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Electronically Filed on
December 14, 2020

7 -and-

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 9 Marguerite Lee DeVoll (*Admitted Pro Hac Vice*)
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 11 1765 Greensboro Station Place, Suite 1000
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13 Attorneys for Argonaut Insurance Company

15 UNITED STATES BANKRUPTCY COURT
 16 DISTRICT OF NEVADA

17 In re:

18 RED ROSE, INC., Debtor.

Case No. BK-S-20-12814-MKN

Jointly Administered with:

CaseNo.BK-S-20-12815-MKN
 CaseNo.BK-S-20-12816-MKN
 CaseNo.BK-S-20-12818-MKN
 CaseNo.BK-S-20-12819-MKN
 CaseNo.BK-S-20-12820-MKN
 CaseNo.BK-S-20-12821-MKN
 CaseNo.BK-S-20-12822-MKN
 CaseNo.BK-S-20-12823-MKN
 CaseNo.BK-S-20-12824-MKN
 CaseNo.BK-S-20-12825-MKN
 CaseNo.BK-S-20-12826-MKN
 CaseNo.BK-S-20-12827-MKN
 CaseNo.BK-S-20-12829-MKN
 CaseNo.BK-S-20-12831-MKN
 CaseNo.BK-S-20-12833-MKN

- 19 ☐ Affects Beachhead Roofing and Supply, Inc.
 20 ☐ Affects California Equipment Leasing Association, Inc.
 21 ☐ Affects Fences 4 America, Inc.
 22 ☐ Affects James Petersen Industries, Inc.
 23 ☐ Affects PD Solar, Inc.
 24 ☐ Affects Petersen Roofing and Solar LLC
 25 ☐ Affects Petersen-Dean, Inc.
 26 ☐ Affects PetersenDean Hawaii LLC
 27 ☒ Affects PetersenDean Roofing and Solar Systems, Inc.
 28 ☐ Affects PetersenDean Texas, Inc.
☐ Affects Red Rose, Inc.
☐ Affects Roofs 4 America, Inc.
☐ Affects Solar 4 America, Inc.

Chapter 11

**DECLARATION OF JASON
 ANDERSON IN SUPPORT OF MOTION
 FOR RELIEF FROM THE AUTOMATIC**

- 1 ☐ Affects Sonoma Roofing Services, Inc.
 2 ☐ Affects TD Venture Fund, LLC
 3 ☐ Affects Tri-Valley Supply, Inc.
 4 ☐ Affects All Debtors

**STAY, OR IN THE ALTERNATIVE, TO
 DETERMINE THAT CERTAIN FUNDS
 ARE NOT PROPERTY OF THE
 ESTATE**

Date of Hearing: December 15, 2020
 Time of Hearing: 9:30 a.m. PST

Judge: Hon. Mike K. Nakagawa

7 Pursuant to 28 U.S.C. § 1746, I, Jason Anderson, hereby declare under penalty of perjury
 8 under the laws of the United States of America as follows:

9 1. I am over the age of 18 and am mentally competent. I am currently the Vice
 10 President, Credit for Beacon Sales Acquisition, Inc. dba Beacon Roofing Supply ("Beacon"). As
 11 such, I have personal knowledge of the facts stated in this Declaration, except where stated upon
 12 information and belief, and as to facts stated upon information and belief, I am informed of those
 13 facts and believe them to be true. If called upon to testify as to the matters herein, I could and
 14 would do so.

15 2. I am familiar with Beacon's procedures for making and maintaining business
 16 records, including the records attached hereto. It is the regular course of the business of Beacon
 17 for an employee or representative of Beacon with knowledge of the act, event, or condition to
 18 create or input such information into the electronically maintained business records of Beacon at
 19 or reasonably soon after the event occurs, and it is also the ordinary and regular practice for
 20 Beacon to maintain such records.

21 3. Beacon subcontracted with a debtor to supply materials for the Aloft-Element
 22 Hotel in Orlando, Florida (the "Project").

23 4. On April 16, 2020, Beacon mailed a Notice to Owner (the "Notice to Owner") on
 24 the subject property for the Project asserting that it was supplying materials on the Project. A true
 25 and correct copy of the Notice to Owner is attached hereto as Exhibit A.

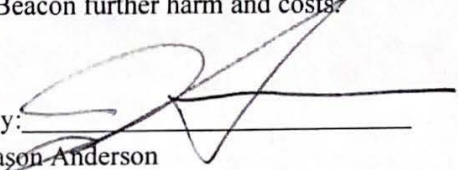
26 5. Beacon has not been paid \$178,538.23 for materials supplied on the Project pre-
 27 petition.

28 6. Further, Beacon confirmed with the Debtor that the balance owed to Beacon is

1 \$178,538.23. Debtor also has not contested that the amount of \$178,538.23 is due and owing to
2 Beacon for materials supplied on the Project pre-petition.

3 7. Each day of delay in payment causes Beacon further harm and costs.

4 DATED this 11 day of December, 2020.

5 By: 
6 Jason Anderson
7 Vice President, Credit
8 BEACON SALES ACQUISITION, INC.
9 DBA BEACON ROOFING SUPPLY

4825-6970-7732, v. 1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of December, 2020, a true and correct copy of the **DECLARATION OF JASON ANDERSON IN SUPPORT OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY, OR IN THE ALTERNATIVE, TO DETERMINE THAT CERTAIN FUNDS ARE NOT PROPERTY OF THE ESTATE** was served via the CM/ECF system upon all counsel set up to receive notice via electronic service in this matter.

An employee of Kaempfer Crowell

/s/ Morganne Westover

EXHIBIT A

EXHIBIT B - OTHER LEGAL PARTIES

PROJECT: ALOFT ELE HOTEL
FILE #: 4548353

Other Lender/Surety

HALL URBAN ORLANDO LLC
2323 ROSS AVE STE 200
DALLAS TX 75201

Other Designee

HALL URBAN ORLANDO LLC
2323 ROSS AVE STE 200
DALLAS TX 75201

NOTICE TO OWNER/NOTICE TO CONTRACTOR

(Preliminary Notice, Notice Of Intent To Claim Against Bond)

WARNING! FLORIDA'S CONSTRUCTION LIEN LAW ALLOWS SOME UNPAID CONTRACTORS, SUBCONTRACTORS, AND MATERIAL SUPPLIERS TO FILE LIENS AGAINST YOUR PROPERTY EVEN IF YOU HAVE MADE PAYMENT IN FULL.

UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT WE ARE PAID MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOU PAYING TWICE.

TO AVOID A LIEN AND PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY TIME YOU PAY YOUR CONTRACTOR.

TO THE OWNER:

AD1 URBAN SW LLC
1955 HARRISON STREET STE 200
HOLLYWOOD, FL 33020

CUSTOMER:

PETERSEN DEAN INC-FL-BUILDER
7517 CURRENCY DR 0, BUILDER ACCOUNT-
ORLANDO, FL 32809

The undersigned hereby informs you that he has furnished or is furnishing services or materials as follows: Miscellaneous Building Material Supplies , for the improvement of real property identified as: ALOFT ELE HOTEL ALOFT. The property is located at: 5750/5730 CENTRAL PKWY, ALOFT-ELEMENT HOTEL, ORLANDO, FL 32821, APN#: . Under an order given by: PETERSEN DEAN INC-FL-BUILDER, 7517 CURRENCY DR 0, BUILDER ACCOUNT-FLORIDA, ORLANDO, FL 32809

A demand is made for a copy of the Notice of Commencement to be faxed to 805-522-7171, or email to myjobinfo@crfsolutions.com. Any demand made pursuant to Section 713.16(2) or Section 713.16(4) or Section 255.05, Florida Statutes, must be served as follows:

Name of Lienor: Beacon Sales Acquisition, Inc. DBA Beacon Building Products
1600 W. New Hampshire St.
Orlando, FL 32804 844-523-6516

FLORIDA LAW PRESCRIBES THE SERVING OF THIS NOTICE AND RESTRICTS YOUR RIGHT TO MAKE PAYMENTS UNDER YOUR CONTRACT IN ACCORDANCE WITH SECTION 713.06, FLORIDA STATUTES. IF JOB IS BONDED UNDER SECTION 713.23 FLORIDA STATUTES, SECTION 255.05 FLORIDA STATUTES OR 270 U.S.C. THE FIRM SENDING THIS NOTICE WILL LOOK TO THE BOND (SURETY CO.) FOR PROTECTION IF NOT PAID. IF PAYMENT BOND EXISTS, FURNISH A COPY TO THE UNDERSIGNED. PROVIDE NAME AND ADDRESS OF BONDING COMPANY. FAILURE TO PROVIDE THIS INFORMATION MAY RENDER YOU LIABLE FOR DAMAGES. PLEASE REFER TO THE CRF NUMBER LISTED BELOW WHEN RESPONDING. IF THERE IS MORE THAN ONE CONTRACTOR ON THE ENTIRE PROJECT, PLEASE FURNISH THE UNDERSIGNED WITH A COPY OF EACH CONTRACT.


IMPORTANT INFORMATION FOR YOUR PROTECTION

Under Florida's Laws, those who work on your property or provide materials who are not paid have a right to enforce their claim for payment against your property. This claim is known as a Construction Lien. If your contractor fails to pay subcontractors or materials suppliers or neglects to make other legally required payments, the people who are owed money may look to your property for payment, EVEN IF YOU HAVE PAID YOUR CONTRACTOR IN FULL.

PROTECT YOURSELF - RECOGNIZE that this Notice to Owner may result in a lien against your property unless all those supplying a Notice to Owner have been paid.

LEARN more about the Construction Lien Law, Chapter 713, Part I, and Chapter 255, Florida Statutes and the meaning of this Notice by contacting an attorney or the Florida Dept. of Business and Professional Regulation.

I declare that I am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at Simi Valley, CA on 4/16/2020 for Beacon Sales Acquisition, Inc. DBA Beacon Building Products.

By: 

Laura Pavey / Authorized Agent for Beacon Sales Acquisition, Inc. DBA Beacon Building Products

CC: TO ORIGINAL CONTRACTOR
SMC CONSTRUCTION SOUTHEAST LLC
1126 SOUTH DIVISION AVENUE
ORLANDO FL 32805

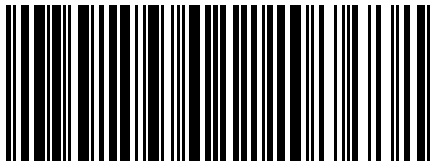
CC: TO LENDER, SURETY OR BONDING COMPANY
FIDELITY AND DEPOSIT COMPANY OF
1299 ZURICH WAY
SCHAUMBURG IL 60196
Bond/Loan # 9300729

Cert #: 9314 8898 8030 0012 8775 70

CRF#: 4548353

See Exhibit B for Additional Legal Parties

Construction Notice Department
P.O. Box 1389
Simi Valley, CA 93062



9314 8898 8030 0012 8775 70

Address Service Requested

4/16/2020

BCN002 4548353

AD1 URBAN SW LLC
1955 HARRISON STREET STE 200
HOLLYWOOD, FL 33020

IMPORTANT NOTICE PLEASE READ CAREFULLY

Enclosed you will find a notice that is being sent to you on behalf of Beacon Sales Acquisition, Inc. DBA Beacon Building Products in regards to the construction project known as ALOFT ELE HOTEL ALOFT and located at 5750/5730 CENTRAL PKWY ALOFT-ELEMENT HOTEL, ORLANDO, FL 32821.

It is important to note that this notice is not a lien nor a claim on a bond. This is a routine procedure to comply with certain state requirements that may exist and should not reflect in any way on the integrity or credit standing of any of the known interested parties associated with this job.

If any information is incorrect, or if you are not associated with this job, please do not hesitate to contact Beacon Sales Acquisition, Inc. DBA Beacon Building Products at 844-523-6516.