

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:

**JEFFERSON COUNTY, ALABAMA
a political subdivision of the State of
Alabama,**

Debtor.

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)
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Case No. 11-05736-TBB

Chapter 9

**OBJECTION TO PROPOSED CURE PAYMENT BY
P.F. MOON AND COMPANY, INC.**

P.F. Moon and Company, Inc. (P.F. Moon), 2207 Highway 103, West Point, GA 31833, objects to the proposed Cure Payment of \$38,103.89 listed in Document 2101-4 at page 4 of 8. P.F. Moon has completed performance of its contract with Debtor. The basis for P.F. Moon's objection is that the proposed Cure Payment does not accurately reflect the final amount due under P.F. Moon's contract with Debtor which is \$42,609.68. The following is a correct accounting of the final amount due P.F. Moon.

Original Contract Amount	\$ 7,785,000.00
Pending Deductive Change Order	(35,494.20)
Final Contract Amount	7,749,505.80
Total Paid to Date	<u>7,706,896.12</u>
Balance Due P.F. Moon	\$ 42,609.68

In support of its objection, P.F. Moon submits the attached affidavit of Jerry Eubanks.

Dated: October 17, 2013.

Respectfully submitted,

P.F. Moon and Company, Inc.



Keith Steen
COO

2207 Highway 103
West Point, GA 31833



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**IN THE UNITED STATES BANKRUPTCY COURT
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JEFFERSON COUNTY, ALABAMA)	Case No. 11-05736-TBB
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Alabama,)	Chapter 9
)	
Debtor.)	

AFFIDAVIT OF JERRY EUBANKS

Personally appeared before the Undersigned Officer, duly authorized to administer oaths, Jerry Eubanks, who, after being duly sworn, testified and stated as follows:

1. My name is Jerry Eubanks. I am over the age of 21 and otherwise competent to give this Affidavit.
2. I am an employee of P.F. Moon and Co., Inc. (P.F. Moon) and the Project Manager of P.F. Moon's contract with Jefferson County, Alabama, for the Valley Creek Waste Water Treatment Facility. I have personal knowledge of the matters stated herein.
3. The following is a correct accounting of the final amount due P.F. Moon on P.F. Moon's contract with Jefferson County, Alabama, for the Valley Creek Waste Water Treatment Facility.

Original Contract Amount	\$ 7,785,000.00
Pending Deductive Change Order	(35,494.20)
Final Contract Amount	7,749,505.80
Total Paid to Date	<u>7,706,896.12</u>
Balance Due P.F. Moon	\$ 42,609.68

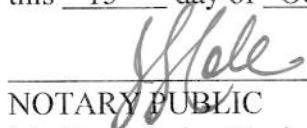
4. A true and correct copy of P.F. Moon's last billing to Jefferson County is attached hereto as Ex. A.

FURTHER AFFIANT SAYETH NOT



Jerry Eubanks

Sworn to and subscribed before me
this 15th day of October, 2013.



NOTARY PUBLIC
My Commission Expires: _____ My Commission Expires September 11, 2015.

P.F. Moon and Company, Inc.
P.O. Box 346
2207 Highway 103
West Point, GA 31833
Phone (706) 643-1524
Fax (706) 645-1511

Monthly Payment Request

Invoice No. 1102-024
Purchase Order No. 9000003234
Vendor No. 1005990
Date: 06/25/13
Request No. 24
Period: 05/25/13 thru 06/25/13

Project: Valley Creek WWTP Improvements
Phase VIII

Project Location: 3923 Clearwater Drive
Bessemer, AL 35023

Engineer: Gary L. Owen and Associates, Inc.
510 Emery Drive West
Trace Crossings
Hoover, AL 35244

Owner: ESD Project Engineer Tonya Kelley
Jefferson County, AL
Jefferson County Courthouse
Birmingham, AL 35203

Original Contract Amount	\$7,785,000.00
Net Change Orders	\$0.00
Current Contract Amount	\$7,785,000.00

Original Contract Completed To Date	\$7,285,316.80
Change Order Work Completed To Date	\$461,579.32
Stored Materials	\$0.00
Total Completed + Stored Materials	\$7,746,896.12
Less Retainage	(\$40,000.00)
Total Completed and Stored to Date Less Retainage	\$7,706,896.12
Less Previous Payments	(\$7,551,121.12)
Total Amount Due This Period	\$155,775.00

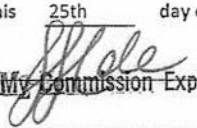
The undersigned Contractor certifies that to the best of his knowledge, information, and belief the work covered by this application for payment has been completed in accordance with the contract documents, that all amounts have been paid by him for work for which previous certificates for payment were issued and payments received from the Owner, and that the current payment shown herein is now due.

Contractor: P.F. Moon and Company, Inc.

By: 

Date: 06/25/13

Subscribed and sworn to me this 25th day of June, 2013.

Notary Public: 

My Commission Expires September 11, 2015.

My Commission Expires: _____

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information, and belief the work has progressed as indicated, the quality of the work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the amount certified.

Engineer: Gary L. Owen and Associates, Inc.

By: 

Date: 7/3/13

This certificate is not negotiable. It is payable to the payee named herein and its issuance, payment, and acceptance are without prejudice to any rights of the Owner or Contractor under their contract.

CERTIFICATE OF SERVICE

I certify that on October 17, 2013, I served a copy of the foregoing Objection To Proposed Cure Payment By P.F. Moon And Company, Inc. on counsel for Jefferson County, Alabama by email to the email addresses shown below and to all parties on the Master Service List dated October 15, 2013 (Doc. 2148) by email or regular mail as indicated on the list.

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