UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

In re:	:	Chapter 11
ZACHRY HOLDINGS, INC., et al.[1]	:	Case No.: 24-90377 (MI)
Debtors.	:	(Jointly Administered)

REQUEST FOR ALLOWANCE AND PAYMENT OF CURE CLAIM AND RESERVATION OF RIGHTS OF SCOTT MACON EQUIPMENT RENTAL, INC.

Scott Macon Equipment Rental, Inc. ("Scott Macon"), by and through its undersigned counsel, hereby submits this *Request for Allowance and Payment of Cure Claim and Reservation of Rights of Scott Macon Equipment Rental, Inc* (the "Request"). In support of its Request, Scott Macon respectfully states the following:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. § 503.

2. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). The statutory predicates for the relief requested herein are under 11 U.S.C. § 105 and § 503.

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

[1] The last four digits of Zachry Holdings, Inc.'s tax identification number are 6814. A complete list of each of the Debtors in these chapter 11 cases and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors' proposed claims and noticing agent at www.veritaglobal.net/ZHI. The location of the Debtors' service address in these chapter 11 cases is: P.O. Box 240130, San Antonio, Texas 78224.

BACKGROUND

4. On May 21, 2024 (the "Petition Date"), the above-captioned debtors and debtors-in-possession (collectively, "Debtors") filed voluntary petitions for relief under Chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

5. On February 23, 2025, the Debtors filed the *Further Modified First Amended Joint Chapter 11 Plan of Reorganization of Zachry Holdings, Inc. and its Debtor Affiliates* [Docket No. 2362] was filed (the "Plan").

6. On February 27, 2025, the Court entered the *Findings of Fact, Conclusions of Law, and Order (I) Approving the Debtors' Disclosure Statement on a Final Basis and (II) Confirming the Further Modified First Amended Joint Chapter 11 Plan of Reorganization of Zachry Holdings, Inc. and its Debtor Affiliates* [Docket No. 2431] (the "Confirmation Order").

7. On April 10, 2025, the Debtors filed the *Noice of Filing of the Sixth Plan Supplement* [Docket No. 2732] (the "Cure Notice").

8. On April 10, 2025 (the "Effective Date") the *Notice of (I) Entry of Order Approving the Debtors' Disclosure Statement on a Final Basis and Confirming the Further Modified First Amended Joint Chapter 11 Plan of Reorganization of Zachry Holdings, Inc. and its Debtor Affiliates and (II) Occurrence of the Effective Date* [Docket No. 2731] (the "Notice of Effective Date") was filed. Pursuant to the Confirmation Order and Notice of Effective Date the Request deadline will be May 12, 2025.

9. The Debtors are indebted and liable to Scott Macon for outstanding amounts due under the certain Purchase Orders and Rental Agreements identified on the Cure Notice (the "Agreements"). Debtors and Scott Macon have reconciled amounts due as of the Petition Date totaling $351,258.78, which Debtors confirmed will be paid in full under the Plan and/or as Cure

Claim payments. However, additional amounts are outstanding from and after the Petition Date (the "Post-Petition Unpaid Amounts").

10. Debtors and Scott Macon continue to reconcile such Post-Petition Unpaid Amounts, and Debtors have been paying Scott Macon in the ordinary course; accordingly, Scott Macon does not believe they currently constitute defaults under the Agreements. Additionally, such Post-Petition Unpaid Amounts are believed to be allowable administrative expense claims rather than amounts captured as part of the Cure Claims.

RELIEF REQUESTED

11. Scott Macon believes that Debtors intend to continue the reconciliation process and intend to pay Scott Macon in full. Solely for the avoidance of doubt and to the extent that the Post-Petition Unpaid Amounts are construed to be Cure Claims in whole or in part, Scott Macon files this Request to seek their payment as a Cure Claim.

RESERVATION OF RIGHTS

12. Scott Macon expressly reserves all rights, claims, remedies and defenses against the Debtors and/or any other party in interest, whether at law or in equity, including, without limitation, the right to amend, modify, and/or supplement this Request including, without limitation, the right to request payment of the Post-Petition Unpaid Amounts as an administrative expenses pursuant to Section 503(b) of the Bankruptcy Code, and nothing contained in this Request shall be deemed a waiver, release, abridgment, alteration, modification, reduction or termination of any such rights, claims, remedies or defenses, whether at law or in equity, that Scott Macon may have.

WHEREFORE, Scott Macon respectfully requests that the Court enter an Order: (a) stating that, for the avoidance of doubt, the Post-Petition Unpaid Amounts are allowable

administrative expense claims separate and apart from a Cure Claim; or alternatively, (b) directing the Debtors to pay the balance of Scott Macon's Post-Petition Unpaid Amounts as Cure Claims; and (c) granting such and further relief as the Court deems just and proper.

Dated May 12, 2025

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP

/s/ Steven R. Rech

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2025 a true and correct copy of the foregoing *Request for Allowance and Payment of Cure Claim and Reservation of Rights of Scott Macon Equipment Rental, Inc.* was filed and served electronically via the Court's CM/ECF System upon those who are registered to receive electronic notice.

/s/ Steven R. Rech
Steven R. Rech, Esq. (TX-16649200)