

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<i>Caption in Compliance with D.N.J. LBR 9004-1(b)</i> OBERMAYER REBMANN MAXWELL & HIPPEL LLP Edmond M. George, Esquire Michael D. Vagnoni, Esquire (pro hac vice) Turner Falk, Esquire 1120 Route 73, Suite 420 Mount Laurel, NJ 08054-5108 Telephone: (856) 795-3300 Facsimile: (856) 482-0504 E-mail: edmond.george@obermayer.com michael.vagnoni@obermayer.com turner.falk@obermayer.com	
Counsel to the Debtor and Debtor in Possession	
In re:	Chapter 11
ALUMINUM SHAPES, L.L.C.,	Case No. 21-16520 (JNP)
Debtor.	

**DECLARATION OF COUNSEL IN SUPPORT OF  
MOTION TO SELL FREE AND CLEAR**

I, Edmond M. George, Esq., make this declaration (this “Declaration”) under 28 U.S.C. § 1746:

1. I am partner with the firm of Obermayer Rebmann Maxwell & Hippel LLP, counsel to the Debtor Aluminum Shapes, L.L.C.

2. I am personally familiar with the facts discussed in this Declaration, and have reviewed the underlying documents and legal theories.

3. The Debtor seeks approval of this Court to sell substantially all its assets (the “Assets”) to VV9000 LLC for \$32 million pursuant to the outcome of the auction and sale process approved by this Court.

4. The Debtor seeks approval to sell its assets free and clear of all liens, claims and interests except those described in the asset purchase agreement with VV9000 LLC.

5. The Debtor's real property is encumbered by the following liens:

- a. BB 316 Investments LLC (POC #14): \$987,739.07
- b. Tiger Finance LLC (DIP Lien): \$14.75 million.
- c. The Debtor's real property is also be encumbered by a lien owed to Merchantville-Pennsauken Water Commission ("MPWC") in the amount of \$343,213.48. (POC #52).<sup>1</sup>

6. The Debtor's real property is also purportedly encumbered by certain judgment liens. These liens are each subject to a pending avoidance complaint filed by the Debtor or Official Committee of Unsecured Creditors:

- a. Combined Metal Industries Inc.: \$320,780.87
- b. Direct Energy Business Marketing LLC: \$834,252.47
- c. Eastern Lift Truck Co.: \$72,832.61
- d. Equipment Depot Pennsylvania Inc.: \$30,039.20
- e. Euler Hermes North America Ins.: \$184,195.37
- f. IFM Efector Inc.: \$4,302.15
- g. Pyrotek Inc.: \$97,658.34
- h. Talen Energy Marketing, LLC: \$1,524,207.61
- i. UGI Energy Services, LLC: \$395,345.43

7. The total amount of all liens, regardless of whether they are disputed, avoidable or undisputed, is \$19,544,566.60.

---

<sup>1</sup> The MPWC claim may be partially duplicative of charges covered by the lien of BB 316 Investments LLC. However, the allowed MPWC Liens will be paid in full as allowed.

8. The Debtor's personal property is purportedly encumbered by the following liens:

- a. Ford Motor Credit (POC #11): \$6,580.39 on 2017 Ford F350
- b. HYG Financial (POC #40): \$36,200.00 on 2001 forklift
- c. Wells Fargo (POC #41): \$13,000.00 on two (2) 2011 forklifts

9. The following entities have filed proofs of claim alleging they are secured, but from the face of the claims it is apparent that there is no legal basis for these creditors to assert a lien on any of the Debtor's Assets:

- a. Bankdirect Capital Finance (POC #8)
- b. Attar Metals (POC #15)
- c. Arrowood Indemnity Co. (POC #29)
- d. Yard Truck Specialists (POC #48)
- e. Teamster's Local 837 (POC #49-51)

10. The \$32 million price at which the assets will be sold is greater than the value of all liens on the Assets.

11. The Court should authorize the Debtor to sell the Assets free and clear of all liens, claims and interests pursuant to 11 U.S.C. §363(f)(3).

I declare under penalty of perjury that, to the best of my knowledge and after reasonable inquiry, the foregoing is true and correct.

By: /s/ Edmond M. George, Esq.  
Edmond M. George, Esq.  
Counsel to Aluminum Shapes, L.L.C.

Dated: November 12, 2021