JOHNS TRUCKING, INC. BALLOT  
307 WEST 200 SOUTH, SUITE 3003  
SALT LAKE CITY, UT 84101

A HEARING ON CONFIRMATION OF THE DEBTOR’S PLAN WILL BE HELD BEFORE THE HONORABLE R. KIMBALL MOSIER, UNITED STATES CHIEF BANKRUPTCY JUDGE, IN HIS COURTROOM (ROOM 369) IN THE UNITED STATES COURTHOUSE, 350 SOUTH MAIN STREET, SALT LAKE CITY, UTAH ON MARCH 20, 2018, AT 3:00 P.M. MOUNTAIN TIME.

OBJECTIONS TO CONFIRMATION OF THE PLAN, IF ANY, MUST BE IN WRITING AND FILED WITH THE CLERK OF THE BANKRUPTCY COURT, AT THE ABOVE ADDRESS, ON OR BEFORE MARCH 5, 2018, AND COPIES OF SUCH OBJECTION MUST BE SERVED UPON:

Andres Diaz  
Timothy Larsen  
DIAZ & LARSEN  
307 West 200 South, Suite 3003  
Salt Lake City, UT 84101  
Attorneys for the Debtor

Peter J. Kuhn  
United States Trustee's Office  
405 South Main Street, Suite 300  
Salt Lake City, UT 84111

OBJECTIONS TO CONFIRMATION, IF ANY, WILL COME ON FOR HEARING AT THE TIME OF THE HEARING ON CONFIRMATION SET FORTH ABOVE.

#### ARTICLE A

##### BACKGROUND OF THE CASE

A-1.00 Petition. The Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on February 13, 2017.

A-2.00 Debtor in Possession. The Debtor has remained in possession and has operated its business as Debtor in Possession since the filing of the petition.

A-3.00 No Unsecured Creditors' Committee. No unsecured creditors' committee has been appointed in this case.

A-4.00 No Trustee or Examiner. No trustee or examiner has been appointed in this case.

#### ARTICLE B

##### BACKGROUND AND AFFAIRS OF THE DEBTOR

B-1.00 Formation of the Debtor. On or about April 1, 1991, the Debtor was organized as a trucking business. On or about January 1, 1996, the Debtor was organized as a C Corporation under the laws of the state of Utah and continued as a trucking business. The Debtor has continually operated as a trucking business based in Utah. From time to time, the Debtor has performed trucking services throughout the western

United States.

B-2.00 Manager of the Debtor. Since 1996, David Johns (“Johns”) has been and remains a shareholder and president of the Debtor and owns 50% of the equity interest. Johns’ wife, Ann Johns, owns the other 50% equity interest in the Debtor

B-3.00 Place of Business. The Debtor’s principal place of business is the State of Utah.

B-4.00 Nature of the Debtor’s Business. The Debtor operates a trucking business based in Utah.

B-5.00 Prepetition Operations and the Reason the Petition was Filed. From its inception in 1991 until 2015, the Debtor operated as a profitable trucking business in the oil and gas industry. In 2016, the oil and gas business experienced difficulties as the price of oil and gas became more volatile and eventually dropped to extremely low levels. During that time the Debtor reduced expenses and took all steps that it believed were necessary to cut the cost of operations in an effort to maintain viability. Unfortunately, even with those cost cutting efforts, the Debtor was unable to maintain operations while servicing its debt. At the end of 2016, one of the Debtor’s creditors, BMO Harris Bank N.A. (“BMO”) repossessed several pieces of the Debtor’s equipment, some of which was critical to the Debtor’s operations. In order to continue operating and to provide the greatest likelihood that the Debtor could return as much as possible to its creditors, the Debtor had no choice but to seek the protection of the Bankruptcy Code, which it did on February 13, 2017.

B-6.00 Guarantors and/or Co-obligors. Johns and Ann Johns are either guarantors or co-obligors of essentially all of the claims arising in this bankruptcy case. All rights and remedies against the guarantors or co-obligors of the underlying



obligations are specifically reserved and shall not be affected by the Plan.

## ARTICLE C

### SIGNIFICANT EVENTS IN THE DEBTOR'S REORGANIZATION CASE

C-1.00 Petition. The Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code on February 13, 2017.

C-2.00 Employment of General Counsel. On February 14, 2017, the Debtor filed an application to employ Diaz & Larsen (“D&L”) as its general counsel. On or about March 6, 2017, the Court granted the Debtor’s application.

C-3.00 Statement and Schedules. On February 13, 2017, the Debtor filed its bankruptcy Statement of Financial Affairs and related Schedules of Assets and Liabilities (“Statement and Schedules”). No amendments to the Statement and Schedules have been filed at this time.

C-4.00 Meeting of Creditors. The meeting of creditors under section 341 of the Bankruptcy Code was held on March 22, 2017. The meeting was conducted by Peter Kuhn, an attorney with the United States Trustee’s Office (“USTO”). Johns appeared as the representative of the Debtor together with general counsel.

C-5.00 Amended Petition. After the meeting of creditors and given that no committee of creditors with unsecured claims was appointed in the case, the Debtor amended its petition to include the “small business” designation and to attach the required documents under Section 1116 of the Bankruptcy Code.

C-6.00 BMO’s Motion for Relief from Stay. On April 19, 2017, BMO filed a Motion for Relief from Stay (“BMO’s Motion”) regarding the vehicles and equipment BMO securing its claims including, but not limited to, the vehicles that BMO had repossessed prepetition. On or about May 8, 2017, the Debtor filed its Objection to

BMO's Motion. Prior to the hearing on BMO's Motion the Debtor and BMO worked on a stipulation to resolve BMO's Motion. The parties eventually reached an agreement which was reduced to writing and submitted to the Court on May 26, 2017. On May 30, 2017, the Court approved the stipulation between the Debtor and BMO.

C-7.00 Debtor's Motion to Sell Property Free and Clear of Liens. On August 23, 2017, the Debtor filed a Motion to Sell a 2007 Peterbilt 379 Tractor Truck #276 free and clear of all liens and encumbrances (the "Sale Motion"). The proposed sale was to Mason Diesel Service, Inc. ("Mason") for \$45,000.00. The proposed distribution of the sale proceeds was: \$30,000.00 to State Bank of Southern Utah ("SBSU"), which had a properly perfected lien on the collateral; and, \$15,000.00 to the Debtor for use in paying a post petition fuel bill to IFleet and/or Fuelman. Upon a Notice of Hearing, and no objections having been filed to the Sale Motion, the Court granted the Sale Motion on or about September 14, 2017.

C-8.00 Monthly Financial Reports. The Debtor has filed all monthly financial reports required in this bankruptcy case. A summary of those reports is attached hereto as **Exhibit 1**.

## ARTICLE D

### FINANCIAL DATA, ASSETS AND LIABILITIES

D-1.00 Summary of Chapter 11 Operations. Attached hereto as **Exhibit 1** is a summary of the monthly financial reports filed by the Debtor during the case. As indicated in those reports, as of December 31, 2017, the Debtor has accumulated approximately \$1,234.18 in cash during this case, after payment of all ongoing expenses as well as adequate protection to BMO.

D-2.00 Claims Against the Debtor. Attached hereto as **Exhibit 2** is a summary

of the claims scheduled by the Debtor and the proofs of claim filed by the creditors in the case and the Debtor's estimate of the claims that will be allowed.

D-3.00 Latest Monthly Report. Attached hereto as **Exhibit 3** is the Debtor's latest Monthly Report dated December 31, 2017.

## ARTICLE E

### SUMMARY OF THE DEBTOR'S PLAN

#### SECTION A. INTRODUCTION AND OVERVIEW

E-1.00 Caution. THE FOLOWING IS A BRIEF SUMMARY OF THE PLAN AND SHOULD NOT BE RELIED UPON FOR VOTING PURPOSES. CREDITORS ARE URGED TO READ THE PLAN IN FULL. THE PLAN REPRESENTS A LEGALLY BINDING DOCUMENT. AN INTELLIGENT JUDGMENT ABOUT THE PLAN CANNOT BE MADE WITHOUT READING IT.

E-2.00 Overview of the Plan. The effective date of the Plan is 30 days after entry of an order confirming the Plan, unless a party to an appeal of the confirmation order obtains a stay pending appeal. The Plan provides for the continued operation of the Debtor after confirmation by the reorganized Debtor. Repayment of claims will be made from funds generated from the reorganized Debtor's operations. Expenses of administration, consisting of quarterly fees due to the USTO, attorneys' fees of the Debtor's general counsel and accounting fees and costs of the Debtor's appointed accountant will be paid on the effective date of the Plan. Holders of these administrative expenses may agree to be paid over some period of time after the effective date of the Plan. Ongoing operating expenses incurred postpetition by the Debtor will be paid as they come due. The Debtor has classified the claims held by SBSU as unimpaired. Accordingly, the Debtor shall pay these claims in accordance with the underlying

documents evidencing these claims. The Debtor has negotiated an agreement with BMO regarding the amount and treatment of BMO's claims. Although BMO has filed four separate secured claims, for purposes of the Plan, the Debtor and BMO have agreed to treat BMO's secured claims as one secured claim under the Plan. The Debtor anticipates that the nonpriority unsecured claims will receive a prorata portion of equal monthly installments of \$1,000.00, commencing 30 days from the effective date of the Plan for a period of 36 months. No interest will be paid on the nonpriority unsecured claims. On August 23, 2017, the IRS filed an amended proof of claim in the amount of \$0.10 as a priority claim. This claim shall be paid in full on the effective date of the Plan.

#### **SECTION B. ADMINISTRATIVE EXPENSES AND TAXES**

E-3.00 Postpetition Operating Expenses. The Plan provides for the payment of ongoing postpetition operating expenses as they come due in the ordinary course of business.

E.4.00 Administrative Expenses. Administrative expenses of the Chapter 11 case consist of: Quarterly fees to the USTO, attorneys' fees to D&L, general counsel for the Debtor and accounting fees and costs to Ted Hallows, the accountant for the Debtor.. The Debtor has paid all quarterly fees due through confirmation to the USTO. Any quarterly fees due after confirmation will be paid as they become due. D&L has incurred unpaid fees and costs through November 30, 2017, in the amount of approximately \$35,000.00. D&L anticipates approximately \$15,000.00 in additional fees and costs will be incurred prior to confirmation of the Plan. Hallows has incurred unpaid fees and costs through November 30, 2017 in the amount of approximately \$5,000.00. Hallows anticipates approximately \$2,000.00 in additional fees and costs will be incurred prior to confirmation of the Plan. The Plan permits the reorganized Debtor to pay fees of

professionals whose employment was authorized during the bankruptcy case, for services rendered after confirmation of the Plan, upon receipt of statements for those services. Any amounts paid by the reorganized Debtor to such professionals after confirmation will be subject to final approval by the Court at the hearing on the reorganized Debtor's motion for final decree and order closing case.

E-5.00 Priority Tax Claims. The IRS initially filed a priority tax claim (POC 1) in the amount of \$8,114.77, the bulk of which was estimated taxes for alleged unfiled tax returns. The Debtor has filed all required tax returns. On August 23, 2017, the IRS filed its amended claim for a priority unsecured claim in the amount of \$0.10. The Debtor will pay this claim in full on the effective date of the Plan.

E-6.00 Classes of Claims and Interests. Pursuant to the Bankruptcy Code, the Plan establishes classes of secured and unsecured claims. Secured claims are included in Classes 1 through 3. Unsecured claims are included in Class 4. The interests of the Debtor's equity security holders, Johns and his wife, Ann Johns, are included in Class 5.

#### **SECTION C. DESIGNATION AND TREATMENT OF UNIMPAIRED CLASSES.**

E-7.00 Class 1 –SBSU's Secured Claim for Account No. 3905. Class 1 contains SBSU's claim in the amount of \$105,910.87 as of November 13, 2017. SBSU did not file a proof of claim in this case but has provided the information regarding the amount of its claim directly to the Debtor. Because SBSU's claim is fully secured and was current at the time of the filing of the Debtor's petition, the Debtor has continued to make payments directly to this creditor. This creditor will be paid in full in accordance with the underlying contract giving rise to its claim. Moreover, in the event the Debtor does not make the ongoing payments as they become due, this creditor will be entitled to exercise any and all of its contractual and statutory rights and remedies against the collateral

and/or the guarantors or co-obligors. Accordingly, this creditor is not impaired and is deemed to have accepted the Plan. This creditor shall retain its lien on its collateral until its claim is satisfied in full. Once satisfied this creditor shall release its lien on the collateral.

E-8.00 Class 2 – SBSU Secured Claim for Account No. 4054. Class 2 contains SBSU's claim in the amount of \$21,033.96 as of December 4, 2017. SBSU did not file a proof of claim in this case but has provided the information regarding the amount of its claim directly to the Debtor. Because SBSU's claim is fully secured and was current at the time of the filing of the Debtor's petition, the Debtor has continued to make payments directly to this creditor. This creditor will be paid in full in accordance with the underlying contract giving rise to its claim. Moreover, in the event the Debtor does not make the ongoing payments as they become due, this creditor will be entitled to exercise any and all of its contractual and statutory rights and remedies against the collateral and/or the guarantors or co-obligors. Accordingly, this creditor is not impaired and is deemed to have accepted the Plan. This creditor shall retain its lien on its collateral until its claim is satisfied in full. Once satisfied this creditor shall release its lien on the collateral.

#### **SECTION D. DESIGNATION AND TREATMENT OF IMPAIRED CLASSES.**

E-9.00 Impaired Classes. Under the Bankruptcy Code the Debtor is required to specify any class of claims or interest that are impaired under the Plan. Essentially, unless a plan leaves unaltered the legal, equitable, and contractual rights to which a claim or interest entitles the holder of such claim or interest, such claim or interest is impaired. Other than Classes 1 through 4 set forth above, all remaining classes of claims and interests are impaired under the Plan.

E-10.00 Class 3 -- BMO's Secured Claims. Class 3 contains BMO's claim secured by a 2013 Peterbilt Tractor Truck No.389, a 2013 Peterbilt Tractor Truck No. 386, a 2001 and 2006 Beall Trailer and by two 2006 Beall Trailers.. BMO filed proofs of claim (POC 4, 5, 6 and 7) on March 16, 2017, in the total amount of \$179,286.35. In its proofs of claim BMO indicated that the value of the collateral was "unknown." The Debtor and BMO have reached an agreement in which the Debtor shall treat the total amount of the BMO's secured claims as one fully secured claim in the amount of \$179,286.35, which claim shall be paid in the full in monthly installments over a period of five years from the effective date of the Plan, together with interest thereon at the rate of 5% per annum. Pursuant to the Stipulation reached with BMO on BMO's Motion described in Paragraph C-6.00 above, the Debtor shall apply the adequate protection payments that it has made to BMO to the secured portion of BMO's claim. As of January 2018, the Debtor has made a total of \$16,325.00 in adequate protection payments to BMO. With the application of the adequate protection payments, BMO's secured claim under the Plan shall be \$162,961.35. The Debtor shall make monthly payments in the amount of \$3,075.28 to satisfy this claim. Attached as **Exhibit 4** is the amortization schedule for BMO that shows payments to pay the claim over a five-year period. To the extent that completion of the payments under the Plan may constitute a prepayment or early payment under the Agreements between BMO and the Debtor, BMO shall not be entitled to any prepayment or early payment penalties. This creditor shall retain its lien on its collateral until its claim is satisfied in full. Once satisfied this creditor shall release its lien on the collateral. Except as modified by the treatment set forth above and the default provisions in paragraph E-24.00 below, the terms and conditions of the Agreements between BMO and the Debtor shall remain in full force and effect.

#### SECTION E. TREATMENT OF UNSECURED CLAIMS.

E-11.00 Class 4 -- Nonpriority Unsecured Claims. Class 4 contains the nonpriority unsecured claims listed in the Debtor's Schedule F as well as the undisputed proofs of claim of BMO. The Plan provides that the reorganized Debtor shall pay the claims of these creditors through the prorata distribution of monthly installments in the amount of \$1,000.00, commencing 30 days after the Effective Date of the Plan for a period of 36 months. No interest will be paid on these claims. Estimated claims in Class 4 total approximately \$344,703.

#### SECTION F. TREATMENT OF INTERESTS AND OTHER CLAIMS.

E-12.00 Class 5 -- Interests. Johns and his wife, Ann Johns, will remain the shareholders of the reorganized Debtor. Under the "absolute priority rule," all classes of creditors must either vote in favor of the Plan or receive payment of their claims in full. It is the Debtor's position, however, that the Johns will meet the "new value" corollary or exception to the "absolute priority rule" based upon their contribution of the four years of free rent that the Johns are negotiating in connection with the sale of the property currently being leased by the Debtor. *See* Paragraph E-14.00 below. Johns and his wife may not receive distributions, however, on account of their ownership interest, until nonpriority unsecured claims in Class 4 have been paid as provided in the Plan and only if payments on account of priority unsecured tax claims and the secured claims in Classes 1 through 3 are current. Nothing contained in this provision of the Plan restricts Johns' ability to receive his ongoing salary as an employee of the reorganized Debtor.

E-13.00 Other Claims. MACU is owed the amount of \$17,876.24 as of the petition date. MACU did not file a proof of claim in this case as to this claim. The underlying obligation, as well as the collateral securing this claim (a 2011 GMC Sierra



Pickup Truck), are in Johns' and/or Ann Johns' names, individually. The Debtor has always used this truck as part of its ongoing operations and the Debtor has made the monthly payments on the truck since the inception of the obligation. Accordingly, the Debtor claims at least an equitable interest in the truck. Moreover, because MACU's claim is oversecured and was current at the time of the filing of the Debtor's petition, the Debtor has continued to make ongoing monthly payments directly to this creditor. This creditor will be paid in full in accordance with the underlying contract giving rise to its claim. Moreover, in the event the Debtor does not make the ongoing payments as they become due, this creditor will be entitled to exercise all of its contractual and statutory rights and remedies against the collateral and/or the guarantors or co-obligors. Accordingly, this creditor is not impaired in any way by the Plan. This creditor shall retain its lien on its collateral until its claim is satisfied in full. Once satisfied this creditor shall release its lien on the collateral.

MACU's is also owed the amount of \$33,877.52 as of the petition date. MACU did not file a proof of claim in this case as to this claim. The underlying obligation, as well as the collateral securing this claim (a 2015 GMC Sierra Pickup Truck), are in Johns' and/or Ann Johns' names, individually. The Debtor has always used this truck as part of its ongoing operations and the Debtor has made the monthly payments on the truck since the inception of the obligation. Accordingly, the Debtor claims at least an equitable interest in the truck. Moreover, because MACU's claim is oversecured and was current at the time of the filing of the Debtor's petition, the Debtor has continued to make ongoing monthly payments directly to this creditor. This creditor will be paid in full in accordance with the underlying contract giving rise to its claim. Moreover, in the event the Debtor does not make the ongoing payments as they become due, this creditor will be

entitled to exercise all of its contractual and statutory rights and remedies against the collateral and/or the guarantors or co-obligors. Accordingly, this creditor is not impaired in any way by the Plan. This creditor shall retain its lien on its collateral until its claim is satisfied in full. Once satisfied this creditor shall release its lien on the collateral.

#### **SECTION G. EXECUTORY CONTRACTS AND LEASES.**

E-14.00 Assumed Leases and Executory Contracts. The Debtor shall assume the residence and shop situated in Billings, Montana, leased to the Debtor by DA Johns Properties, which is owned by Johns and his wife, Ann Johns. Pursuant to an oral month to month lease the Debtor pays to DA Properties the amount of \$2,000.00 per month. The Debtor is current on this lease. The Johns, however, are currently negotiating the sale of the property being leased by the Debtor. As part of those negotiations, the Johns have requested that the Debtor be able to stay on the leased property for a period of four years without having to pay rent. If successful, the Johns will contribute the free rent (valued at \$96,000.00) to the Debtor. It is the Debtor's position that, with that contribution, it will have met the requirements for the new value exception or corollary.

E-15.00 Catch-All Rejection. All executory contracts and leases not assumed under the Plan are rejected. Although the Debtor is not aware of any other contracts or leases this provision is included in the Plan in the event such contracts or leases exist.

E-16.00 Cure. To the extent that there may be a default under any executory contract or unexpired lease assumed under the Plan and cure is not otherwise provided in the Plan, any such default shall be cured by the reorganized Debtor under such terms and conditions as may be negotiated between the reorganized Debtor and the other party to said executory contract or unexpired lease. If no cure agreement is reached on or before the effective date of the Plan then the Court shall determine the nature of any such default

and the manner in which it should be cured upon motion of any party to the executory contract or lease.

E.17.00 Deadline for Claims Based Upon Rejected Contracts or Leases. All Claims resulting from the rejection of executory contracts or leases under the Plan shall be filed and copies thereof served on the reorganized Debtor and its undersigned counsel on or before 30 days after the Confirmation Date, or are forever barred.

#### SECTION H. OPERATIONS OF THE REORGANIZED DEBTOR.

E-18.00 Operation of the Business. As of the effective date of the Plan, the reorganized Debtor will operate the trucking business previously operated by the Debtor.

E-19.00 Manager of Reorganized Debtor. Johns will remain as the president and manager of the reorganized Debtor.

E-20.00 Compensation of Manager. Johns will be entitled to receive compensation of up to \$3,000.00 per month for services rendered in connection with the management and operation of the reorganized Debtor's business. The compensation may be increased during the term of the Plan so long as it does not impair the reorganized Debtor's ability to make the payments required under the Plan. Distributions to Johns and his wife on account of their ownership interests in the reorganized Debtor are separate and distinct from his compensation and are described in paragraph E-12.00 above.

E-21.00 Estimated Cash Flow. **Exhibit 5** contains estimated future cash flows for the reorganized Debtor. The exhibit is based upon the post petition historical operations of the Debtor and anticipated future operations taking into consideration current and anticipated economic and industry conditions.

E-22.00 Avoidable Transfers. Under the Bankruptcy Code, certain transfers

made within 90 days of the filing of the bankruptcy petition,<sup>1</sup> that may have been made on account of an antecedent debt, made while the Debtor was presumed to be insolvent under section 547(f) of the Bankruptcy Code, that enable the transferee to receive more than it would have received in a Chapter 7 bankruptcy liquidation, may be recovered as preferential transfers. There are numerous circumstances that prevent a transfer from being a preference and a number of defenses available to the transferee under the Bankruptcy Code. In addition, fraudulent transfers made within one year of the petition date may be recovered under the Bankruptcy Code. Fraudulent transfers include those made with actual intent to hinder, delay or defraud creditors and, if the Debtor was insolvent, those made for less than fair equivalent value. The Statement of Financial Affairs filed by the Debtor in this case shows no transfers to insiders within one year. The Statement of Financial Affairs shows payments within 90 days to various trade creditors, all of which the Debtor believes to have been made in the ordinary course of business. Additional payments are shown to secured creditors and employees, all of which appear to be unavoidable under the Bankruptcy Code. Accordingly, the Debtor does not believe that there are any avoidable transfers to be pursued in this case.

#### SECTION I. OTHER MATTERS.

E-23.00 Default. If the reorganized Debtor fails to make a payment on an allowed secured claim, the holder of the claim may exercise its rights under Utah state law and the documents evidencing the obligation as the same may have been modified by the Plan. Exercise of these rights, however, will be only permitted after 15 days notice to the reorganized Debtor and holders of unpaid allowed claims. The reorganized Debtor could cure the default during the 15-day period. During the 15-day period, any party

---

<sup>1</sup> One year is the applicable period if the transfer is to an insider.

adversely affected by the threatened action may seek to obtain from the Bankruptcy Court an order prohibiting such action. Failure of the reorganized Debtor to make payments on account of allowed priority claims will permit the holder of such claim to give 30-days notice of the intent to request a default under the Plan. A hearing will be held on such motion, after notice to holders of all unpaid allowed claims. If, at the time of hearing, the default has not been cured, the Court may enter an appropriate order including, directing the reorganized Debtor to pay the claim, or order conversion or dismissal of the case. In the event the reorganized Debtor fails to make a payment on account of allowed nonpriority unsecured claims in Class 4, the holder of any such claim adversely affected thereby will be permitted to pursue recovery of the claim in a court of appropriate jurisdiction, other than the Bankruptcy Court. The holder of any such claim, however, must first give the reorganized Debtor 30 days notice of its intent to pursue such claim if the default is not cured within the 30-day period. This means that the holder of an unpaid allowed nonpriority unsecured claim in Class 4 that is not paid as set forth in the Plan, could file an action in state court against the reorganized Debtor to recover the claim after expiration of the 30 days. Such an action could seek recovery of any delinquent payment and all future payments due to the claimant under the Plan.

E-24.00 Retention of Jurisdiction. The Bankruptcy Court retains jurisdiction under the Plan to resolve any objections to claims, declare a default and over other matters specifically set forth in the Plan. In the event the Court converts the case after confirmation, the property of the Debtor will revest in the Chapter 7 estate.

E-25.00 Final Decree and Order Closing Case. Local Rule 3022-1 requires the reorganized Debtor to file a motion for final decree and order closing case within one year after confirmation of the Plan. The Plan provides that the reorganized Debtor will

file such a motion. The reorganized Debtor may file a motion prior to the one year period if the Plan has been substantially consummated, *i.e.*, payments have commenced under the Plan.

## ARTICLE F

### LIQUIDATION ANALYSIS

F-1.00 Liquidation Analysis. Attached hereto as **Exhibit 6** is a liquidation analysis prepared by the Debtor. The liquidation analysis shows anticipated recovery by creditors if the case is converted to a case under Chapter 7 and liquidated by a Chapter 7 trustee. The values used in the liquidation analysis for cash and accounts receivable are 100% of the amount of the cash and accounts receivable as of December 31, 2017. These values of the accounts receivable are liberal and are used to give creditors the benefit of the doubt as to collections of those accounts. The Debtor believes that lower values could have been used and are more realistic based upon the historic collection rate for receivables experienced by the Debtor. Moreover, collection rates decrease substantially when no further services are being provided to the clients. If this case were converted to Chapter 7, it is unlikely that the Debtor would continue to provide those services. Accordingly, collection rates would decrease substantially providing little or nothing to creditors with unsecured claims. Indeed, as seen by the liquidation analysis, even assuming that the accounts receivable were all collected, there are insufficient proceeds to satisfy the Chapter 7 and Chapter 11 administrative claims. As shown on **Exhibit 6**, the Debtor anticipates that the recovery to nonpriority unsecured creditors in a Chapter 7 liquidation (even assuming a 100% collection rate for accounts receivable) would be 0%. The recovery anticipated under the Chapter 11 Plan to holders of nonpriority unsecured claims in Class 7 is approximately 10%.

F-2.00 Advantages of the Plan. The advantage of confirmation of the Plan as opposed to liquidation of the Debtor in a Chapter 7 case is recovery of a greater percentage on account of nonpriority unsecured claims in Class 4. The Debtor anticipates that the reorganized Debtor will continue to do business with existing creditors that are willing to do so thus providing an additional benefit to those creditors.

## ARTICLE G

### ALTERNATIVES TO THE PLAN AND RISKS

G-1.00 Alternatives. An alternative to the Plan is the conversion of the case to a case under Chapter 7. As set forth in Article F, the Debtor believes that confirmation of the Plan provides advantages to creditors with unsecured claims that outweigh those of liquidation in a case under Chapter 7. Other alternatives include amending the Plan or dismissal of the case.

G-2.00 Risks. There are inherent risks in any business operation. The trucking business is competitive and subject to some fluctuation. The Debtor, however, has successfully operated the business since filing its Petition. The projections attached as **Exhibit 5** are primarily based upon the postpetition operation of the Debtor's business, which has been operated at a substantial profit.

## ARTICLE H

### MANNER OF VOTING AND CONFIRMATION OF THE PLAN

H-1.00 Solicitation of Acceptances. This disclosure statement shall have been approved by the court in accordance with Section 1125 of the Bankruptcy Code before being provided to each creditor. Under the Bankruptcy Code, acceptances of the Plan may not be solicited from claim holders unless a copy of the approved disclosure statement is, or has been, transmitted to the claim holder.

H-2.00 Counting Votes and Acceptances. In determining acceptances of the Plan, a vote will be counted if timely submitted by the holder of a claim that is impaired and (a) whose claim is scheduled by the Debtor as undisputed, noncontingent and liquidated, (b) who has timely filed with the Court a proof of claim which has not been disallowed prior to computation of the votes on the Plan, (c) whose claim is an allowed secured claim under Sections 502 and 506(d) of the Bankruptcy Code, or (d) whose claim has been temporarily allowed by the Bankruptcy Court for purposes of voting.

H-3.00 Acceptance by Impaired Classes. An impaired class of claims is deemed to accept the Plan if at least (a) 50% plus one of the number of allowed claims voting to accept the Plan and (b) 2/3 of the aggregate dollar amount of the allowed claims voting vote to accept the Plan.

H-4.00 Manner of Voting. A ballot for accepting or rejecting the Plan will be enclosed with the approved Disclosure Statement and Plan. Holders of claims should read the instructions carefully, complete, date and sign the ballot and transmit it to the address indicated on the ballot. In order to be tabulated, your ballot must be received by the time indicated thereon. Failure to vote or a vote to reject the Plan will not affect the treatment to be accorded a claim if the Plan is confirmed.

H-5.00 Hearing on Confirmation. The notice of hearing on confirmation indicates the time and place of the confirmation hearing. The Court may confirm the Plan at the hearing only if the requirements set forth in Section 1129 of the Bankruptcy Code are satisfied. The Debtor may propose or file modifications to the Plan either before or at the hearing on confirmation. If the Bankruptcy Court finds that the proposed modification or modifications do not adversely change the treatment of any creditor who has not accepted the modification in writing, the modification may be deemed accepted by all



parties in interest who have previously accepted the Plan.

H-6.00 Best Interest of Creditors. The Debtor must establish with respect to each class that each holder of a claim in that class has accepted the Plan or will receive or retain under the Plan on account of such claim or interest property of a value that is not less than the amount that such holder would receive if the Debtor were liquidated under Chapter 7 of the Bankruptcy Code.

H-7.00 Confirmation Without Acceptance by All Classes. The Bankruptcy Code contains provisions for the confirmation of a Plan if it is not accepted by all impaired classes. Once a class of impaired claims has accepted the Plan, the Plan may be confirmed over the objection of every other class of creditors pursuant to Section 1129(b) of the Bankruptcy Code.

H-8.00 Rejection by Secured Class. If a class of secured claims rejects the Plan, the Plan may be confirmed under Section 1129(b) if the Plan does not discriminate unfairly as to that class and is “fair and equitable” to the class. Section 1129(b) states that the “fair and equitable” standard requires, among other things, that the Plan provide (a) that the lien securing the claims of members of the class be left in place and that holders of secured claims will receive deferred cash payments of a present value equal to the lesser of the amount of the claim or the value of the collateral, (b) that the collateral securing the claims be sold free of the liens with the liens attaching to the proceeds and with such liens on the proceeds being treated under one of the other two standards described in this paragraph or (c) a treatment for the claim which is the “indubitable equivalent” of the claim.

H-9.00 Rejection by Unsecured Class. If a class of unsecured claims rejects the Plan, the Plan may be confirmed if it does not unfairly discriminate and is “fair and

equitable” as to the class. Under Section 1129(b) a Plan is “fair and equitable” as to a class of unsecured claims if, among other things, the Plan provides that (a) each holder of a claim included in the rejecting class receive or retain on account of that claim property which has a value, as of the effective date, equal to the amount of such claim, or (b) the holder of any claim or interest that is junior to the claims of such class will not receive or retain any property on account of the junior claim or interest. Unless the Debtor’s equity security holders are able to meet the new value exception or corollary, the currently proposed Plan cannot be confirmed without the accepting vote of the Unsecured Creditor Class. Upon completion of the sale of the real property currently leased by the Debtor, which sale shall provide the Debtor with the proposed free rental agreement, it is the Debtor’s position that they will have met the requirements for the new value exception or corollary.

## ARTICLE I

### TAX CONSEQUENCES OF THE PLAN

I-1.00 Tax Consequences. As to the Debtor and the reorganized Debtor, because these entities are C. Corporations, they will continue to have the normal filing requirements and tax consequences associated with such entities. The treatment of claims and interests under the Plan may have tax implications to the holders of such claims and interests. For instance, there may be tax implications for the recapture of bad debts or implications regarding the timing of reportable income for entities that report income on a cash basis. Because each of the holders of claims and interests have such varied circumstances, it is impossible for the Debtor and reorganized Debtor to provide legal or accounting advice regarding the applicability of the tax laws on an individualized basis. Therefore, holders of claims and interests should obtain advice from their own counsel or

accountants regarding the applicability of tax laws.

Dated this 30<sup>th</sup> day of January 2018

JOHNS TRUCKING, INC.

By: /S/ David Johns  
Its: President

DIAZ & LARSEN

By: /S/ Andres Diaz  
Attorneys for Johns Trucking, Inc.

JOHNS TRUCKING INC  
 SUMMARY OF MONTHLY REPORTS \*  
 CHAPTER 11 CASE # 17-20954  
 EXHIBIT 1

|                        | <u>Feb-17</u>      | <u>Mar-17</u>      | <u>Apr-17</u>      | <u>May-17</u>     | <u>Jun-17</u>     | <u>Jul-17</u>      | <u>Aug-17</u>      | <u>Sep-17</u>      | <u>Oct-17</u>      | <u>Nov-17</u>      | <u>Dec-17</u>     |
|------------------------|--------------------|--------------------|--------------------|-------------------|-------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------------------|
| Beginning Cash Balance | \$41,200.71        | \$18,937.37        | \$11,475.48        | \$28,627.46       | \$9,471.06        | \$4,860.09         | \$11,080.33        | \$23,150.83        | \$15,731.69        | \$14,959.08        | \$37,250.58       |
| Cash Receipts          | \$2,338.73         | \$34,211.02        | \$53,881.82        | \$6,741.68        | \$21,087.53       | \$19,758.82        | \$30,846.95        | \$76,559.90        | \$26,165.45        | \$47,499.41        | \$8,337.54        |
| Cash Disbursements     | \$24,602.07        | \$41,672.91        | \$36,729.84        | \$25,898.08       | \$25,698.50       | \$13,538.58        | \$18,776.45        | \$83,979.04        | \$26,938.06        | \$25,207.91        | \$44,353.91       |
| Net Cash Flow          | -\$22,263.34       | -\$7,461.89        | \$17,151.98        | -\$19,156.40      | -\$4,610.97       | \$6,220.24         | \$12,070.50        | -\$7,419.14        | -\$772.61          | \$22,291.50        | -\$36,016.37      |
| Ending Cash Balance    | <u>\$18,937.37</u> | <u>\$11,475.48</u> | <u>\$28,627.46</u> | <u>\$9,471.06</u> | <u>\$4,860.09</u> | <u>\$11,080.33</u> | <u>\$23,150.83</u> | <u>\$15,731.69</u> | <u>\$14,959.08</u> | <u>\$37,250.58</u> | <u>\$1,234.21</u> |

\*The information provided in this Summary is derived from the Bank Statements attached to the Monthly Reports filed in this case.

**JOHNS TRUCKING INC.  
SUMMARY OF CLAIMS SCHEDULED AND FILED  
CHAPTER 11 CASE # 17-20954  
EXHIBIT 2**

| Class                         | Creditor                      | Scheduled Amount     | Contingent (C) Disputed (D) Unliquidated (U) | Claim (C) Amount     | Claim # | Estimated Allowed Amount | Comments   |
|-------------------------------|-------------------------------|----------------------|--|----------------------|---------|--------------------------|--|
| <b>Secured Claims:</b>        |                               |                      |  |                      |         |                          |  |
| 1                             | State Bank of Southern Utah   | \$ 133,957.94        |  | None Filed           |         | \$ 105,910.87            | The Debtor is making ongoing payments to this creditor on an oversecured claim and is current. This creditor is unimpaired.    |
| 2                             | State Bank of Southern Utah   | \$ 36,500.00         |  | None Filed           |         | \$ 21,033.96             | The Debtor is making ongoing payments to this creditor on an oversecured claim and is current. This creditor is unimpaired.    |
| 3                             | BMO                           | \$ 210,818.19        |  | \$ 51,109.82         | 4       | \$ 47,076.03             | BMO and the Debtor are currently negotiating the value of the collateral securing this claim. This amount is only an estimate. |
| 3                             | BMO                           | Included Above       |  | \$ 45,053.20         | 5       | \$ 41,497.42             | BMO and the Debtor are currently negotiating the value of the collateral securing this claim. This amount is only an estimate. |
| 3                             | BMO                           | Included Above       |  | \$ 28,141.71         | 6       | \$ 25,920.65             | BMO and the Debtor are currently negotiating the value of the collateral securing this claim. This amount is only an estimate. |
| 3                             | BMO                           | Included Above       |  | \$ 54,981.62         | 7       | \$ 50,642.25             | BMO and the Debtor are currently negotiating the value of the collateral securing this claim. This amount is only an estimate. |
| <b>Totals:</b>                |                               | <u>\$ 381,276.13</u> |  |                      |         | <u>\$ 292,081.18</u>     |  |
| <b>Priority:</b>              |                               |                      |  |                      |         |                          |  |
|                               | IRS                           | \$ -                 |  | \$ 0.10              | 1       | \$ 0.10                  | The IRS has filed an amended proof of claim in this amount.  |
| <b>Nonpriority Unsecured:</b> |                               |                      |  |                      |         |                          |  |
| 4                             | BMO                           | Included Above       |  | \$ 85,644.50         | 2       | \$ 85,644.50             |  |
| 4                             | BMO                           | Included Above       |  | \$ 225,874.15        | 3       | \$ 225,875.15            |  |
| 4                             | Bank of America               | \$ 5,000.00          |  | None Filed           |         | \$ 5,000.00              |  |
| 4                             | Chase Bankcard                | \$ 9,411.00          |  | None Filed           |         | \$ 9,411.00              |  |
| 4                             | Chase Bankcard                | \$ 8,144.76          |  | None Filed           |         | \$ 8,144.76              |  |
| 4                             | Mason Diesel                  | \$ 6,200.75          |  | None Filed           |         | \$ 6,200.75              |  |
| 4                             | Mountain America Credit Union | \$ 4,426.60          |  | None Filed           |         | \$ 4,426.60              |  |
|                               |                               | <u>\$ 33,183.11</u>  |  | <u>\$ 311,518.65</u> |         | <u>\$ 344,702.76</u>     |  |
| <b>Other Claims:</b>          |                               |                      |  |                      |         |                          |  |
| Unclassified                  | Mountain America Credit Union | \$ 17,876.24         |  | None Filed           |         | \$ 17,876.24             | The Debtor is making ongoing payments to this creditor on an oversecured claim and is current. This creditor is unimpaired.    |
| Unclassified                  | Mountain America Credit Union | \$ 33,877.52         |  | None Filed           |         | \$ 33,877.52             | The Debtor is making ongoing payments to this creditor on an oversecured claim and is current. This creditor is unimpaired.    |

EXHIBIT 3

**Fill in this information to identify the case:**

Debtor Name JOHNS TRUCKING INC

United States Bankruptcy Court for the \_\_\_\_\_ District of UTAH

Case number: 17-20954

Check if this is an amended filing

Official Form 425C

Monthly Operating Report for Small Business Under Chapter 11

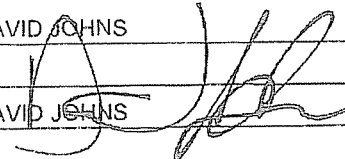
12/17

Month DECEMBER 2017 Date report filed: 01/26/2018  
MM / DD / YYYY

Line of business: TRUCKING NAISC code: 5132

In accordance with title 28, section 1746, of the United States Code, I declare under penalty of perjury that I have examined the following small business monthly operating report and the accompanying attachments and, to the best of my knowledge, these documents are true, correct, and complete.

Responsible party: DAVID JOHNS

Original signature of responsible party: 

Printed name of responsible party: DAVID JOHNS

**1. Questionnaire**

Answer all questions on behalf of the debtor for the period covered by this report, unless otherwise indicated

|  | Yes                                 | No                                  | N/A                      |
|--|-------------------------------------|-------------------------------------|--------------------------|
| <b>If you answer No to any of the questions in lines 1-9, attach an explanation and label it Exhibit A.</b>    |                                     |                                     |                          |
| 1. Did the business operate during the entire reporting period?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 2. Do you plan to continue to operate the business next month?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 3. Have you paid all of your bills on time?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 4. Did you pay your employees on time?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 5. Have you deposited all the receipts for your business into debtor in possession (DIP) accounts?             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 6. Have you timely filed your tax returns and paid all of your taxes?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 7. Have you timely filed all other required government filings?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 8. Are you current on your quarterly fee payments to the U.S. Trustee or Bankruptcy Administrator?             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 9. Have you timely paid all of your insurance premiums?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>If you answer Yes to any of the questions in lines 10-18, attach an explanation and label it Exhibit B.</b> |                                     |                                     |                          |
| 10. Do you have any bank accounts open other than the DIP accounts?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Have you sold any assets other than inventory?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. Have you sold or transferred any assets or provided services to anyone related to the DIP in any way?      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 13. Did any insurance company cancel your policy?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 14. Did you have any unusual or significant unanticipated expenses?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 15. Have you borrowed money from anyone or has anyone made any payments on your behalf?                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Has anyone made an investment in your business?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Debtor Name JOHNS TRUCKING INC

Case number 17-20954

17. Have you paid any bills you owed before you filed bankruptcy?

18. Have you allowed any checks to clear the bank that were issued before you filed bankruptcy?

**2. Summary of Cash Activity for All Accounts**

19. Total opening balance of all accounts

\$ 37,250.55

This amount must equal what you reported as the cash on hand at the end of the month in the previous month. If this is your first report, report the total cash on hand as of the date of the filing of this case.

20. Total cash receipts

Attach a listing of all cash received for the month and label it *Exhibit C*. Include all cash received even if you have not deposited it at the bank, collections on receivables, credit card deposits, cash received from other parties, or loans, gifts, or payments made by other parties on your behalf. Do not attach bank statements in lieu of *Exhibit C*.

\$ 8,337.54

Report the total from *Exhibit C* here.

21. Total cash disbursements

Attach a listing of all payments you made in the month and label it *Exhibit D*. List the date paid, payee, purpose, and amount. Include all cash payments, debit card transactions, checks issued even if they have not cleared the bank, outstanding checks issued before the bankruptcy was filed that were allowed to clear this month, and payments made by other parties on your behalf. Do not attach bank statements in lieu of *Exhibit D*.

-- \$ 44,353.91

Report the total from *Exhibit D* here.

22. Net cash flow

+ \$ -36,016.37

Subtract line 21 from line 20 and report the result here. This amount may be different from what you may have calculated as *net profit*.

23. Cash on hand at the end of the month

Add line 22 + line 19. Report the result here.

= \$ 1,234.18

Report this figure as the *cash on hand at the beginning of the month* on your next operating report.

This amount may not match your bank account balance because you may have outstanding checks that have not cleared the bank or deposits in transit.

**3. Unpaid Bills**

Attach a list of all debts (including taxes) which you have incurred since the date you filed bankruptcy but have not paid. Label it *Exhibit E*. Include the date the debt was incurred, who is owed the money, the purpose of the debt, and when the debt is due. Report the total from *Exhibit E* here.

24. Total payables

\$ 0.00

(*Exhibit E*)

Debtor Name JOHNS TRUCKING INC

Case number 17-20954

**4. Money Owed to You**

Attach a list of all amounts owed to you by your customers for work you have done or merchandise you have sold. Include amounts owed to you both before, and after you filed bankruptcy. Label it *Exhibit F*. Identify who owes you money, how much is owed, and when payment is due. Report the total from *Exhibit F* here.

25 Total receivables \$ 10,035.23  
 (Exhibit F)

**5. Employees**

26. What was the number of employees when the case was filed? 2  
 27. What is the number of employees as of the date of this monthly report? 0

**6. Professional Fees**

28. How much have you paid this month in professional fees related to this bankruptcy case? \$ 0.00  
 29. How much have you paid in professional fees related to this bankruptcy case since the case was filed? \$ 0.00  
 30. How much have you paid this month in other professional fees? \$ 0.00  
 31. How much have you paid in total other professional fees since filing the case? \$ 0.00

**7. Projections**

Compare your actual cash receipts and disbursements to what you projected in the previous month. Projected figures in the first month should match those provided at the initial debtor interview, if any

|   | Column A  | Column B                        | Column C                        |
|---|---|---------------------------------|---------------------------------|
|   | Projected   | Actual                          | Difference                      |
|   | Copy lines 35-37 from the previous month's report | Copy lines 20-22 of this report | Subtract Column B from Column A |
| 32 Cash receipts  | \$ _____  | --- \$ <u>8,337.54</u>          | = \$ _____                      |
| 33 Cash disbursements                                     | \$ _____  | --- \$ <u>44,353.91</u>         | = \$ _____                      |
| 34 Net cash flow  | \$ _____  | - \$ <u>-36,016.37</u>          | = \$ _____                      |
| 35 Total projected cash receipts for the next month:      |   |                                 | \$ _____                        |
| 36 Total projected cash disbursements for the next month: |   |                                 | - \$ _____                      |
| 37 Total projected net cash flow for the next month:      |   |                                 | = \$ _____                      |



Debtor Name JOHNS TRUCKING INC

Case number 17-20954

## 8. Additional Information

If available, check the box to the left and attach copies of the following documents.

- 38 Bank statements for each open account (redact all but the last 4 digits of account numbers)
- 39 Bank reconciliation reports for each account.
- 40 Financial reports such as an income statement (profit & loss) and/or balance sheet.
- 41 Budget, projection, or forecast reports.
- 42 Project, job costing, or work-in-progress reports.

# Wells Fargo Simple Business Checking

Account number: December 1, 2017 - December 31, 2017 Page 1 of 4



EODCKTDTF7 013302



JOHNS TRUCKING INC  
DEBTOR IN POSSESSION  
CH 11 CASE 17-20954 (UT)  
PO BOX 54  
SALINA UT 84654-0054

### Questions?

Available by phone 24 hours a day, 7 days a week:  
Telecommunications Relay Services calls accepted  
**1-800-CALL-WELLS** (1-800-225-5935)

TTY: 1-800-877-4833  
En español: 1-877-337-7454

Online: [wellsfargo.com/biz](http://wellsfargo.com/biz)

Write: Wells Fargo Bank, N.A. (119)  
P.O. Box 6995  
Portland, OR 97228-6995

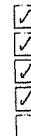
### Your Business and Wells Fargo

Cash flow is a key indicator of the financial health of your business. Find tips and strategies for effective cash flow management at [wellsfargoworks.com](http://wellsfargoworks.com)

### Account options

A check mark in the box indicates you have these convenient services with your account(s). Go to [wellsfargo.com/biz](http://wellsfargo.com/biz) or call the number above if you have questions or if you would like to add new services.

- Business Online Banking
- Online Statements
- Business Bill Pay
- Business Spending Report
- Overdraft Protection



### Activity summary

|                                    |                   |
|------------------------------------|-------------------|
| Beginning balance on 12/1          | \$37,250.55       |
| Deposits/Credits                   | 8,337.54          |
| Withdrawals/Debits                 | - 44,353.91       |
| <b>Ending balance on 12/31</b>     | <b>\$1,234.18</b> |
| Average ledger balance this period | \$12,833.15       |

Account number:

JOHNS TRUCKING INC  
DEBTOR IN POSSESSION  
CH 11 CASE 17-20954 (UT)

Utah account terms and conditions apply

For Direct Deposit use  
Routing Number (RTN): 124002971  
For Wire Transfers use  
Routing Number (RTN): 121000248

### Overdraft Protection

This account is not currently covered by Overdraft Protection. If you would like more information regarding Overdraft Protection and eligibility requirements please call the number listed on your statement or visit your Wells Fargo store

EODCKTDTF7 013302 NNNNNNNNNN NNN NNN 001 003 119 102541 2064874.2

Account number: December 1, 2017 - December 31, 2017 Page 2 of 4



**Transaction history**

| Date                           | Check Number | Description   | Deposits/<br>Credits | Withdrawals/<br>Debits | Ending daily<br>balance |
|--------------------------------|--------------|---|----------------------|------------------------|-------------------------|
| 12/4                           |              | Withdrawal Made in A Branch/Store   |                      | 5,010.00               |                         |
| 12/4                           |              | Chase Credit Crd Epay 171202 3352849646 Ann G Johns   |                      | 250.00                 |                         |
| 12/4                           |              | Chase Credit Crd Epay 171202 3352846420 David Johns   |                      | 250.00                 |                         |
| 12/4                           | <            | Business to Business ACH Debit - Bk of Amer Mc Online Pmt<br>171204 Ckf006287826POS Johns,David |                      | 1 000.00               | 30,740.55               |
| 12/5                           |              | Check   |                      | 1,000.00               |                         |
| 12/5                           |              | Check   |                      | 4,000.00               | 25,740.55               |
| 12/6                           | 1193         | Check   |                      | 2,225.00               |                         |
| 12/6                           | 1195         | Check   |                      | 500.00                 | 23,015.55               |
| 12/7                           | 1142         | Check   |                      | 1,900.00               |                         |
| 12/7                           | 1143         | Check   |                      | 3,000.00               |                         |
| 12/7                           | 1141         | Check   |                      | 5,000.00               | 13,115.55               |
| 12/8                           | 1196         | Check   |                      | 1,505.57               | 11,609.98               |
| 12/13                          | 1174         | Check   |                      | 851.43                 | 10,758.55               |
| 12/18                          | <            | Business to Business ACH Debit - Bk of Amer Mc Online Pmt<br>171218 Ckf006287826POS Johns,David |                      | 1,500.00               |                         |
| 12/18                          | 1175         | Check   |                      | 163.18                 | 9,095.37                |
| 12/19                          |              | Deposit   | 7,122.54             |                        | 16,217.91               |
| 12/20                          | 1144         | Check   |                      | 7,122.54               | 9,095.37                |
| 12/21                          |              | Edeposit IN Branch/Store 12/21/17 04:12:21 Pm 175 W 1300 S<br>Richfield UT                      | 1,215.00             |                        |                         |
| 12/21                          |              | Chase Credit Crd Epay 171220 3377438153 David Johns   |                      | 250.00                 | 10,060.37               |
| 12/22                          |              | Check   |                      | 100.00                 |                         |
| 12/22                          |              | Utah801/297-7703 Tax Paymnt 1496804864 Johns Trucking Inc                                       |                      | 3,766.12               | 6,194.25                |
| 12/27                          | 1198         | Check   |                      | 4,958.07               | 1,236.18                |
| 12/29                          |              | Monthly Check Return/Image Stmt Fee   |                      | 2.00                   | 1,234.18                |
| <b>Ending balance on 12/31</b> |              |   |                      |                        | <b>1,234.18</b>         |
| <b>Totals</b>                  |              |   | <b>\$8,337.54</b>    | <b>\$44,353.91</b>     |                         |

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed

< **Business to Business ACH:** If this is a business account, this transaction has a return time frame of one business day from post date. This time frame does not apply to consumer accounts.

**Summary of checks written (checks listed are also displayed in the preceding Transaction history)**

| Number | Date  | Amount   | Number | Date  | Amount   | Number | Date  | Amount   |
|--------|-------|----------|--------|-------|----------|--------|-------|----------|
|        | 12/5  | 1,000.00 | 1143   | 12/7  | 3,000.00 | 1193 * | 12/6  | 2,225.00 |
|        | 12/22 | 100.00   | 1144   | 12/20 | 7,122.54 | 1195 " | 12/6  | 500.00   |
|        | 12/5  | 4,000.00 | 1174 " | 12/13 | 851.43   | 1196   | 12/8  | 1,505.57 |
| 1141   | 12/7  | 5,000.00 | 1175   | 12/18 | 163.18   | 1198 " | 12/27 | 4,958.07 |
| 1142   | 12/7  | 1,900.00 |        |       |          |        |       |          |

\* Gap in check sequence

**Monthly service fee summary**

For a complete list of fees and detailed account information, see the Wells Fargo Account Fee and Information Schedule and Account Agreement applicable to your account (EasyPay Card Terms and Conditions for prepaid cards) or talk to a banker. Go to wells Fargo.com/feefaq for a link to these documents, and answers to common monthly service fee questions



|  |                                      |                 |
|--|--------------------------------------|-----------------|
| Fee period 12/01/2017 - 12/31/2017                 | Standard monthly service fee \$10.00 | You paid \$0.00 |
| <b>How to avoid the monthly service fee</b>        | Minimum required                     | This fee period |
| Have any ONE of the following account requirements |                                      |                 |

1025412

Account number:  December 1, 2017 - December 31, 2017  Page 3 of 4



**Monthly service fee summary (continued)**

How to avoid the monthly service fee  
 • Average ledger balance

Minimum required: \$500.00  
 This fee period: \$12,833.00

The Monthly service fee summary fee period ending date shown above includes a Saturday, Sunday, or holiday which are non-business days.  
 Transactions occurring after the last business day of the month will be included in your next fee period.

**Account transaction fees summary**

| Service charge description   | Units used | Units included | Excess units | Service charge per excess units (\$) | Total service charge (\$) |
|------------------------------|------------|----------------|--------------|--------------------------------------|---------------------------|
| Cash Deposited (\$)          | 0          | 3,000          | 0            | 0.0030                               | 0.00                      |
| Transactions                 | 23         | 50             | 0            | 0.50                                 | 0.00                      |
| <b>Total service charges</b> |            |                |              |                                      | <b>\$0.00</b>             |



**IMPORTANT ACCOUNT INFORMATION**

If you currently receive online statements, starting in March, we will consider your statement delivered to you when it has been posted to wells Fargo.com. Your online account statement will be made available through Wells Fargo Online® Banking 24 - 48 hours after the end of your statement period. We will continue to notify you when your statement becomes available via the email address you provided. If you receive paper statements, we will continue to send your statements through U.S. Mail.

If you would like to change your delivery preference, sign on at wells Fargo.com or the Wells Fargo mobile app and go to Update Contact Information or call us at 1-800-956-4442, 24 hours a day, 7 days a week.

EODDKTD17 01 3302 NNNNNNNNNN NNN NNN 092 003 1 10 102543 206487742

Account number

December 1, 2017 - December 31, 2017 Page 4 of 4



General statement policies for Wells Fargo Bank

Noticer: Wells Fargo Bank, N.A. may furnish information about accounts belonging to individuals, including sole proprietorships, to consumer reporting agencies...

You must describe the specific information that is inaccurate or in dispute and the basis for any dispute with supporting documentation...

Account Balance Calculation Worksheet

- 1. Use the following worksheet to calculate your overall account balance.
2. Go through your register and mark each check, withdrawal, ATM transaction, payment deposit or other credit listed on your statement.
3. Use the chart to the right to list any deposits, transfers to your account outstanding checks, ATM withdrawals, ATM payments or any other withdrawals...

ENTER

A. The ending balance shown on your statement \$

ADD

B. Any deposits listed in your register or transfers into your account which are not shown on your statement \$
+ \$
TOTAL \$

CALCULATE THE SUBTOTAL (Add Parts A and B)

TOTAL \$

SUBTRACT

C. The total outstanding checks and withdrawals from the chart above \$

CALCULATE THE ENDING BALANCE (Part A + Part B - Part C)

This amount should be the same as the current balance shown in your check register \$

Table with 3 columns: Number, Items Outstanding, Amount. Includes a grid for data entry and a 'Total amount \$' label at the bottom right.

102544



**SECURED CLAIM AMORTIZATION CALCULATOR**



© 2007-2015 Vertex42 LLC

**JOHNS TRUCKING INC  
CHAPTER 11 CASE# 17-20954  
EXHIBIT 4**

Borrower: Johns Trucking, Inc  
910 N. 750 W  
Monroe, UT 84754

Lender: BMO Harris Bank, N.A.  
PO Box 71951  
Chicago, IL 60694

**Mortgage Information**

Loan Amount 162,961.35  
Annual Interest Rate 5.00%  
Term Length (in Years) 5  
First Payment Date 3/1/2018  
Compound Period Monthly  
Payment Frequency Monthly  
**Monthly Payment 3,075.28**

Home Value or Price 162,961.35  
Yearly Property Taxes -  
Yearly H.O. Insurance -  
Monthly PMI -  
**PITI Payment 3,075.28**

**Balance at a Specified Year**

Balance at Year ... 5  
Date 2/1/2023  
Interest Paid 21,555.59  
Principal Paid 162,961.35  
Outstanding Balance -

**Summary**

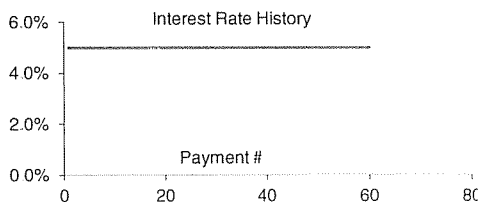
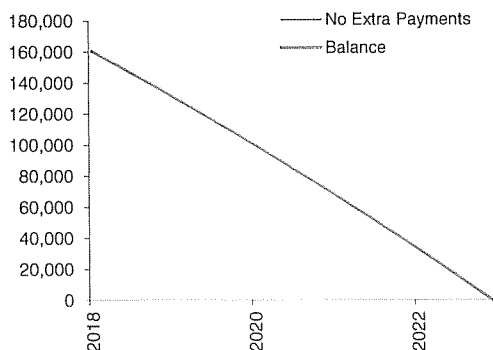
Years Until Paid Off 5  
Number of Payments 60  
Last Payment Date 2/1/2023  
Total Payments 184,516.94  
Total Interest 21,555.59

**Extra Payments**

Start at Payment No 1  
Extra Payment \$ -  
Payment Interval 1  
Extra Annual Payment \$ -  
Payment # (1-12) 1  
Total Extra Payments -  
**Interest Savings 0.00**

**Fixed-Rate or ARM**

**Variable or Fixed Rate** Fixed Rate  
Years Rate Remains Fixed 3  
Interest Rate Cap 12.00%  
Interest Rate Minimum 4.00%  
Periods Between Adjustments 12  
Estimated Adjustment 0.25%  
Highest Monthly Payment 3,075.47



**Payment Schedule**

| No. | Payment Date | Year | Interest Rate | Interest Due | Payment Due | Extra Payments | Additional Payment | Principal Paid | Balance      | Tax Returned | Cmlty Tax Returned |
|-----|--------------|------|---------------|--------------|-------------|----------------|--------------------|----------------|--------------|--------------|--------------------|
|     |              |      |               |              |             |                |                    |                | \$162,961.35 |              |                    |
| 1   | 3/1/2018     |      | 5.000%        | 679.01       | 3,075.28    | 0.00           |                    | 2,396.27       | 160,565.08   | 0.00         | 0.00               |
| 2   | 4/1/2018     |      | 5.000%        | 669.02       | 3,075.28    | 0.00           |                    | 2,406.26       | 158,158.82   | 0.00         | 0.00               |
| 3   | 5/1/2018     |      | 5.000%        | 659.00       | 3,075.28    | 0.00           |                    | 2,416.28       | 155,742.54   | 0.00         | 0.00               |
| 4   | 6/1/2018     |      | 5.000%        | 648.93       | 3,075.28    | 0.00           |                    | 2,426.35       | 153,316.19   | 0.00         | 0.00               |
| 5   | 7/1/2018     |      | 5.000%        | 638.82       | 3,075.28    | 0.00           |                    | 2,436.46       | 150,879.73   | 0.00         | 0.00               |
| 6   | 8/1/2018     |      | 5.000%        | 628.67       | 3,075.28    | 0.00           |                    | 2,446.61       | 148,433.12   | 0.00         | 0.00               |
| 7   | 9/1/2018     |      | 5.000%        | 618.47       | 3,075.28    | 0.00           |                    | 2,456.81       | 145,976.31   | 0.00         | 0.00               |
| 8   | 10/1/2018    |      | 5.000%        | 608.23       | 3,075.28    | 0.00           |                    | 2,467.05       | 143,509.26   | 0.00         | 0.00               |
| 9   | 11/1/2018    |      | 5.000%        | 597.96       | 3,075.28    | 0.00           |                    | 2,477.32       | 141,031.94   | 0.00         | 0.00               |
| 10  | 12/1/2018    |      | 5.000%        | 587.63       | 3,075.28    | 0.00           |                    | 2,487.65       | 138,544.29   | 0.00         | 0.00               |
| 11  | 1/1/2019     |      | 5.000%        | 577.27       | 3,075.28    | 0.00           |                    | 2,498.01       | 136,046.28   | 0.00         | 0.00               |
| 12  | 2/1/2019     | 1    | 5.000%        | 566.86       | 3,075.28    | 0.00           |                    | 2,508.42       | 133,537.86   | 0.00         | 0.00               |
| 13  | 3/1/2019     |      | 5.000%        | 556.41       | 3,075.28    | 0.00           |                    | 2,518.87       | 131,018.99   | 0.00         | 0.00               |
| 14  | 4/1/2019     |      | 5.000%        | 545.91       | 3,075.28    | 0.00           |                    | 2,529.37       | 128,489.62   | 0.00         | 0.00               |
| 15  | 5/1/2019     |      | 5.000%        | 535.37       | 3,075.28    | 0.00           |                    | 2,539.91       | 125,949.71   | 0.00         | 0.00               |

| No. | Payment Date | Year     | Interest Rate | Interest Due | Payment Due | Extra Payments | Additional Payment | Principal Paid | Balance    | Tax Returned | Cmltv Tax Returned |
|-----|--------------|----------|---------------|--------------|-------------|----------------|--------------------|----------------|------------|--------------|--------------------|
| 16  | 6/1/2019     |          | 5.000%        | 524.79       | 3,075.28    | 0.00           |                    | 2,550.49       | 123,399.22 | 0.00         | 0.00               |
| 17  | 7/1/2019     |          | 5.000%        | 514.16       | 3,075.28    | 0.00           |                    | 2,561.12       | 120,838.10 | 0.00         | 0.00               |
| 18  | 8/1/2019     |          | 5.000%        | 503.49       | 3,075.28    | 0.00           |                    | 2,571.79       | 118,266.31 | 0.00         | 0.00               |
| 19  | 9/1/2019     |          | 5.000%        | 492.78       | 3,075.28    | 0.00           |                    | 2,582.50       | 115,683.81 | 0.00         | 0.00               |
| 20  | 10/1/2019    |          | 5.000%        | 482.02       | 3,075.28    | 0.00           |                    | 2,593.26       | 113,090.55 | 0.00         | 0.00               |
| 21  | 11/1/2019    |          | 5.000%        | 471.21       | 3,075.28    | 0.00           |                    | 2,604.07       | 110,486.48 | 0.00         | 0.00               |
| 22  | 12/1/2019    |          | 5.000%        | 460.36       | 3,075.28    | 0.00           |                    | 2,614.92       | 107,871.56 | 0.00         | 0.00               |
| 23  | 1/1/2020     |          | 5.000%        | 449.46       | 3,075.28    | 0.00           |                    | 2,625.82       | 105,245.74 | 0.00         | 0.00               |
| 24  | 2/1/2020     | <b>2</b> | 5.000%        | 438.52       | 3,075.28    | 0.00           |                    | 2,636.76       | 102,608.98 | 0.00         | 0.00               |
| 25  | 3/1/2020     |          | 5.000%        | 427.54       | 3,075.28    | 0.00           |                    | 2,647.74       | 99,961.24  | 0.00         | 0.00               |
| 26  | 4/1/2020     |          | 5.000%        | 416.51       | 3,075.28    | 0.00           |                    | 2,658.77       | 97,302.47  | 0.00         | 0.00               |
| 27  | 5/1/2020     |          | 5.000%        | 405.43       | 3,075.28    | 0.00           |                    | 2,669.85       | 94,632.62  | 0.00         | 0.00               |
| 28  | 6/1/2020     |          | 5.000%        | 394.30       | 3,075.28    | 0.00           |                    | 2,680.98       | 91,951.64  | 0.00         | 0.00               |
| 29  | 7/1/2020     |          | 5.000%        | 383.13       | 3,075.28    | 0.00           |                    | 2,692.15       | 89,259.49  | 0.00         | 0.00               |
| 30  | 8/1/2020     |          | 5.000%        | 371.91       | 3,075.28    | 0.00           |                    | 2,703.37       | 86,556.12  | 0.00         | 0.00               |
| 31  | 9/1/2020     |          | 5.000%        | 360.65       | 3,075.28    | 0.00           |                    | 2,714.63       | 83,841.49  | 0.00         | 0.00               |
| 32  | 10/1/2020    |          | 5.000%        | 349.34       | 3,075.28    | 0.00           |                    | 2,725.94       | 81,115.55  | 0.00         | 0.00               |
| 33  | 11/1/2020    |          | 5.000%        | 337.98       | 3,075.28    | 0.00           |                    | 2,737.30       | 78,378.25  | 0.00         | 0.00               |
| 34  | 12/1/2020    |          | 5.000%        | 326.58       | 3,075.28    | 0.00           |                    | 2,748.70       | 75,629.55  | 0.00         | 0.00               |
| 35  | 1/1/2021     |          | 5.000%        | 315.12       | 3,075.28    | 0.00           |                    | 2,760.16       | 72,869.39  | 0.00         | 0.00               |
| 36  | 2/1/2021     | <b>3</b> | 5.000%        | 303.62       | 3,075.28    | 0.00           |                    | 2,771.66       | 70,097.73  | 0.00         | 0.00               |
| 37  | 3/1/2021     |          | 5.000%        | 292.07       | 3,075.28    | 0.00           |                    | 2,783.21       | 67,314.52  | 0.00         | 0.00               |
| 38  | 4/1/2021     |          | 5.000%        | 280.48       | 3,075.28    | 0.00           |                    | 2,794.80       | 64,519.72  | 0.00         | 0.00               |
| 39  | 5/1/2021     |          | 5.000%        | 268.83       | 3,075.28    | 0.00           |                    | 2,806.45       | 61,713.27  | 0.00         | 0.00               |
| 40  | 6/1/2021     |          | 5.000%        | 257.14       | 3,075.28    | 0.00           |                    | 2,818.14       | 58,895.13  | 0.00         | 0.00               |
| 41  | 7/1/2021     |          | 5.000%        | 245.40       | 3,075.28    | 0.00           |                    | 2,829.88       | 56,065.25  | 0.00         | 0.00               |
| 42  | 8/1/2021     |          | 5.000%        | 233.61       | 3,075.28    | 0.00           |                    | 2,841.67       | 53,223.58  | 0.00         | 0.00               |
| 43  | 9/1/2021     |          | 5.000%        | 221.76       | 3,075.28    | 0.00           |                    | 2,853.52       | 50,370.06  | 0.00         | 0.00               |
| 44  | 10/1/2021    |          | 5.000%        | 209.88       | 3,075.28    | 0.00           |                    | 2,865.40       | 47,504.66  | 0.00         | 0.00               |
| 45  | 11/1/2021    |          | 5.000%        | 197.94       | 3,075.28    | 0.00           |                    | 2,877.34       | 44,627.32  | 0.00         | 0.00               |
| 46  | 12/1/2021    |          | 5.000%        | 185.95       | 3,075.28    | 0.00           |                    | 2,889.33       | 41,737.99  | 0.00         | 0.00               |
| 47  | 1/1/2022     |          | 5.000%        | 173.91       | 3,075.28    | 0.00           |                    | 2,901.37       | 38,836.62  | 0.00         | 0.00               |
| 48  | 2/1/2022     | <b>4</b> | 5.000%        | 161.82       | 3,075.28    | 0.00           |                    | 2,913.46       | 35,923.16  | 0.00         | 0.00               |
| 49  | 3/1/2022     |          | 5.000%        | 149.68       | 3,075.28    | 0.00           |                    | 2,925.60       | 32,997.56  | 0.00         | 0.00               |
| 50  | 4/1/2022     |          | 5.000%        | 137.49       | 3,075.28    | 0.00           |                    | 2,937.79       | 30,059.77  | 0.00         | 0.00               |
| 51  | 5/1/2022     |          | 5.000%        | 125.25       | 3,075.28    | 0.00           |                    | 2,950.03       | 27,109.74  | 0.00         | 0.00               |
| 52  | 6/1/2022     |          | 5.000%        | 112.96       | 3,075.28    | 0.00           |                    | 2,962.32       | 24,147.42  | 0.00         | 0.00               |
| 53  | 7/1/2022     |          | 5.000%        | 100.61       | 3,075.28    | 0.00           |                    | 2,974.67       | 21,172.75  | 0.00         | 0.00               |
| 54  | 8/1/2022     |          | 5.000%        | 88.22        | 3,075.28    | 0.00           |                    | 2,987.06       | 18,185.69  | 0.00         | 0.00               |
| 55  | 9/1/2022     |          | 5.000%        | 75.77        | 3,075.28    | 0.00           |                    | 2,999.51       | 15,186.18  | 0.00         | 0.00               |
| 56  | 10/1/2022    |          | 5.000%        | 63.28        | 3,075.28    | 0.00           |                    | 3,012.00       | 12,174.18  | 0.00         | 0.00               |
| 57  | 11/1/2022    |          | 5.000%        | 50.73        | 3,075.28    | 0.00           |                    | 3,024.55       | 9,149.63   | 0.00         | 0.00               |
| 58  | 12/1/2022    |          | 5.000%        | 38.12        | 3,075.28    | 0.00           |                    | 3,037.16       | 6,112.47   | 0.00         | 0.00               |
| 59  | 1/1/2023     |          | 5.000%        | 25.47        | 3,075.28    | 0.00           |                    | 3,049.81       | 3,062.66   | 0.00         | 0.00               |
| 60  | 2/1/2023     | <b>5</b> | 5.000%        | 12.76        | 3,075.42    | 0.00           |                    | 3,062.66       | 0.00       | 0.00         | 0.00               |

JOHNS TRUCKING INC  
 PROJECTED CASH FLOW FOR 2017 - 2020  
 CHAPTER 11 CASE #17-20954  
 EXHIBIT 5

|  | ACTUAL<br>Feb-17 | ACTUAL<br>Mar-17 | ACTUAL<br>Apr-17 | ACTUAL<br>May-17 | ACTUAL<br>Jun-17 | ACTUAL<br>Jul-17 | ACTUAL<br>Aug-17 |
|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <u>Beginning Balance</u>   | 41,200.71        | 18,937.37        | 11,475.48        | 28,627.46        | 9,471.06         | 4,860.09         | 11,080.33        |
| <u>Income</u>  | 2,338.73         | 34,211.02        | 53,881.82        | 6,741.68         | 21,087.53        | 19,758.82        | 30,846.95        |
| <u>Business Expenses</u>   | -24,602.07       | -41,672.91       | -36,729.84       | -25,898.08       | -25,698.50       | -13,538.58       | -18,776.46       |
| <u>Net Income</u>  |                  |                  |                  |                  |                  |                  |                  |
| <u>Total Expenses</u>  |                  |                  |                  |                  |                  |                  |                  |
| <u>Bankruptcy Expenses and Payments</u>  |                  |                  |                  |                  |                  |                  |                  |
| Quarterly Trustees Fees  | 0.00             | 0.00             | -650.00          | 0.00             | 0.00             | -650.00          | 0.00             |
| Funds Available for Priority and Unsecured Creditors & Administrative Expenses | 18,937.37        | 11,475.48        | 28,627.46        | 9,471.06         | 4,860.09         | 11,080.33        | 23,150.82        |



JOHNS TRUCKING INC  
 PROJECTED CASH FLOW FOR 2017 - 2020  
 CHAPTER 11 CASE #17-20954  
 EXHIBIT 5

|  | ACTUAL<br>Sep-17 | Actual<br>Oct-17 | Actual<br>Nov-17 | Actual<br>Dec-17 | 2017<br>TOTALS | 2018<br>TOTALS |
|--|------------------|------------------|------------------|------------------|----------------|----------------|
| <u>Beginning Balance</u>   | 23,150.82        | 15,731.68        | 14,959.05        | 37,250.55        | 41,200.71      | 1,234.20       |
| <u>Income</u>  |                  |                  |                  |                  |                |                |
| Net Income   | 76,559.90        | 26,165.45        | 47,499.41        | 8,337.54         | 327,428.85     | 392,914.62     |
| <u>Business Expenses</u>   |                  |                  |                  |                  |                |                |
| Total Expenses   | -83,979.04       | -26,938.06       | -25,207.91       | -44,353.91       | -367,395.36    | -367,395.36    |
| <u>Bankruptcy Expenses and Payments</u>  |                  |                  |                  |                  |                |                |
| Quarterly Trustees Fees  | 0.00             | -650.00          | 0.00             | 0.00             | -1,950.00      | -2,600.00      |
| Funds Available for Priority and Unsecured Creditors & Administrative Expenses | 15,731.68        | 14,959.07        | 37,250.55        | 1,234.18         | 1,234.20       | 26,753.46      |

JOHNS TRUCKING INC  
 PROJECTED CASH FLOW FOR 2017 - 2020  
 CHAPTER 11 CASE #17-20954  
 EXHIBIT 5

|  | 2019<br>TOTALS | 2020<br>TOTALS |
|--|----------------|----------------|
| <u>Beginning Balance</u>   | 26,753.46      | 52,272.72      |
| <u>Income</u>  |                |                |
| Net Income   | 392,914.62     | 392,914.62     |
| <u>Business Expenses</u>   | -              | -              |
| Total Expenses   | -367,395.36    | -367,395.36    |
| <u>Bankruptcy Expenses and Payments</u>  |                |                |
| Quarterly Trustees Fees  | -2,600.00      | -2,600.00      |
| Funds Available for Priority and Unsecured Creditors & Administrative Expenses | 52,272.72      | 77,791.98      |

**JOHNS TRUCKING INC**  
**CHAPTER 7 - LIQUIDATION ANALYSIS**  
**CHAPTER 11 CASE #17-20954**  
**EXHIBIT 6**

| ASSET                                   | LIQUIDATION<br>VALUE | LIENHOLDER | LIEN<br>AMOUNT | NET                 |
|---|----------------------|------------|----------------|---------------------|
| <b>Schedule A -- Real Property:</b>     |                      |            |                |                     |
| None                                    | \$ -                 |            |                |                     |
|   | \$ -                 |            |                |                     |
| <b>Schedule B -- Personal Property:</b> |                      |            |                |                     |
| Checking and Savings Accounts           | \$ 1,234.18          |            | -              | \$ 1,234.18         |
| Accounts Receivable                     | \$ 10,035.23         |            | -              | \$ 10,035.23        |
| Office Furniture and Equipment          | \$ 470.00            |            | -              | \$ 470.00           |
| 2013 Peterbilt Tractor Truck #389       | \$ 47,076.03         | BMO        | 47,076.03      | -                   |
| 2013 Peterbilt Tractor Truck #386       | \$ 41,497.42         | BMO        | 41,497.42      | -                   |
| 2001 and 2006 Beall Trailers            | \$ 25,920.65         | BMO        | 25,920.65      | -                   |
| 2006 Beall Trailers (2)                 | \$ 50,642.25         | BMO        | 50,642.25      | -                   |
| Other Equipment and Vehicles            | \$ 105,910.87        | SBSU       | 105,910.87     | -                   |
|   | <b>\$ 206,223.73</b> |            |                | <b>\$ 11,269.41</b> |

**Total Assets:**

**CHAPTER 7 ADMINISTRATIVE CLAIMS:**

|                                 |                     |
|---------------------------------|---------------------|
| <b>Professionals:</b>           | \$ -                |
| Trustee Compensation            | \$ 14,776.00        |
| Attorney for Trustee Fees/Costs | \$ 10,000.00        |
| Auctioneer for Trustee          | \$ 20,499.00        |
| <b>Total:</b>                   | <b>\$ 45,275.00</b> |

**CHAPTER 11 ADMINISTRATIVE CLAIMS:**

|                                 |                     |
|---------------------------------|---------------------|
| <b>Professionals:</b>           | \$ 50,000.00        |
| Attorney Fees/Costs (Estimated) | \$ 50,000.00        |
| <b>Total:</b>                   | <b>\$ 50,000.00</b> |

**Post-Petition Liabilities:**

|              |             |
|--------------|-------------|
| <b>Total</b> | <b>0.00</b> |
|--------------|-------------|

JOHNS TRUCKING INC  
 CHAPTER 7 - LIQUIDATION ANALYSIS  
 CHAPTER 11 CASE #17-20954  
 EXHIBIT 6

| ASSET                                       | LIQUIDATION VALUE | LIENHOLDER | LIEN AMOUNT | NET            |
|---|-------------------|------------|-------------|----------------|
| Total Chapter 7 & 11 Administrative Claims: | \$ 95,275.00      |            |             | \$ 95,275.00   |
| Priority Creditors:                         |                   |            |             |                |
| IRS   | 0.10              |            |             | 0.10           |
| Unsecured Creditors with Allowed Claims:    |                   |            |             |                |
| See Exhibit 2                               | \$ 344,703.00     |            |             |                |
| Total                                       | \$ 344,703.00     |            |             | \$ (84,005.69) |
| DIVIDEND                                    | 0%                |            |             |                |