

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

SMALL BUSINESS LOAN FUND :
CORPORATION and :
PROVIDENCE ECONOMIC :
DEVELOPMENT PARTNERSHIP, INC.:
Petitioners, :
v. :
FUSION STEEL, LLC d/b/a :
TOBEY WASTE & RECYCLING :
Respondent. :

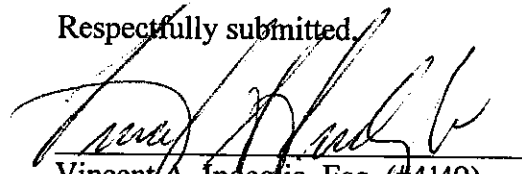
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PC-2015-4461

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CORPORATIONS DIV
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AFFIDAVIT OF NOTICE

I, Vincent A. Indeglia, Esq., Permanent Receiver of Fusion Steel, LLC d/b/a Tobey Waste & Recycling, upon oath depose and say that on the 29th day of June, 2016, I caused to have forwarded a copy of the Order appointing Permanent Receiver and Permanent Receivership Notice, copies of which are attached hereto, solely to the parties referenced on "Exhibit A" annexed hereto, via regular mail, postage prepaid.

Respectfully submitted,



Vincent A. Indeglia, Esq. (#4140)

INDEGLIA & ASSOCIATES

Attorneys at Law

The Summit East

300 Centerville Road, Suite 320

Warwick, RI 02886

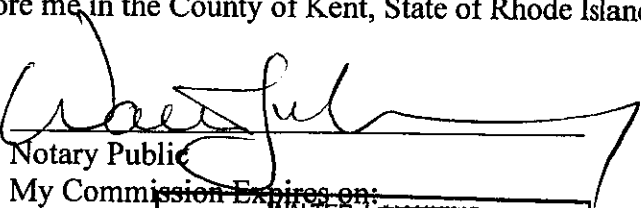
T: 401.886.9240

F: 401.886.9241

Email: vincent@IndegliaLaw.com

STATE OF RHODE ISLAND
COUNTY OF KENT

Subscribed and sworn to before me in the County of Kent, State of Rhode Island
on this 30th day of June, 2016.


Notary Public

My Commission Expires on:

WALTER J. MANNING
NOTARY PUBLIC
STATE OF RHODE ISLAND
COMMISSION NO. 48247
MY COMMISSION EXPIRES JUNE 14, 2017

EXHIBIT A

Providence City Solicitor's Office
444 Westminster Street, Suite 220
Providence, RI 02903

Julia Sweeney
Internal Revenue Service
Insolvency Unit
15 New Sudbury Street, 8th Floor
Boston, MA 02203

State of Rhode Island
Division of Taxation-Bankruptcy Unit
Chief Collections Section
One Capitol Hill
Providence, RI 02903

City of Providence Building Inspector
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Administrative Headquarters
Providence Water
552 Academy Avenue
Providence, RI 02908

City of Providence
Tax Assessor
25 Dorrance Street
Providence, RI 02903

Narragansett Bay Commission
One Service Road
Providence, RI 02905

National Grid
BK Dept: Amy Canavan
Bldg C, Floor One
300 Erie Blvd. West
Syracuse, NY 13202

Small Business Loan Fund Corporation
c/o Stephen A. Izzi Esq.
Moses Afonso Ryan LTD.
160 Westminster St - Ste 400
Providence, RI 02903

Providence Economic Development
Partnership, Inc.
c/o Stephen A. Izzi Esq.
Moses Afonso Ryan LTD.
160 Westminster St - Ste 400
Providence, RI 02903

Fusion Steel, LLC d/b/a Tobey Waste &
Recycling
Attn: Bryan K. Tobey
150 Colfax Street
Providence, RI 02905

Patrick T. Conley Esq.
Law Offices of Patrick T. Conley, Esq.
1445 Wampanoag Trail, #203
Riverside, RI 02915-1000

City of Providence
Tax Collector
25 Dorrance Street
Providence, RI 02903

Susan B. Forcier, Esq.
Senior Legal Counsel
Department of Environmental
Management
235 Promenade Street
Providence, RI 02908

Rhode Island Secretary of State
148 West River Street
Providence, RI 02904-2615

David P. Martland Esq.
Silva, Thomas, Martland & Offenberg,
LTD.
1100 Aquidneck Avenue
Middletown, RI 02842

George Leontire, Esq.
Beauregard, Burke & Franco
32 William Street
New Bedford, MA 02740

Max Advance, LLC
4208 18th Ave
Brooklyn NY 11218

The Entrust Group Fbo Susan D. Giulietti
A/C 57-00602
C/O Entrust Amdin.
75 Second Ave., Ste. 605
Needham Ma 02494

#26 Entrust Trust, Fbo Ernest P. Brown
#8006
C/O Entrust Financial Services, 555
12th St, Ste 1250
Oakland Ca 94607

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 Petitioners, :
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FUSION STEEL, LLC d/b/a :
TOBEY WASTE & RECYCLING :
 Respondent. :

PB-2015-4461

June 28, 2014

TO: CREDITORS AND OTHER PARTIES IN INTEREST

***Re: Small Business Loan Fund Corporation and Providence Economic
Development Partnership, Inc. v. Fusion Steel d/b/a Tobey Waste & Recycling
P.B. No.: 2015-4461***

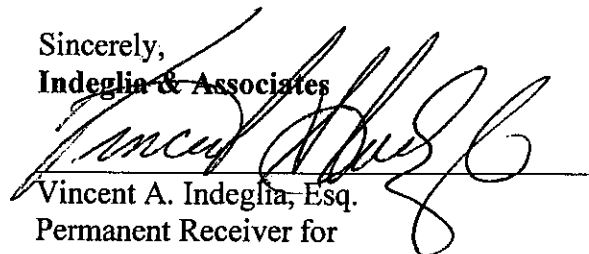
On June 20, 2016, the Rhode Island Superior Court in Providence County entered an Order, a copy of which is enclosed, appointing Vincent A. Indeglia, Esq., Permanent Receiver of *Fusion Steel d/b/a Tobey Waste & Recycling*.

A Receivership is a State Court-supervised liquidation proceeding. The Receiver is an Officer of the Court, appointed for the purpose of representing the interest of all creditors and parties in interest. As Receiver, I have been authorized to liquidate the assets of *Fusion Steel d/b/a Tobey Waste & Recycling* in order to obtain the maximum recovery for those creditors entitled to a distribution in accordance with their respective rights. No distribution to any creditors will take place without notice to all creditors and parties in interest of a hearing on any such sale or any such claims before the Rhode Island Superior Court.

In order that your interests be protected and that you receive notice of all pleadings in connection with this case, enclosed is a Proof of Claim form which I suggest you complete, execute before a Notary Public and return to me at the earliest possible date so that you will be certain to receive notice of all aspects of this proceeding and your rights protected accordingly. The deadline for the Proof of Claim to be filed with me, as Receiver, is September 30, 2016.

If you have any questions regarding any aspect of the foregoing, please feel free to contact the undersigned.

Sincerely,
Indeglia & Associates



Vincent A. Indeglia, Esq.
Permanent Receiver for
Fusion Steel d/b/a Tobey Waste & Recycling

Enclosure

STATE OF RHODE ISLAND
PROVIDENCE, SC.

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Respondent. :

PC-2015-4461

ORDER APPOINTING PERMANENT RECEIVER

This cause came to be heard on the Petition for Appointment of a Permanent Receiver for the Respondent, Fusion Steel, LLC d/b/a Tobey Waste & Recycling, (hereinafter, the "Respondent") and following notice provided by the Order of this Court Appointing Temporary Receiver previously entered herein, and upon consideration thereof, as well as consideration of all evidence and testimony presented at hearing, it is hereby:

ORDERED, ADJUDGED AND DECREED:

1. That Vincent A. Indeglia, Esq. of Warwick, Rhode Island, be and hereby is appointed Permanent Receiver (the "Receiver") of the Respondent, and of all the estate, assets, effects, property and business of the Respondent of every name, kind, nature and description, with all the powers conferred upon the Receiver by the Rhode Island General Laws, by this Order, or otherwise, and with all powers incidental to the Receiver's said Office. The Receiver's appointment shall become effective on June 22, 2016 and shall be stayed for all purposes until such date, subject to any further Order of this Court.
2. That the Receiver, as previously ordered by this Court shall continue the bond in the amount of \$10,000.00 with corporate surety thereon authorized to do business in the State

of Rhode Island, conditioned that the Receiver will well and truly perform the duties of said office.

3. That said Receiver be and hereby is authorized, empowered and directed to take possession and charge of said estate, assets, effects, property and business of the Respondent, including cash surrender value of any insurance owned by the Respondent, and to preserve the same, and is hereby vested with title to the same; to collect and receive the debts, property and other assets and effects of said Respondent, including such cash surrender value, with full power to prosecute, defend, adjust and compromise all claims and suits of, by or against said Respondent and to appear, intervene or become a party in all suits, actions or proceedings relating to said estate, assets, effects and property as may in the judgment of the Respondent be necessary or desirable for the protection, maintenance and preservation of the property and assets of said Respondent.
 4. That this appointment is made in succession to the appointment of Temporary Receiver heretofore made by order of this Court on October 13, 2015, as Amended on December 11, 2015, and the Receiver shall take and be vested with the title to all assets, property and choses-in-action which have heretofore accrued to the Temporary Receiver with power to confirm and ratify in writing such agreements as are entered into by such Temporary Receiver and to carry out and perform the same.
 5. That the Receiver shall receive Court approval, *ex parte*, prior to engaging any professionals, including, but not limited to, brokers, accountants, financial analysts or counsel other than the Receiver or his firm.
 6. That this Court finds that the designation of the aforescribed person for appointment as the Receiver is warranted and required because of the Receiver's specialized expertise.
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7. That the Receiver is authorized, in the Receiver's discretion, to continue the business of the Respondent until further order of this Court, and to employ such persons as may be desirable for the foregoing purposes and, in connection therewith, to use such moneys as shall come into the Receiver's hands and possession, as far as the same shall be necessary, for the above purposes and for continuing the business of said Respondent until further Order of this Court.
8. That the Receiver is authorized to incur expenses for goods and services and to purchase for cash such merchandise, supplies and materials as in the Receiver's discretion may be desirable or necessary for continuance of the business of the Respondent. That the Receiver is authorized to enter into any contracts, agreements or leases as in the Receiver's discretion as may be in the best interest and benefit of the Respondent and any and all creditors.
9. That the Receiver is authorized to, under the discretion of the Receiver, cease the operations of the business of the Respondent and order a prompt liquidation of the Respondent's assets for the benefit of all of the creditors of the Respondent.
10. That said Receiver be and hereby is authorized and empowered to sell, transfer and convey said Receiver's right, title and interest and the right, title and interest of said Respondent in and to any real property or personal property, tangible or intangible, for such sum or sums of money as to said Receiver appears reasonable and proper, at private sale or sales, provided, however, that approval is first given for such sale or sales by this Court on *ex parte* application by the Receiver, or after such notice as the Court may require.

11. That the Receiver is hereby authorized and empowered to sell at public auction any or all of the Respondent's assets. The Receiver is also authorized to engage an auctioneer and to insert such display ads within or without the State of Rhode Island as the Receiver deems proper advertising for such sale. Such a public auction sale conducted by said Receiver in accordance with the provisions of this paragraph shall be considered and is hereby declared to be a commercially reasonable sale, and such sale shall constitute compliance with the requirements of a commercially reasonable sale as set forth in Article 9 of the Uniform Commercial Code as enacted in Rhode Island.
12. That said Receiver be, and hereby is, authorized and empowered, as soon as there are sufficient funds available, to pay all City, State and United States taxes of any kind, nature and description, including withholding taxes, as well as wages due employees, with such employees being relieved of the necessity of filing claims with the Receiver unless the amount paid or shown on the books of the Respondent is not acceptable to any employee, in which case said employee may file his/her claim in the same manner as other creditors.
13. In fulfillment of the reporting requirements set forth in Rule 66 (e) of the Superior Court Rules of Civil Procedure, the Receiver shall file with the Court the Reports referred to in said Rule, as and when the Receiver deems necessary or advisable under the circumstances, or, in any event, as and when required by Order of this Court.
14. That the Receiver shall continue to discharge said Receiver's duties and trusts hereunder until further order of this Court; that the right is reserved to the Receiver and to the parties hereto to apply to this Court for any other or further instructions to said Receiver and that this Court reserves the right, upon such Notice, if any, as it shall deem proper, to

make such further orders herein as may be proper, and to modify this Order from time to time.

15. All creditors or other claimants hereby are ordered to file under oath with the Receiver at Vincent A. Indeglia, Esq, Receiver, Indeglia & Associates, 300 Centerville Road, Summit East, Suite 320, Warwick, RI 02886 on or before September 30, 2016, a statement setting forth their claims, including, but without limiting the generality of the foregoing, the name and address of the claimant, the nature and amount of such claim, a statement of any security or lien held by the claimant to which such claimant is or claims to be entitled, and also a statement as to any preference or priority which the claimant claims to be entitled to over the claims of any other or all other claimants or creditors.

16. That the commencement, prosecution, or continuance of the prosecution, of any action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession proceeding, both judicial and non-judicial, or any other proceeding, in law, or in equity or under any statute, or otherwise, against said Respondent or any of its property, in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, member, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against any property of said Respondent, or the taking or attempting to take into possession any property in the possession of the Respondent or of which the Respondent has the right to possession, or the cancellation at any time during the Receivership proceeding herein of any insurance policy, lease or other contract with the Respondent, by any of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of telephone, electric, gas or other utility service to the Respondent, by any public utility, without obtaining prior approval

thereof from this Honorable Court, in which connection said Receiver shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further Order of this Court.

17. That Notice be given of the entry of this order by the Clerk of this Court by publication of a copy of the annexed Receivership Notice in *The Providence Journal* on or before the 13th day of July, 2016, and by the Receiver mailing on or before the 13th day of July, 2016, a copy of said Receivership Notice to each creditor and shareholder of said Respondent known as such to the Receiver, or appearing as such on the books of said Respondent, addressed to each such creditor or shareholder at their last known address.
18. That this Order is entered by virtue of and pursuant to this Court's equity powers and pursuant to its powers as authorized by the laws and statutes of the State of Rhode Island.
19. That all provisions of this Order shall be stayed until June 22, 2016. This Order shall be self-executing and all provisions herein shall take full force and effect on June 22, 2016.

ENTERED, as an Order of this Court this 20 day of June, 2016.

ENTER:

Silverstein
Associate Justice Silverstein
6/20/2016

BY ORDER:

151 Beare Hengleatsamy
Clerk, Superior Court 6/20/16

Presented by:

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rlutrario@indeglialaw.com