Fill in this information to identify the case:

Debtor Ascend Elements, Inc.

United States Bankruptcy Court for the: Southern District of Texas (State)

Case number 26-90440

Modified Official Form 410
Proof of Claim

04/25

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) **that you received.**

Part 1: Identify the Claim

1. **Who is the current creditor?**

C.H. GARMONG AND SON, INC.

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

2. **Has this claim been acquired from someone else?**

☑ No

☐ Yes. From whom?

3. **Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?	**Where should payments to the creditor be sent?** (if different)
C.H. GARMONG AND SON, INC. Tony Fehrenbacher 20 N.W. First Street, Suite 200 Evansville, IN 47708	
Contact phone 812-425-5200	Contact phone
Contact email See summary page	Contact email

Uniform claim identifier (if you use one):

4. **Does this claim amend one already filed?**

☑ No

☐ Yes. Claim number on court claims registry (if known) Filed on MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**

☑ No

☐ Yes. Who made the earlier filing?

26904402606231243420000022

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?**

☑ No

☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ___ ___ ___ ___

7. **How much is the claim?** $ 1,045,364.99 . **Does this amount include interest or other charges?**

☑ No

☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?**

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.

Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as health care information.

Improvements to real property

9. **Is all or part of the claim secured?**

☐ No

☑ Yes. The claim is secured by a lien on property.

Nature or property:

☑ Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

☐ Motor vehicle

☐ Other. Describe: Real property or proceeds from sale of same

Basis for perfection: Mechanics lien

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: $_____

Amount of the claim that is secured: $1,045,364.99

Amount of the claim that is unsecured: $_____ (The sum of the secured and unsecured amount should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: $_____

Annual Interest Rate (when case was filed)_____%

☐ Fixed

☐ Variable

10. **Is this claim based on a lease?**

☑ No

☐ Yes. **Amount necessary to cure any default as of the date of the petition.** $_____

11. **Is this claim subject to a right of setoff?**

☑ No

☐ Yes. Identify the property: _____

26904402606231243420000022

12. **Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☑ No

☐ Yes. *Check all that apply:*

	Amount entitled to priority
☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	$_____
☐ Up to $3,800* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	$_____
☐ Wages, salaries, or commissions (up to $17,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	$_____
☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	$_____
☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	$_____
☐ Other. Specify subsection of 11 U.S.C. § 507(a)(__) that applies.	$_____

* Amounts are subject to adjustment on 4/01/28 and every 3 years after that for cases begun on or after the date of adjustment.

13. **Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?**

☑ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

$_____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(3) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☑ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07/20/2026
MM / DD / YYYY

/s/Tony Fehrenbacher
Signature

Print the name of the person who is completing and signing this claim:

Name: Tony Fehrenbacher
First name Middle name Last name

Title: Attorney for Claimant

Company: Manion Stigger, LLP
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Contact phone _____ Email _____

2690440260623124342000022

Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 927-7078 | International (310) 751-2651

Debtor:
26-90440 - Ascend Elements, Inc.
District:
Southern District of Texas, Houston Division

Creditor:
C.H. GARMONG AND SON, INC.
Tony Fehrenbacher
20 N.W. First Street, Suite 200

Evansville, IN, 47708

Phone:
812-425-5200
Phone 2:

Fax:

Email:
tfehrenbacher@manionstigger.com

Has Supporting Documentation:
Yes, supporting documentation successfully uploaded
Related Document Statement:

Has Related Claim:
No
Related Claim Filed By:

Filing Party:
Authorized agent

Other Names Used with Debtor:

Amends Claim:
No
Acquired Claim:
No

Basis of Claim:
Improvements to real property

Last 4 Digits:
No

Uniform Claim Identifier:

Total Amount of Claim:
1,045,364.99

Includes Interest or Charges:
No

Has Priority Claim:
No

Priority Under:

Has Secured Claim:
Yes: 1,045,364.99
Amount of 503(b)(9):
No
Based on Lease:
No
Subject to Right of Setoff:
No

Nature of Secured Amount:
Real Estate
Describe: Real property or proceeds from sale of same
Value of Property:

Annual Interest Rate:

Arrearage Amount:

Basis for Perfection:
Mechanics lien
Amount Unsecured:

Submitted By:
Tony Fehrenbacher on 20-Jul-2026 2:31:05 p.m. Pacific Time
Title:
Attorney for Claimant
Company:
Manion Stigger, LLP

VN: 6E45CD00F232D1147F393E7C00E2127E

Manion | Stigger LLP
A CONSTRUCTION LAW FIRM

A.J. Manion
Attorney at Law

20 N.W. First Street, Suite 200
Evansville, Indiana 47708
Office: 812.425.5200
Fax: 812.425.2464
Cell: 812.459.1612
ajmanion@manionstigger.com
www.manionstigger.com

January 15, 2025

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ascend Elements, Inc.
133 Flanders Road
Westborough, Massachusetts 01581

Ascend Elements, Inc.
c/o Cogency Global Inc., Registered Agent
828 Lane Allen Road, Suite 219
Lexington, Kentucky 40504

Re: Notice of Filing Statement of Mechanics' and Materialmen's Lien
Property: Ascend Elements Apex 1
Owner: Ascend Elements, Inc.
Lien Claimant: C.H. Garmong & Son, Inc.

Dear Sir or Madam:

Please be advised that this firm represents C.H. Garmong & Son, Inc. ("Garmong") regarding work it performed for Turner-Kokosing Joint Venture for the real property known as Ascend Elements Apex 1 located at or near 6505 John Rivers Road, Hopkinsville, Christian County, Kentucky 42240 a/k/a 6505 John Rivers Road, Pembroke, Christian County, Kentucky 42266 (the "Project"). On January 15, 2025, Garmong recorded its *Mechanics' and Materialmen's Lien Statement* with the Christian County Clerk as security for the payment of $1,264,027.54 due and owing to Garmong for its work on the Project, which is recorded in Book 7 at Pages 737-742, Document # 10060858, in the Office of the Christian County Clerk. A copy of the recorded *Statement* is enclosed.

Respectfully,
MANION STIGGER LLP

A.J. Manion

Enclosure

cc: Lance Gassert

Filed: 01/15/2025 01:35:56 PM
BK 7 PG 737 - 742 (6) DOC# 10060858
Melinda A. Humphries, County Clerk
Christian County, KY
Received By: Y. WICKHAM
Transfer Tax Paid: $0.00

MECHANICS' AND MATERIALMAN'S LIEN STATEMENT
Kentucky Revised Statutes § 376.080, *et seq.*

OWNER OF REAL PROPERTY AND PROJECT:	Ascend Elements, Inc. 133 Flanders Road Westborough, Massachusetts 01581 Ascend Elements, Inc. c/o Cogency Global Inc., Registered Agent 828 Lane Allen Road, Suite 219 Lexington, Kentucky 40504
LIEN CLAIMANT:	C.H. Garmong & Son, Inc. 3050 Poplar Street Terre Haute, Indiana 47803
LIEN CLAIMANT'S AGENT FOR SERVICE OF PROCESS:	AJ Manion 500 West Jefferson Street, Suite 1610 Louisville, Kentucky 40202
REAL PROPERTY SUBJECT TO LIEN:	Ascend Elements Apex 1 6505 John Rivers Road Hopkinsville, Kentucky 42240 a/k/a Ascend Elements Apex 1 6505 John Rivers Road Pembroke, Kentucky 42266 as described in **Exhibit A**
AMOUNT CLAIMED:	One Million, Two Hundred Sixty-Four Thousand, Twenty-Seven Dollars and Fifty-Four Cents ($1,264,027.54), plus the cost of filing the statement with the Clerk of Christian County and interest.

Affiant, Lance Gassert, states that he is the Chief Operating Officer of C.H. Garmong & Son Inc. ("Claimant"), and that he is authorized to make and file this Statement of Mechanics' and Materialmen's Lien on behalf of Claimant.

Claimant's principal place of business located at 3050 Poplar Street, Terre Haute, Indiana 47803, and pursuant to a construction contract with Turner-Kokosing Joint Venture, furnished certain services, labor, materials and supervision (the "Work") for the construction of improvements of real property located at or near 6505 John Rivers Road, Hopkinsville, Christian County, Kentucky 42240 a/k/a 6505 John Rivers Road, Pembroke, Christian

County, Kentucky 42266, and more particularly described in **Exhibit A** attached hereto, made part hereof, and incorporated herein by reference, owned by Ascend Elements, Inc.

There is presently due and owing to Claimant for the Work the sum of One Million, Two Hundred Sixty-Four Thousand, Twenty-Seven Dollars and Fifty-Four Cents ($1,264,027.54), after deducting all just credits and set-offs known to Claimant. Claimant last furnished materials and labor for the improvement of the subject property on November 4, 2024.

Claimant hereby states its assertion of a lien on all of the rights, title and interest of Ascend Elements, Inc. in and to the above-described real estate and the improvements thereon, to secure to Claimant payment for the Work in the sum of One Million, Two Hundred Sixty-Four Thousand, Twenty-Seven Dollars and Fifty-Four Cents ($1,264,027.54), plus interest and the cost of filing the statement with the Clerk of Christian County, Kentucky.

Subscribed and sworn to by:

LAH

Lance Gassert, COO of C.H. Garmong & Son Inc.

STATE OF INDIANA)
) ss.
COUNTY OF VIGO)

Subscribed and sworn to before me by Affiant, Lance Gassert, COO, for and on behalf of C.H. Garmong & Son Inc., on this the 14th day of January 2025.

My Commission Expires: 7-11-2031

Notary Public, State at Large, Indiana

THIS DOCUMENT PREPARED BY:

A.J. Manion
Manion Stigger, LLP
20 N.W. First Street, Suite 200
Evansville, Indiana 47708
(812) 425-5200

NOTARY PUBLIC SEAL INDIANA
LORI S. WEBSTER
Notary Public State of Indiana
Clay County
Commission Number NP0750079
My Commission Expires
July 11, 2031

Documentary Tax Paid: $5,798.00
Doc No: 10038903 DocType: DEED
Recorded: 11/18/2022 04:14:14 PM

Christian County Kentucky By: K.COLEMAN
Michael A. Kem, Clerk
BK 797 PG 420 - 423 (4)

GENERAL WARRANTY DEED

This **GENERAL WARRANTY DEED** is made and entered into this 16th day of November, 2022, by and between **HOPKINSVILLE INDUSTRIAL FOUNDATION, INC.**, a Kentucky non-profit corporation having a mailing address of 2800 Fort Campbell Boulevard, Hopkinsville, Kentucky 42240 ("**Grantor**") and **ASCEND ELEMENTS, INC.**, a Delaware corporation, having a mailing address of 133 Flanders Road, Westborough, Massachusetts 01581 ("**Grantee**"). Pursuant to KRS 382.135, the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent is: 133 Flanders Road, Westborough, Massachusetts 01581.

W-I-T-N-E-S-S-E-T-H:

For a total consideration of Five Million Seven Hundred Ninety-Eight Thousand and No/100 Dollars ($5,798,000.00), the receipt and sufficiency of which is hereby acknowledged, Grantor has bargained and sold and does hereby grant, bargain, sell, transfer, and convey all of its right, title, and interest unto Grantee, in fee simple, with covenant of GENERAL WARRANTY, its successors and assigns, forever, the following tracts or parcels of land located in Christian County, Kentucky, being more particularly described on **EXHIBIT A** attached hereto and made a part hereof together with all applicable appurtenances thereto (the "**Property**").

Grantor covenants (a) lawful seisin of the Property (b) full right and power to convey same, and (c) that the Property is free and clear of all liens and encumbrances by or in favor of any party claiming by, through or under Grantor except liens for real property taxes and assessments due and payable in 2022 and thereafter, which Grantee assumes and agrees to pay. This conveyance is made subject to all (i) easements, restrictions and stipulations of record, and (ii) governmental laws, ordinances and regulations affecting the Property.

For purposes of KRS 382.135, Grantor and Grantee certify that the consideration set forth above is the full consideration paid for the Property. Grantee joins in the execution of this Deed for the purpose of certifying the amount of the consideration of the Property.

[signatures on next page]

Delivered to Cobb Hoffman Wilkes

EXHIBIT A

IN WITNESS WHEREOF, Grantor and Grantee executed this General Warranty Deed as of the date first set forth above.

GRANTOR:

HOPKINSVILLE INDUSTRIAL FOUNDATION, INC.,
a Kentucky non-profit corporation

By: _____
John B. Crenshaw, President

By: _____
J Calvin Givens, Secretary

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF CHRISTIAN)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 16, 2022, by John B. Crenshaw as President of Hopkinsville Industrial Foundation, Inc., a Kentucky non-profit corporation, on behalf of said corporation.

_____
Notary Public
My Commission Expires: 10/22/2024
Notary ID: KYNP 15712

DAVID L. COTTHOFF
ID NO. KYNP15712
NOTARY PUBLIC-NOTARY SEAL
STATE AT LARGE, KENTUCKY

MY COMMISSION EXPIRES 10-22-2024

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF CHRISTIAN)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 16, 2022 by J. Calvin Givens, Secretary of Hopkinsville Industrial Foundation, Inc., a Kentucky non-profit corporation, on behalf of said corporation.

_____
Notary Public
My Commission Expires: 10/22/2024
Notary ID: KYNP 15712

DAVID L. COTTHOFF
ID NO. KYNP15712
NOTARY PUBLIC-NOTARY SEAL
STATE AT LARGE, KENTUCKY

MY COMMISSION EXPIRES 10-22-2024

GRANTEE:

ASCEND ELEMENTS, INC.,
a Delaware corporation

By: _____
Andrew Aberdale, Chief Financial Officer

STATE OF Massachusetts)
)
COUNTY OF Worcester)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 15, 2022, by Andrew Aberdale, as Chief Financial Officer of Ascend Elements, Inc, a Delaware corporation, on behalf of said corporation.

_____
Notary Public
My Commission Expires: 9/7/2029 Sept 7 2029
Notary ID: _____

COURTNEY ANN FRANK
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
September 07, 2029

THIS INSTRUMENT PREPARED BY:

_____
Stephen Mercer, Esq.
FROST BROWN TODD LLC
400 West Market Street, Suite 3200
Louisville, Kentucky 40202
Telephone: 502.779.8402
Facsimile: 502.581.1087

EXHIBIT A

Legal Description

Parcel I:

Lot 1 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Parcel II:

Lot 2 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Each parcel being a portion of the property acquired by Grantor pursuant to (a) that Deed, dated November 16, 2022 and recorded at Deed Book 797 Page 308 in the Christian County, Kentucky Clerk's Office and (b) that Deed, dated January 24, 2022, recorded at Deed Book 786, Page 334 in the Christian County, Kentucky Clerk's Office.

CERTIFIED MAIL

Manion | Stigger LLP
A CONSTRUCTION LAW FIRM

500 West Jefferson Street, Suite 1610
Louisville, Kentucky 40202

9589 0710 5270 2409 8159 16

FP US POSTAGE
$009.92⁰
First-Class - IMI
ZIP 40202
01/16/2025
034B 0081831689

Ascend Elements, Inc.
c/o Cogency Global Inc., Registered Agent
828 Lane Allen Road, Suite 219
Lexington, Kentucky 40504

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ascend Elements, Inc.
c/o Cogency Global Inc., Registered Agent
828 Lane Allen Road, Suite 219
Lexington, Kentucky 40504

9590 9402 9149 4225 4819 33

2. Article Number *(Transfer from service label)*

9589 0710 5270 2409 8159 16

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ascend Elements, Inc.
c/o Cogency Global Inc., Registered Agent
828 Lane Allen Road, Suite 219
Lexington, Kentucky 40504

9590 9402 9149 4225 4819 33

2. Article Number *(Transfer from service label)*

9589 0710 5270 2409 8159 16

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)* D. OSBORNE

C. Date of Delivery 1-21-25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

CERTIFIED MAIL

Manion | Stigger LLP
A CONSTRUCTION LAW FIRM

500 West Jefferson Street, Suite 1610
Louisville, Kentucky 40202

9589 0710 5270 2409 8159 09

US POSTAGE
$009.92
First-Class - IMI
ZIP 40202
01/16/2025
0348 0081831689

Ascend Elements, Inc.
133 Flanders Road
Westborough, Massachusetts 01581

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ascend Elements, Inc.
133 Flanders Road
Westborough, Massachusetts 01581

9590 9402 9149 4225 4819 26

2. Article Number *(Transfer from service label)*

9589 0710 5270 2409 8159 09

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

Manion | Stigger LLP
A CONSTRUCTION LAW FIRM

500 West Jefferson Street, Suite 1610
Louisville, Kentucky 40202

FP US POSTAGE
$000.97⁰
First-Class - IMI
ZIP 40202
01/16/2025
034B 0081831689

Ascend Elements, Inc.
133 Flanders Road
Westborough, Massachusetts 01581

Manion | Stigger LLP
A CONSTRUCTION LAW FIRM

500 West Jefferson Street, Suite 1610
Louisville, Kentucky 40202

FP US POSTAGE
$000.97º
First-Class - IMI
ZIP 40202
01/16/2025
034B 0081831689

Ascend Elements, Inc.
c/o Cogency Global Inc., Registered Agent
828 Lane Allen Road, Suite 219
Lexington, Kentucky 40504

Manion | Stigger LLP
A CONSTRUCTION LAW FIRM

A.J. Manion
Attorney at Law

20 N.W. First Street, Suite 200
Evansville, Indiana 47708
Office: 812.425.5200
Fax: 812.425.2464
Cell: 812.459.1612
ajmanion@manionstigger.com
www.manionstigger.com

March 19, 2025

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ascend Elements, Inc.
133 Flanders Road
Westborough, Massachusetts 01581

Ascend Elements, Inc.
c/o Cogency Global Inc., Registered Agent
828 Lane Allen Road, Suite 219
Lexington, Kentucky 40504

Re: Notice of Filing Partial Reduction of Mechanics' and Materialmen's Lien
Property: Ascend Elements Apex 1
Owner: Ascend Elements, Inc.
Lien Claimant: C.H. Garmong & Son, Inc.

Dear Sir or Madam:

As you may recall, this firm represents C.H. Garmong & Son, Inc. ("Garmong") regarding work it performed for Turner-Kokosing Joint Venture for the real property known as Ascend Elements Apex 1 located at or near 6505 John Rivers Road, Hopkinsville, Christian County, Kentucky 42240 a/k/a 6505 John Rivers Road, Pembroke, Christian County, Kentucky 42266 (the "Project"). On January 15, 2025, Garmong recorded its *Mechanics' and Materialmen's Lien Statement* with the Christian County Clerk as security for the payment of $1,264,027.54 due and owing to Garmong for its work on the Project.

In an effort to mitigate its damages, Garmong was able to arrange for the return of certain materials and equipment to one of its vendors for a credit in the amount of $35,787.55. In addition, Garmong has since received partial payment in the amount of $182,875.00. Accordingly, Garmong recorded a Partial Reduction of Mechanics' and Materialmen's Lien with the Christian County Clerk on March 17, 2025, which is recorded in Lien Book 8 at Pages 95-102 as Document No. 10062714. The *Partial Reduction*, lowering the lien amount to $1,045,364.99, is enclosed.

Respectfully,
MANION STIGGER LLP

A.J. Manion

Encl.
cc: Lance Gassert *(via e-mail)*
Turner-Kokosing Joint Venture

Filed: 03/17/2025 03:25:34 PM
BK 8 PG 95 - 102 (8) DOC# 10062714
Melinda A. Humphries, County Clerk
Christian County, KY
Received By: Y. WICKHAM
Transfer Tax Paid: $0.00

PARTIAL REDUCTION OF MECHANICS' AND MATERIALMEN'S LIEN

Lien Book 7 at Pages 737-742

Office of the Christian County Clerk

The Affiant, Lance Gassert, states that he is the Chief Operating Officer of C.H. Garmong & Son Inc. ("Claimant"), and that he is authorized to make and file this Partial Reduction of Mechanics' and Materialmen's Lien on behalf of Claimant.

On January 15, 2025, Claimant claimed and asserted a Mechanics' and Materialmen's Lien pursuant to the provisions of Kentucky Revised Statute §376.010, *et seq.*, on the rights, title and interests of Ascend Elements, Inc. in the Property and the improvements thereon. Claimant's Mechanics' and Materialmen's Lien was recorded in Lien Book 7 at Pages 737-742 in the Office of the Christian County Clerk, a copy of which is attached hereto as **Exhibit A**.

Claimant's original lien amount was $1,264,027.54. After recording the Mechanics' and Materialmen's Lien, Claimant was able to return unused materials in the amount of $35,787.55. Claimant also subsequently received partial payment in the amount of $182,875.00. Accordingly, Claimant does hereby partially reduce $218,662.55 of its Mechanics' and Materialmen's Lien against the Property, leaving a lien in the amount of $1,045,364.99.

There remains and is currently due to Claimant a sum of **$1,045,364.99**, and Claimant continues to claim and assert, and does not release, its Mechanics' and Materialmen's Lien pursuant to the provisions of Kentucky Revised Statute §376.010, *et seq.*, on all of the rights, title, and interest of Ascend Elements, Inc. in the Property identified in Exhibit A and upon which improvements have been made, including leasehold interests, in the amount of $1,045,364.99, plus interest and the cost of filing its Mechanics' and Materialmen's Lien.

Lance Gassert
Chief Operating Officer of C.H. Garmong & Son Inc.

STATE OF INDIANA)
) ss
COUNTY OF VIGO)

The foregoing Partial Reduction of Mechanics' and Materialmen's Lien was subscribed and sworn to before me by Affiant, Lance Gassert, Chief Operating Officer for C.H. Garmong & Son Inc., on this the ____ day of March, 2025.

My Commission Expires: 7-11-2031.

LORI S. WEBSTER
Notary Public, State of Indiana
Clay County
Commission Number NP0750079
My Commission Expires
July 11, 2031

Notary Public, State at Large, Indiana
Lori S. Webster

THIS DOCUMENT PREPARED BY:

Melissa K. Lonergan
Manion Stigger, LLP
500 West Jefferson Street, Suite 1610
Louisville, Kentucky 40202
(502) 244-4944

Filed: 01/15/2025 01:35:56 PM
BK 7 PG 737 - 742 (6) DOC# 10060858
Melinda A. Humphries, County Clerk
Christian County, KY
Received By: Y. WICKHAM
Transfer Tax Paid: $0.00

MECHANICS' AND MATERIALMAN'S LIEN STATEMENT
Kentucky Revised Statutes § 376.080, *et seq.*

OWNER OF REAL PROPERTY AND PROJECT:	Ascend Elements, Inc. 133 Flanders Road Westborough, Massachusetts 01581 Ascend Elements, Inc. c/o Cogency Global Inc., Registered Agent 828 Lane Allen Road, Suite 219 Lexington, Kentucky 40504
LIEN CLAIMANT:	C.H. Garmong & Son, Inc. 3050 Poplar Street Terre Haute, Indiana 47803
LIEN CLAIMANT'S AGENT FOR SERVICE OF PROCESS:	AJ Manion 500 West Jefferson Street, Suite 1610 Louisville, Kentucky 40202
REAL PROPERTY SUBJECT TO LIEN:	Ascend Elements Apex 1 6505 John Rivers Road Hopkinsville, Kentucky 42240 a/k/a Ascend Elements Apex 1 6505 John Rivers Road Pembroke, Kentucky 42266 as described in **Exhibit A**
AMOUNT CLAIMED:	One Million, Two Hundred Sixty-Four Thousand, Twenty-Seven Dollars and Fifty-Four Cents ($1,264,027.54), plus the cost of filing the statement with the Clerk of Christian County and interest.

Affiant, Lance Gassert, states that he is the Chief Operating Officer of C.H. Garmong & Son Inc. ("Claimant"), and that he is authorized to make and file this Statement of Mechanics' and Materialmen's Lien on behalf of Claimant.

Claimant's principal place of business located at 3050 Poplar Street, Terre Haute, Indiana 47803, and pursuant to a construction contract with Turner-Kokosing Joint Venture, furnished certain services, labor, materials and supervision (the "Work") for the construction of improvements of real property located at or near 6505 John Rivers Road, Hopkinsville, Christian County, Kentucky 42240 a/k/a 6505 John Rivers Road, Pembroke, Christian

EXHIBIT A

County, Kentucky 42266, and more particularly described in **Exhibit A** attached hereto, made part hereof, and incorporated herein by reference, owned by Ascend Elements, Inc.

There is presently due and owing to Claimant for the Work the sum of One Million, Two Hundred Sixty-Four Thousand, Twenty-Seven Dollars and Fifty-Four Cents ($1,264,027.54), after deducting all just credits and set-offs known to Claimant. Claimant last furnished materials and labor for the improvement of the subject property on November 4, 2024.

Claimant hereby states its assertion of a lien on all of the rights, title and interest of Ascend Elements, Inc. in and to the above-described real estate and the improvements thereon, to secure to Claimant payment for the Work in the sum of One Million, Two Hundred Sixty-Four Thousand, Twenty-Seven Dollars and Fifty-Four Cents ($1,264,027.54), plus interest and the cost of filing the statement with the Clerk of Christian County, Kentucky.

Subscribed and sworn to by:

Lance Gassert, COO of C.H. Garmong & Son Inc.

STATE OF INDIANA)
) ss.
COUNTY OF VIGO)

Subscribed and sworn to before me by Affiant, Lance Gassert, COO, for and on behalf of C.H. Garmong & Son Inc., on this the 14th day of January 2025.

My Commission Expires: 7-11-2031

Notary Public, State at Large, Indiana

LORI S. WEBSTER
Notary Public, State of Indiana
Clay County
Commission Number NP0750079
My Commission Expires
July 11, 2031

THIS DOCUMENT PREPARED BY:

A.J. Manion
Manion Stigger, LLP
20 N.W. First Street, Suite 200
Evansville, Indiana 47708
(812) 425-5200

BK 7 PG 739 DOC# 10060858

BK 8 PG 99 DOC# 10062714

Documentary Tax Paid: $5,798.00
Doc No: 10038903 DocType: DEED
Recorded: 11/18/2022 04:14:14 PM

Christian County Kentucky By: K.COLEMAN
Michael A. Kem, Clerk
BK 797 PG 420 - 423 (4)

GENERAL WARRANTY DEED

This **GENERAL WARRANTY DEED** is made and entered into this 16th day of November, 2022, by and between **HOPKINSVILLE INDUSTRIAL FOUNDATION, INC.**, a Kentucky non-profit corporation having a mailing address of 2800 Fort Campbell Boulevard, Hopkinsville, Kentucky 42240 ("**Grantor**") and **ASCEND ELEMENTS, INC.**, a Delaware corporation, having a mailing address of 133 Flanders Road, Westborough, Massachusetts 01581 ("**Grantee**"). Pursuant to KRS 382.135, the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent is: 133 Flanders Road, Westborough, Massachusetts 01581.

W-I-T-N-E-S-S-E-T-H:

For a total consideration of Five Million Seven Hundred Ninety-Eight Thousand and No/100 Dollars ($5,798,000.00), the receipt and sufficiency of which is hereby acknowledged, Grantor has bargained and sold and does hereby grant, bargain, sell, transfer, and convey all of its right, title, and interest unto Grantee, in fee simple, with covenant of GENERAL WARRANTY, its successors and assigns, forever, the following tracts or parcels of land located in Christian County, Kentucky, being more particularly described on **EXHIBIT A** attached hereto and made a part hereof together with all applicable appurtenances thereto (the "**Property**).

Grantor covenants (a) lawful seisin of the Property (b) full right and power to convey same, and (c) that the Property is free and clear of all liens and encumbrances by or in favor of any party claiming by, through or under Grantor except liens for real property taxes and assessments due and payable in 2022 and thereafter, which Grantee assumes and agrees to pay. This conveyance is made subject to all (i) easements, restrictions and stipulations of record, and (ii) governmental laws, ordinances and regulations affecting the Property.

For purposes of KRS 382.135, Grantor and Grantee certify that the consideration set forth above is the full consideration paid for the Property. Grantee joins in the execution of this Deed for the purpose of certifying the amount of the consideration of the Property.

[signatures on next page]

Delivered to Cobbhoffs Willen

EXHIBIT A

IN WITNESS WHEREOF, Grantor and Grantee executed this General Warranty Deed as of the date first set forth above.

GRANTOR:

HOPKINSVILLE INDUSTRIAL FOUNDATION, INC.,
a Kentucky non-profit corporation

By: _____
John B. Crenshaw, President

By: _____
J. Calvin Givens, Secretary

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF CHRISTIAN)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 16, 2022, by John B. Crenshaw as President of Hopkinsville Industrial Foundation, Inc., a Kentucky non-profit corporation, on behalf of said corporation.

DAVID L. COTTHOFF
ID NO. KYNP15712
NOTARY PUBLIC-NOTARY SEAL
STATE AT LARGE, KENTUCKY

MY COMMISSION EXPIRES 10-22-2024

_____
Notary Public
My Commission Expires: 10/22/2024
Notary ID: KYNP15712

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF CHRISTIAN)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 16, 2022 by J. Calvin Givens, Secretary of Hopkinsville Industrial Foundation, Inc., a Kentucky non-profit corporation, on behalf of said corporation.

DAVID L. COTTHOFF
ID NO. KYNP15712
NOTARY PUBLIC-NOTARY SEAL
STATE AT LARGE, KENTUCKY

MY COMMISSION EXPIRES 10-22-2024

_____
Notary Public
My Commission Expires: 10/22/2024
Notary ID: KYNP15712

GRANTEE:

ASCEND ELEMENTS, INC.,
a Delaware corporation

By: _____
Andrew Aberdale, Chief Financial Officer

STATE OF Massachusetts)
)
COUNTY OF Worcester)

The foregoing instrument was subscribed, sworn to and acknowledged before me on November 15, 2022, by Andrew Aberdale, as Chief Financial Officer of Ascend Elements, Inc, a Delaware corporation, on behalf of said corporation.

_____
Notary Public
My Commission Expires: 9/7/2029 Sept 7 2029
Notary ID: _____

COURTNEY ANN FRANK
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
September 07, 2029

THIS INSTRUMENT PREPARED BY:

_____
Stephen Mercer, Esq.
FROST BROWN TODD LLC
400 West Market Street, Suite 3200
Louisville, Kentucky 40202
Telephone: 502.779.8402
Facsimile: 502.581.1087

EXHIBIT A

Legal Description

Parcel I:

Lot 1 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Parcel II:

Lot 2 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Each parcel being a portion of the property acquired by Grantor pursuant to (a) that Deed, dated November 16, 2022 and recorded at Deed Book 797 Page 308 in the Christian County, Kentucky Clerk's Office and (b) that Deed, dated January 24, 2022, recorded at Deed Book 786, Page 334 in the Christian County, Kentucky Clerk's Office.



$000.97
First-Class - IMI
ZIP 40202
03/19/2025
034B 0081831689

Manion | Stigger LLP

A CONSTRUCTION LAW FIRM

500 W. Jefferson St, Suite 1610
Louisville, KY 40202

Turner-Kokosing Joint Venture
28 N. St. Clair St., Suite 200
Toledo, OH 43604

CERTIFIED MAIL

9589 0710 5270 2409 8164 49

$010.7
First-Class
ZIP 40
03/19/2025
034B 0081831689

Manion | Stigger LLP

A CONSTRUCTION LAW FIRM

500 W. Jefferson St, Suite 1610
Louisville, KY 40202

Ascend Elements, Inc.
c/o Cogency Global Inc., Reg Agent
828 Lane Allen Road, Ste 219
Lexington, KY 40504

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ascend Elements, Inc.
c/o Cogency Global Inc., Reg Agent
828 Lane Allen Road, Ste 219
Lexington, KY 40504

9590 9402 9149 4225 4806 91

2. Article Number *(Transfer from service label)*

9589 0710 5270 2409 8164 49

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

CERTIFIED MAIL

9589 0710 5270 2409 8164 56



FP
First-Class
ZIP 40
03/19/2025
0348 0081831689

Manion | Stigger LLP

A CONSTRUCTION LAW FIRM

500 W. Jefferson St, Suite 1610
Louisville, KY 40202

Ascend Elements, Inc.
1133 Flanders Road
Westborough, MA 01581

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ascend Elements, Inc.
c/o Cogency Global Inc., Reg Agent
828 Lane Allen Road, Ste 219
Lexington, KY 40504

9590 9402 9149 4225 4806 91

2. Article Number *(Transfer from service label)*

9589 0710 5270 2409 8164 49

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

D. OSBORNE

C. Date of Delivery

3-24-25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

ll Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ascend Elements, Inc.
1133 Flanders Road
Westborough, MA 01581

9590 9402 9149 4225 4807 07

2. Article Number *(Transfer from service label)*

9589 0710 5270 2409 8164 56

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☑ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt