

SO ORDERED: September 13, 2010.



*[Handwritten Signature]*  
Anthony J. Metz III  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In Re:	)	
	)	Case No. 09-50026-REG
MOTORS LIQUIDATION COMPANY, <i>et al.</i> ,	)	
f/k/a General Motors Corp., <i>et al.</i> ,	)	(United States Bankruptcy Court
	)	Southern District of New York)
Debtors.	)	Chapter 11 (Jointly Administered)
_____	)	
	)	
MCM MANAGEMENT CORP.,	)	Adversary Proceeding No. 10-56003
	)	
Plaintiff,	)	
	)	
MANUAL TRANSMISSIONS OF	)	
MUNCIE, LLC, THE STATE OF INDIANA,	)	
and the TREASURER OF DELAWARE	)	
COUNTY, INDIANA,	)	
	)	
Defendants.	)	

**ORDER GRANTING MOTION FOR TRANSFER TO THE  
UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN  
DISTRICT OF NEW YORK PURSUANT TO 28 U.S.C. § 1412**

Defendant, Manual Transmissions of Muncie, LLC, by counsel, has filed its “Motion for Transfer to the United States Bankruptcy Court for the Southern District of New York Pursuant to 28 U.S.C. § 1412” [*Docket No. 4*] (“Motion”), and the Court, being duly advised in the premises and determining that the legal and factual bases set forth in the Motion and as heard in oral argument establish just cause for the relief requested therein, hereby overrules all objections to the Motion and finds that such Motion should be GRANTED. It is therefore

ORDERED that this proceeding is transferred to the United States District Court for the Southern District of New York for referral to the United States Bankruptcy Court for the Southern District of New York.

###

## Notice Recipients

District/Off: 0756-1  
Case: 10-56003

User: rbell2  
Form ID: pdfOrder

Date Created: 9/14/2010  
Total: 5

### Recipients of Notice of Electronic Filing:

aty	Deborah Kovsky-Apap	kovskyd@pepperlaw.com
aty	Jason M. Kuchmay	jmk@federoff-law.com
aty	Thomas C Scherer	tscherer@binghamchale.com
aty	Whitney L Mosby	wmosby@binghamchale.com

TOTAL: 4

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

aty	James A Federoff	Federoff Kuchmay, LLP	10445 Illinois Road	Fort Wayne, IN 46814
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TOTAL: 1

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

2010 JUN 21 PM 4:04

In Re:	)	
	)	Case No. 09-50026-REG
MOTORS LIQUIDATION COMPANY, <i>et al.</i> ,	)	
f/k/a General Motors Corp., <i>et al.</i> ,	)	(United States Bankruptcy Court
	)	Southern District of New York)
Debtors.	)	Chapter 11 (Jointly Administered)
_____	)	
	)	
MCM MANAGEMENT CORP.,	)	Adversary Proceeding No. _____
	)	
Plaintiff,	)	
	)	
MANUAL TRANSMISSIONS OF	)	
MUNCIE, LLC, THE STATE OF INDIANA,	)	
and the TREASURER OF DELAWARE	)	
COUNTY, INDIANA,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant, Manual Transmissions of Muncie, LLC, (“MTM”), by counsel and pursuant to 28 U.S.C. § 1452(a) and Rule 9027 of the Federal Rules of Bankruptcy Procedure, hereby removes the civil action entitled, *MCM Management Corp. v. Manual Transmissions of Muncie, LLC, the State of Indiana, and the Treasurer of Delaware County*, Cause No. 18C01-1005-PL-14 (the “State Court Action”) from the Delaware County, Indiana, Circuit Court, where it is now pending to the United States Bankruptcy Court for the Southern District of Indiana. In support of removal, MTM respectfully represents as follows:

**A. Factual Background.**

1. In December of 2006, the Plaintiff, MCM Management Corp. (the “Plaintiff”), and Motors Liquidation Company, fka General Motors Corporation (the “Debtor”) entered into certain contracts (collectively, the “Contracts”) pursuant to which the Plaintiff was to perform

demolition work on real property commonly known as 1200 West 8<sup>th</sup> Street, Muncie, Indiana, 47302 that is owned by MTM (the “Real Estate”).

2. The Plaintiff and the Debtor are the only parties to the Contracts.

3. On May 28, 2009, the Plaintiff recorded with the Delaware County Recorder a “Sworn Statement and Notice of Intention to Hold Mechanic’s Lien Upon Real Estate” (“Mechanic’s Lien”) relating to the work performed under the Contracts on the Real Estate.

4. On June 1, 2009, the Debtor and related entities filed voluntary petitions under Chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Southern District of New York that are being jointly administered under Case No. 09-50026-REG (the “Bankruptcy Action”).

5. On June 18, 2009, the Plaintiff filed a proof of claim (“Proof of Claim”) in the Bankruptcy Action asserting a secured claim against the Debtor in the amount of \$22,476,106 relating to, among other things, the amounts allegedly due the Plaintiff under the Contracts and Mechanic’s Lien.

6. On March 5, 2010, the Debtor commenced an Adversary Proceeding in the United States Bankruptcy Court for the Southern District of New York against the Plaintiff that is associated with the Bankruptcy Action and pending under Case No. 10-05008 (the “Adversary Proceeding”). In the Adversary Proceeding, the Debtor objects to the Plaintiff’s Proof of Claim and asserts breach of contract claims against the Plaintiff relating to the Contracts.

7. On May 12, 2010, the Plaintiff commenced the State Court Action by filing its “Complaint for Breach of Contract, Unjust Enrichment/Quantum Meruit, and Foreclosure of Mechanic’s Lien” (“Complaint”).

8. In the Complaint, the Plaintiff asserts claims against both MTM and the Debtor

for breach of contract and unjust enrichment related to the work performed on the Real Estate including, but not limited to, the following:

- “General Motors and MTM have failed to pay MCM in full for the Work. *Complaint*, ¶ 16.
- To date, General Motors and MTM owe MCM \$335,278 for the Work. *Complaint*, ¶ 17.
- Despite MCM’s demands for payment, General Motors and MTM have failed to pay MCM the amounts owed under the Purchase Orders. *Complaint*, ¶ 18.
- Despite MCM’s demands for payment, General Motors and MTM have failed to compensate MCM for any additional work and costs resulting from the delays on the Project. *Complaint*, ¶ 20.
- General Motors’ and MTM’s failure to compensate MCM for the amounts owed under the Purchase Order, and the delays on the Project constitutes a material breach of the parties’ agreement. *Complaint*, ¶ 21.
- General Motors’ and MTM’s failure to provide for full compensation to MCM constitute a breach of its implied covenant of good faith and fair dealing. *Complaint*, ¶ 22.
- General Motors and MTM would be unjustly enriched if permitted to retain the benefit for Work without compensating MCM for the Work. *Complaint*, ¶ 28.

9. MTM may remove the State Court Action because it is a core proceeding with original jurisdiction in this Court.

**B. Notice of Removal.**

10. As set forth in 28 U.S.C. § 1452(a), “[a] party may remove a claim or cause of action in a civil action . . . to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.”

11. Pursuant to 28 U.S.C. §§ 157 and 1334, this Court has original jurisdiction of all cases arising under title 11 or arising in or related to cases under title 11, including core proceedings.

12. Core proceedings include, but are not limited to, (a) allowance or disallowance of claims against the estate; (b) counterclaims by the estate against persons filing claims against the estate; and (c) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor relationship. 28 U.S.C. § 157(b)(2).

13. This Court has core jurisdiction over the State Court Action and the claims asserted therein because:

- The Plaintiff submitted to the jurisdiction of the bankruptcy court by filing its Proof of Claim in the Bankruptcy Action.
- The State Court Action asserts the same claims that have been made or will be made in the Adversary Proceeding.
- The State Court Action is a core proceeding in that it relates to the allowance or disallowance of claims against the Debtor's estate; it involves property of the Debtor's estate by virtue of the Debtor's counterclaims against the Plaintiff; and it affects the amount of the assets that will be available for distribution to creditors of the Debtor.

14. Removal to this Court is proper under 28 U.S.C. § 1452(a) because the Southern District of Indiana is the district within which the State Court Action was pending prior to removal.

15. This Notice of Removal is timely. It is filed within thirty (30) days of being served with the Complaint and Summons and otherwise meets the time requirements set forth in Rule 9027(a)(2) of the Federal Rules of Bankruptcy Procedure.

16. In accordance with Rule 9027(a)(1), a copy of all pleadings served upon or filed by MTM in the State Court Action are attached hereto as Exhibit A.

17. Pursuant to Rule 9027(c) of the Federal Rules of Bankruptcy Procedure, a copy of this Notice of Removal is being filed with the Clerk of the Delaware County, Circuit Court, and notice thereof is being given to the adverse party.

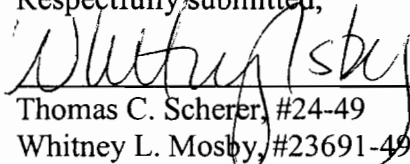
18. Preferred venue lies with the United States Bankruptcy Court for the Southern

District of New York. MTM intends to promptly file a motion to transfer venue to the United States Bankruptcy Court for the Southern District of New York under Rule 7087 of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, Defendant, Manual Transmissions of Muncie, LLC, ("MTM"), removes this case from the Delaware County Circuit Court to the United States Bankruptcy Court for the Southern District of Indiana.

Dated this 21st day of June, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Whitney L. Mosby", is written over a horizontal line. The signature is cursive and somewhat stylized.

Thomas C. Scherer, #24-49

Whitney L. Mosby, #23691-49

*Attorneys for Defendant,*

*Manual Transmissions of Muncie, LLC*

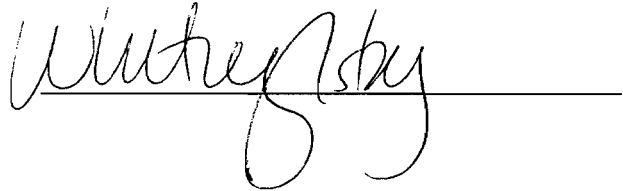
BINGHAM MCHALE LLP  
2700 Market Tower  
10 West Market Street  
Indianapolis, IN 46204-4900  
Phone: (317) 635-8900  
FAX: (317) 236-9907  
Email: [tscherer@binghammchale.com](mailto:tscherer@binghammchale.com)  
[wmosby@binghammchale.com](mailto:wmosby@binghammchale.com)



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been filed electronically and served upon the following either electronically or via first class United States mail, postage prepaid and addressed as shown, this 21st day of June, 2010:

James A. Federoff  
Jason M. Kuchmay  
Federoff Kuchmay LLP  
10445 Illinois Road  
Fort Wayne, IN 46814

A handwritten signature in cursive script, appearing to read "Wintreby", is written over a horizontal line.

1503046

**EXHIBIT A**

STATE OF INDIANA )  
 ) SS: IN THE DELAWARE CIRCUIT COURT  
COUNTY OF DELAWARE ) CAUSE NO. 18C01-1005-PL- 14

MCM MANAGEMENT CORP., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MANUAL TRANSMISSIONS OF )  
 MUNCIE, LLC, the STATE OF INDIANA, )  
 AND the TREASURER OF DELAWARE )  
 COUNTY, INDIANA )  
 Defendants. )

**FILED**  
CLERKS OFFICE  
DELAWARE CO., INDIANA  
MAY 12 2010

*Steven G. Craycraft*  
CLERK

TO THE DEFENDANT:

Manual Transmissions of Muncie, LLC  
c/o: The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

You have been sued by the person(s) named above. The claim made against you is attached to this summons; please examine all pages carefully. The X marked below indicates the time limit you have to **FILE YOUR ANSWER.**

- Certified Mail      You or your attorney must file a written answer to the claim **WITHIN TWENTY-THREE (23) DAYS**, commencing the day after you receive this summons, or judgment may be entered against you as claimed.
- Personal Service      You or your attorney must file a written answer to the claim **WITHIN TWENTY(20) DAYS**, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

Your answer is considered filed when it is received in the office of the Clerk of the Delaware Circuit Court, 100 W. Main Street, Muncie, IN 47305. The method you choose to deliver the answer to the Clerk is up to you; however, you should be able to prove that you filed your answer. If you wish to file a claim against another party associated with this case, you must state it in your written answer.

If you are required to appear, the date, time and location will be shown on the attached Notice of Hearing form. **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU.**

Dated:           MAY 13 2010          

*Steven G. Craycraft*  
STEVEN G. CRAYCRAFT  
CLERK OF DELAWARE CIRCUIT COURT

RETURN OF SUMMONS
CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_ day of \_\_\_\_\_, 2010, I mailed a copy of this summons and a copy of the complaint to each of the Defendant[s] \_\_\_\_\_ by [registered or certified] mail No. \_\_\_\_\_ requesting a return receipt addressed to each of the Defendant[s] viz: \_\_\_\_\_ at the address(es) furnished by the Plaintiff[s] in the praecipe in this cause.

Dated: \_\_\_\_\_ Clerk \_\_\_\_\_ (Seal)

CLERK'S CERTIFICATE OF RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that service of summons with return receipt requested was mailed on the \_\_\_ day of \_\_\_\_\_, 2010, and that a copy of return receipt was received on the \_\_\_ day of \_\_\_\_\_, 2010, which copy is attached herewith.

Dated: \_\_\_\_\_ Clerk \_\_\_\_\_ (Seal)

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL

I hereby certify that on the \_\_\_ day of \_\_\_\_\_, 2010, I mailed a copy of this summons and a copy of the complaint to each of the Defendant[s] \_\_\_\_\_ by [registered or certified] mail No. \_\_\_\_\_, and the same was returned without acceptance this \_\_\_ day of \_\_\_\_\_, 2010, and I did deliver said summons and a copy of complaint to the Sheriff of Delaware County, Indiana.

Dated: \_\_\_\_\_ Clerk \_\_\_\_\_ (Seal)

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within summons and a copy of the complaint herein:

- 1. By delivering on the \_\_\_ day of \_\_\_\_\_, 2010, a copy of the summons and a copy of the complaint to the Defendants[s] \_\_\_\_\_
2. By leaving on the \_\_\_ day of \_\_\_\_\_, 2010, for each of the Defendant[s] \_\_\_\_\_

a copy of the summons and a copy of the complaint at \_\_\_\_\_ being the respective dwelling house or usual place of abode of the Defendant[s], with \_\_\_\_\_ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served

AND

by mailing a copy of this summons without the complaint to the Defendant[s] at \_\_\_\_\_ the last know address of the Defendants[s].

- 3. \_\_\_\_\_

TOTAL FEES: \$ \_\_\_\_\_ Sheriff of Delaware County, Indiana

SHERIFF'S RETURN OF NON-SERVICE OF SUMMONS

I hereby certify that service of the within summons and complaint was not made because:

- 1. The Defendant[s] \_\_\_\_\_ was/were not found in person in my bailiwick.
2. The Defendant[s] \_\_\_\_\_ does/do not have a dwelling house or usual place of abode with some person of suitable age and discretion residing therein with whom a copy of the summons and complaint could be left, in my bailiwick.
3. \_\_\_\_\_

TOTAL FEES: \$ \_\_\_\_\_ Sheriff of Delaware County, Indiana

SERVICE ACKNOWLEDGED BY DEFENDANT[S]

A copy of the within summons and a copy of the complaint attached thereto were received by me this day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Signature of Defendant[s]

FILED  
CLERKS OFFICE  
DELAWARE CO., INDIANA

MAY 12 2010

*Stacy J. Arzuff*  
CLERK

LIS PENDENS NOTICE

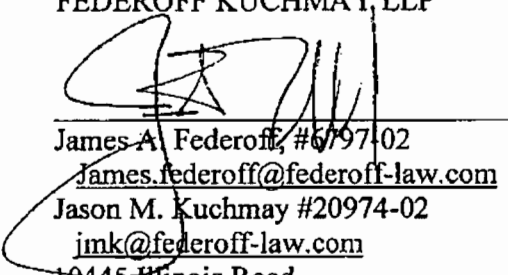
NOTICE TO ALL PERSONS, known and unknown and all other concerned

parties:

Please take notice that on May 12, 2010, MCM Management Corp. filed a Complaint, Cause No. 18C01-1005-PL- 14, against Manual Transmissions of Muncie, LLC, the State of Indiana, and the Treasurer of Delaware County, Indiana, in the Delaware Circuit Court. The Complaint involves a claim for the foreclosure of a mechanic's lien dated May 28, 2009, to secure the sum of \$335,278, plus interest and attorney's fees, which mechanic's lien was recorded as Document No. 2009R14789 in the Office of the Recorder of Delaware County, Indiana, on May 28, 2009, at 4:02:03 p.m.

The real estate affected is legally described in the attached Exhibit "A".

FEDEROFF KUCHMAY, LLP

  
James A. Federoff, #5797-02

[James.federoff@federoff-law.com](mailto:James.federoff@federoff-law.com)

Jason M. Kuchmay #20974-02

[jmk@federoff-law.com](mailto:jmk@federoff-law.com)

10445 Illinois Road

Fort Wayne, Indiana 46814

Telephone: (260) 207-2100

Facsimile: (260) 207-2101

Attorneys for Plaintiffs

Filed and recorded the \_\_\_\_\_ day of \_\_\_\_\_, 2010 at \_\_\_\_\_ .m.

\_\_\_\_\_  
Clerk, Delaware Circuit Court

This instrument was prepared by James A. Federoff, Attorney at Law, Federoff Kuchmay LLP, 10445 Illinois Road, Fort Wayne, IN 46814.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

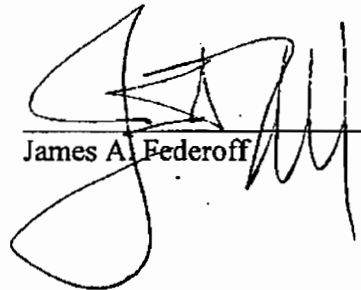
  
\_\_\_\_\_  
James A. Federoff

Exhibit "A"  
Legal Description of Real Estate

All those certain pieces or parcels of land situate in Delaware County, State of Indiana, and more particularly described as follows:

A part of the Northwest Quarter and a part of the Southwest Quarter of Section 16 Township 20 North Range 10 East, more particularly described as follows, to-wit:

Beginning at a point in the West line of Elliott Street, as said Elliott Street is laid out and platted in the T.F. Rose First Addition to the City of Muncie, Indiana at the point of intersection of the West line of said Elliott Street with the North line of the Southwest Quarter of Section 16 Township 20 North Range 10 East; thence South  $00^{\circ}-06'-45''$  West and on and along the West line of said Elliott Street 1,298.74 feet to its intersection with the North line of 8th Street, as said 8th Street is laid out and platted in the T.F. Rose First Addition to the City of Muncie, Indiana; thence North  $90^{\circ}-00'-00''$  West and on and along the North line of said 8th Street and said line extended West 1,847.15 feet to a point 30.0 feet East of the East line of Perkins Avenue, as said Perkins Avenue is laid out and platted in J.J. Perkins Addition to the City of Muncie, Indiana; thence in a Northwesterly direction on a curve to the right, said curve having a radius of 30.0 feet and a long chord distance of 42.43 feet to its intersection with the East line of said Perkins Avenue at a point 40.0 feet North of the Southwest Corner of Lot 206 in said J.J. Perkins Addition; thence North  $00^{\circ}-00'-00''$  East and on and along the East line of said Perkins Avenue 1,102.80 feet to its intersection with the South Right-of-Way line of the Conrail Railroad (formerly the C.C.C. & ST.L.R.R.); thence North  $76^{\circ}-50'-45''$  East and on and along the said South Right-of-Way Line of said Conrail Railroad 1,930.83 feet to its intersection with the West line of Elliott Street in the T.F. Rose First Addition to the City of Muncie, Indiana; thence South  $00^{\circ}-06'-45''$  West and on along the West line of said Elliott Street 271.34 feet to the point of beginning. EXCEPTING THEREFROM Lots 292, 291, and the West (four) 4.0 feet of Lot 290 and the South Half of the vacated alley lying adjacent and North of the above described lots, all in J.J. Perkins Addition to the City of Muncie, Indiana. Containing after said Exception 58.012 acres, more or less. (The above description is intended to include all of T.F. Rose First Addition East of Elliott Street heretofore vacated and the following lots in J.J. Perkins Addition to the City of Muncie, Indiana; Lots 193 thru 206, except South ten (10.0) feet, Lots 217 thru 230, Lots 241 thru 254, Lots 265 thru 278, Lot 289, the East 46' of Lot 290, Lots 293 thru 302, Lots 317 thru 328; ALSO including vacated 5th Street from the East line of Perkins Avenue to the West line of Sampson Avenue, vacated 6th Street from the East line of Perkins Avenue to the East line of the J.J. Perkins Addition, vacated 7th Street from the East line of Perkins Avenue to the East line of the J.J. Perkins Addition, and vacated Sampson Avenue from the South line of 5th Street to a point 10.0' North of the North line of 8th Street. ALSO, all of the vacated alley between Lots 317 thru 328 and Lots 293 thru 302, all of the vacated alley between Lots 285 thru 288 and Lots 241 thru 244, all of the vacated alley between Lots 269



through 278 and Lots 245 thru 254, all of the vacated alley between Lots 217 thru 220 and Lots 193 thru 196, all of the vacated alley between Lots 221 thru 230 and Lots 197 thru 206 and the South Half of the vacated alley adjacent to Lots 289 and the East 46' of Lot 290). Also the following described parcel of land, more particularly described as follows, to-wit: Beginning at the Southwest corner of Lot 148 in J.J. Perkins First Addition to the City of Muncie, Indiana (being the intersection of the East line of Sampson Avenue; and the North line of 9th Street); thence North on the East line of said Sampson Avenue 301.7 feet to the South line of 8th Street; thence East on the South line of said 8th Street and said South line extended East 858.8 feet to the West line of Birch Street, as said street is laid out and platted in Winton Place, an addition to the City of Muncie, Indiana; thence South on the West line of said Birch Street and said West line extended South 162.5 feet to a point 17.5 feet South of the North line of said 9th Street in said Winton Place; thence West and parallel with the North line of said 9th Street 350.0 feet; thence South 3.82 feet; thence in a Southerly and Westerly direction on a curve to the left, said curve having a radius of 137.5 feet and an arc distance of 153.74 feet to its intersection with the North line of 9th Street extended; thence West on the North line of said 9th Street and said line extended 210.0 feet to the East line Lot 145 in J.J. Perkins First Addition; thence South on the said East line 10.0 feet to the Southeast Corner of said Lot 145; thence West on the North line of said 9th Street 200.0 feet to the point of beginning. Estimated to contain 4.907 acres, more or less. (The above description is intended to include all of the following, Lots 70 thru 76 except North 10.0 feet, Lots 219 and 223 except North 10 feet; Lots 220, 221, 222, 224, 225, 226, 227 and 228 the vacated North 17.5 feet of 9th Street; the vacated alley lying adjacent to and West of Lots 223 thru 228, all in Winton Place, an addition to the City of Muncie, Indiana; also intended to include Lots 169 thru 172, and Lots 145 thru 148 and a vacated alley lying between Lots 169 thru 172 and Lots 145 thru 148 all in J.J. Perkins First Addition.) ALSO, the following described parcel of land, more particularly described as follows, to-wit: All of Lots 7, 8, 14, 15, 16, 23, 24, 25, 46, 47, 48, 69, 70, 71, 92, 93, 94 in T.F. Rose First Addition to the City of Muncie, Indiana and the following vacated alley and street; vacated 8th Street between Lots 46 thru 48 and Lots 69 thru 71, and vacated alley between Lots 69 thru 71 and Lots 92 thru 94 all in T.F. Rose First Addition to the City of Muncie, Indiana. ALSO, the following described parcel of land, more particularly described as follows, to-wit: Lots 63, 64, 65, 66, and 67, except the North ten (10.0) feet and also the vacated North 17.5 feet of 9th Street lying adjacent to Lots 63 thru 67 all in Winton Place, an addition to the City of Muncie, Indiana. Subject to all easements of record for utilities.



STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

IN THE DELAWARE CIRCUIT COURT  
CAUSE NO. 18C01-1005-PL- 14

MCM MANAGEMENT CORP., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MANUAL TRANSMISSIONS OF )  
MUNCIE, LLC, the STATE OF INDIANA, )  
AND the TREASURER OF DELAWARE )  
COUNTY, INDIANA )  
Defendants. )

**FILED**  
CLERKS OFFICE  
DELAWARE CO., INDIANA  
MAY 12 2010  
*Stan J. August*  
CLERK

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**COMPLAINT FOR BREACH OF CONTRACT, UNJUST ENRICHMENT/QUANTUM MERUIT, AND FORECLOSURE OF MECHANIC'S LIEN**

---

Plaintiff, MCM Management Corp. ("MCM"), by counsel, for its Complaint for Breach of Contract, Unjust Enrichment/Quantum Meruit, and Foreclosure of Mechanic's Lien (this "Complaint") against Defendant Manual Transmissions of Muncie, LLC ("MTM"), the State of Indiana (the "State"), and the Treasurer of Delaware County, Indiana (the "Treasurer"), alleges and states:

**GENERAL ALLEGATIONS**

1. MCM is a Michigan corporation with its principal place of business in Oakland County, Michigan. At all pertinent times, MCM was authorized and properly licensed to transact business in the State of Michigan. MCM also is properly authorized to transact business in the State of Indiana.

2. Motors Liquidation Company, fka General Motors Corporation ("General Motors") is a Delaware corporation with facilities in Delaware County, Indiana.

9. In addition to the demolition services that MCM provided under the Purchase Order, MCM agreed to pay General Motors \$686,427.

10. MCM has duly performed the services called for under the Purchase Order in accordance with its contractual duties.

11. Pursuant to the Purchase Order, MCM was to be paid additional compensation for work that MCM was called upon by General Motors and MTM to perform beyond the original scope of Work, as referenced in the Purchase Order.

12. In the course of its performance, MCM performed additional work at a value exceeding \$878,312. However, to date, General Motors and MTM have paid MCM only \$543,034 for the Work, leaving \$335,278 due and owing.

13. In addition to the above, General Motors caused significant delays in the demolition process, which cost MCM millions of dollars in lost use of labor and equipment; lost opportunity to generate revenue from scrap sales at fair market prices; lost utilization of overhead expenses; and lost opportunities for alternative profitable projects.

**COUNT I**  
**BREACH OF CONTRACT (MTM)**

14. MCM incorporates all preceding allegations in this Complaint as if fully restated in this Count I.

15. Pursuant to the Purchase Order, General Motors and MTM agreed to compensate MCM for the Work related to the Project.

16. General Motors and MTM have failed to pay MCM in full for the Work.

17. To date, General Motors and MTM owe MCM \$335,278 for the Work.

18. Despite MCM's demands for payment, General Motors and MTM have failed to pay MCM the amounts owed under the Purchase Order.

19. MCM also suffered substantial cost increases and lost opportunities due to delays on the Project.

20. Despite MCM's demands for payment, General Motors and MTM have failed to compensate MCM for any additional work and costs resulting from the delays on the Project.

21. General Motors' and MTM's failure to compensate MCM for the amounts owed under the Purchase Order, and the delays on the Project constitutes a material breach of the parties' agreement.

22. General Motors' and MTM's failure to provide for full compensation to MCM constitute a breach of its implied covenant of good faith and fair dealing.

23. MCM has suffered damage as a result of General Motors' and MTM's material breach of the parties' agreement.

24. MCM has fully performed its duties under the Purchase Order.

25. MCM has satisfied all conditions precedent to its entitlement to recovery for the additional work it performed beyond the scope referenced in the Purchase Order.

WHEREFORE, MCM respectfully requests an award of damages against MTM in an amount to be determined at trial, but not less than \$335,278, together with costs, reasonable attorney fees, interest, and such further relief as the Court deems just and proper.

**COUNT II**  
**UNJUST ENRICHMENT/QUANTUM MERUIT (MTM)**

26. MCM incorporates all preceding allegations in this Complaint as if fully restated in this Count II.

27. General Motors and MTM received a substantial benefit from the Work that MCM performed on the Project. Additionally, the Work performed by MCM substantially benefited the Real Estate.

28. General Motors and MTM would be unjustly enriched if permitted to retain the benefit of the Work without compensating MCM for the Work.

29. MCM is entitled to restitution for the value of the Work it performed without full payment from General Motors, under the theory of quantum meruit.

WHEREFORE, MCM respectfully requests entry of judgment against MTM in an amount to be determined at trial, but not less than \$335,278, together with costs, reasonable attorney fees, interest, and such further relief as the Court deems just and proper.

**COUNT III**  
**FORECLOSURE OF MECHANIC'S LIEN (ALL DEFENDANTS)**

30. MCM incorporates all preceding allegations in this Complaint as if fully restated in this Count III.

31. On May 28, 2009, MCM, by its attorneys, timely filed a Sworn Statement and Notice of Intention to Hold Mechanic's Lien Upon Real Estate, which was recorded on May 28, 2009 as Document No. 2009R14789 in the Office of the Recorder of Delaware County, Indiana (the "Lien Notice"). A true copy of the Lien Notice is attached to this Complaint as Exhibit "C". MCM is entitled to foreclose its mechanic's lien, as evidenced by the Lien Notice, under Indiana Code §32-28-3-6.

32. MCM has fulfilled all of the requirements of applicable Indiana law regarding the filing of the Lien Notice.

33. The only parties of which MCM is currently aware that have an interest in the Real Estate, are MTM, the Treasurer for delinquent property taxes, ditch assessments, and storm

water annual assessments, and the State for possible unpaid taxes. If MCM later determines there are other parties who should be parties in this action, they can and will be added as parties.

34. The Treasurer and the State are named as parties to this action to answer as to their respective interests in the Real Estate, which interests should be foreclosed if permitted by law.

35. MCM has a valid and enforceable mechanic's lien against the Real Estate under Ind. Code §32-28-3-1 *et. seq.*, which lien is superior to the rights and claims of MTM, the Treasurer, and the State, to the extent permitted by law, and which lien is entitled to foreclosure through these proceedings.

36. MCM is causing a Notice of Lis Pendens to be filed with the Clerk of the Delaware Circuit Court pursuant to IC §32-30-11-3, to give notice of these proceedings and the claims of MCM.

**WHEREFORE**, MCM, by counsel, respectfully requests that the Court enter judgment as follows:

a. That a judgment be entered in favor of MCM and against MTM in the sum of \$335,278, plus such other amounts as might be owing MCM for additional Work on the Real Estate pursuant to the Purchase Order, together with all other sums the Court finds are owing to MCM by MTM, interest, and the reasonable attorney fees incurred by MCM in connection with this action and the foreclosure of MCM's mechanic's lien;


b. That MCM's mechanic's lien on the Real Estate, and the liens of other defendants, as permitted by law, be foreclosed against MTM; and that the Real Estate be ordered by the Court to be sold by the Sheriff of Delaware County, Indiana to pay MCM's judgment entered in this action, all without relief from valuation or appraisal laws;

c. That the proceeds of such foreclosure sale be applied first to the costs of this action, and then to MCM's judgment, with the balance to the Clerk of this Court to be held and distributed as the Court may direct; and

d. That the Court grant all other just and proper relief.

Respectfully submitted,

FEDEROFF KUCHMAY LLP



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James A. Federoff, #02097-02

[James.federoff@federoff-law.com](mailto:James.federoff@federoff-law.com)

Jason M. Kuchmay #20974-02

[jmk@federoff-law.com](mailto:jmk@federoff-law.com)

10445 Illinois Road

Fort Wayne, Indiana 46814

Telephone: (260) 207-2100

Facsimile: (260) 207-2101

Attorneys for Plaintiff

1887312.02





General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 7013 ORCHARD LAKE RD STE 110  
 WEST BLOOMFIELD MI  
 48322-3692

TO:

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

00000 US  
 INVOICE FOR SERVICE, MACHINERY  
 & EQUIPMENT ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 : P.O. BOX 63490 AZ  
 85082-3490 US

INVOICE TO:

This order is not binding until accepted. Acceptance is indicated by execution of an administrative copy which should be returned to Buyer.  
 On the reverse side hereof are the terms and conditions to which Buyer agrees by acceptance of this order.  
 The terms and conditions on the face and reverse side herein, together with the complete and final  
 statement of work, Buyer and Seller and any amendments thereto, constitute the entire agreement and shall  
 govern the relationship between Buyer and Seller. No oral agreement or understanding shall be binding upon the Buyer unless made in writing and signed by Buyer's authorized representative and Seller.  
 If Government Contract Number is Shown Hereon, additional Terms and Conditions  
 Attached Hereeto Apply.

ORIGINAL

PURCHASE PAGE 1

ORDER: GMS09374

This Number Must Appear On All Invoices, Packing Slips,  
 Packages and Bills of Lading,  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and  
 Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel  
 Post.

ORDER DATE 12/20/06 PHONE: 586-575-1287  
 ALTERATION ISSUE DATE M RADELT Buyer  
 ALTERATION EFFECTIVE DATE *MM*  
 PURCHASING AGENT

SHIP VIA REFER TO WWW.GMSUPPLYPOWER.COM

DESTINATION UNLESS OTHERWISE INDICATED  
 SHIPPING POINT, FREIGHT COLLECT

PAYMENT TERMS  
 NET 2ND DAY OF 2ND MONTH

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	NOIN NAME	DESCRIPTION	RFQ NUMBER	DATE REQUIRED	TAX CODE/ %	BASE UNIT PRICE	PRICE MULTIPLE	UNIT	MARK
<p>THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY                      USD DOLLAR (UNITED STATES)</p> <p>PROVIDE ALL NECESSARY SUPERVISION, LABOR,                      EQUIPMENT, MATERIAL AND SERVICES TO PERFORM THE WORK                      PER BID SPEC NUMBER MTM-100 / DATED 10/30/06                      ADDENDUM # 1 / DATED 11/9/06                      ADDENDUM # 2 / DATED 11/9/06                      ADDENDUM # 3 / DATED 11/14/06                      PER THE CONTRACT DOCUMENTS LOCATED AT THE WGF                      DEMOLITION ENGINEERING OFFICE                      MCM WILL PAY GENERAL MOTORS 668,427 DOLLARS.                      THE PAYMENT SCHEDULE IS:                      100,000 DOLLARS IS TO BE PAID AT THE TIME OF CONTRACT                      AWARD. THEN THERE WILL BE ADDITIONAL PAYMENTS OF:                      MARCH 15, 2007 FOR 97,737.86                      APRIL 15, 2007 FOR 97,737.86                      MAY 15, 2007 FOR 97,737.86                      JUNE 15, 2007 FOR 97,737.86                      JULY 15, 2007 FOR 97,737.86                      AUGUST 15, 2007 FOR 97,737.86</p> <p>SUPPLIER HELP DESK FOR GM INDIRECT/MACHINERY AND                      EQUIPMENT PURCHASING AVAILABLE DURING DETROIT                      BUSINESS HOURS AT 1-888-376-6115 AND ON-LINE AT                      WWW.IMEHELPDESK@GM.COM</p>											

EXHIBIT  
 "A-1"

A006722 USER MARTIN E RADELT

ORIGINAL

CONTINUE PAGE 2





General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 7013 ORCHARD LAKE RD STE 110  
 WEST BLOOMFIELD MI  
 48322-3692

TO:

US

INVOICE TO:

85082-3490  
 P.O. BOX 63490 AZ  
 US

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

00000  
 INVOICE FOR SERVICE, MACHINERY  
 & EQUIPMENT ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 P.O. BOX 63490 AZ  
 US

This order is not binding until accepted. Acceptance must be indicated in writing.  
 On the reverse side listed are the terms and conditions to which this order is accepted by acceptance of this order.  
 The order, including the terms and conditions on the face and reverse side hereof, constitutes the contract and shall  
 supersede all other contracts, orders, proposals, specifications, drawings, and correspondence. The order and conditions  
 will be binding upon the buyer unless the order is amended in writing by the seller. If Government Contract Number is shown hereon, additional terms and conditions  
 attached hereto apply.

**PURCHASE** PAGE 2  
**ORDER:** GMS09374

This Number Must Appear On All Invoices, Packing Slips,  
 Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and  
 Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Perce!  
 Post.

ORDER DATE	12/20/06	PHONE: 586-575-1287
ALTERATION ISSUE DATE	M RADELT	Buyer
ALTERATION EFFECTIVE DATE	KF	
PURCHASING AGENT		

SHIP VIA REFER TO WWW.GMSUPPLY.POWER.COM

F.O.B. DESTINATION UNLESS OTHERWISE INDICATED  
 SHIPPING POINT, FREIGHT COLLECT

PAYMENT TERMS NET 2ND DAY OF 2ND MONTH

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	NOUN NAME	DESCRIPTION	RFQ NUMBER	DATE REQUIRED	TAX CODE/ %	BASE UNIT PRICE	PRICE MULTIPLE	UNIT	
00001	1	PR162289 001		QUESTIONS RELATED TO PAYMENT ISSUES, PLEASE CONTACT DISBURSEMENTS AT 248-874-4636.						UNI	
				PROVIDED LABOR, MATERIAL AND EQUIPMENT TO PERFORM THE ENVIRONMENTAL DECOMMISSIONING AND DEMOLITION AT MUNCIE TRANSMISSION PLANT. SAM SOLOMON 248-753-5547 DELIVER TO: CURIS HORENZIAK 2000 CENTERPOINT PONTIAC MICH. 48341 WHO ORDERED: SOLOMO 248-753-5547 GENERAL MOTORS CORPORATION "CONSTRUCTION GENERAL CONDITIONS GM 1638 (05/2005)," SUPERSEDE THE PRINTED TERMS AND CONDITIONS FOUND ON THE REVERSE SIDE OF THIS PURCHASE ORDER. (X4 06/2005) COST-QUANTITY ON PURCHASE ORDER/RELEASE THE 1.00 UNIT PRICE DOES NOT REPRESENT COST, BUT IS A MULTIPLIER. COST IS REPRESENTED BY QUANTITY ON PURCHASE ORDER/RELEASE. (ZX) RIGHT TO AUDIT BY ACCEPTANCE OF A PURCHASE ORDER THE SELLER OF GOODS AND/OR SERVICES GRANTS BUYER THE RIGHT TO AUDIT ALL		10/27/06 H	0.00%	NO CHARGE			



GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 7013 ORCHARD LAKE RD STE 110  
 WEST BLOOMFIELD MI  
 48322-3692

TO:

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

000000 ..... US  
 INVOICE FOR SERVICE, MACHINERY  
 & EQUIPMENT ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 : P.O. BOX 63490 AZ  
 85082-3490 US

This order is not binding until receipt. Additions should be made on subsequent copy which shall be inserted in copy.  
 Do the service site before the terms and conditions to which offer, agree by acceptance of this order.  
 All items are subject to change without notice. All items are subject to change without notice.  
 Payment for this order is due 30 days after the date of invoice. Payment for this order is due 30 days after the date of invoice.  
 If Government Contract Number is shown and agreed by Buyer's signature representative.  
 Attached Hereto Apply.

**PURCHASE** PAGE 3  
**ORDER:** GMS09374

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and Invoices.  
 Invoice Alt#: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel Post.

ORDER DATE 12/20/06  
 ALTERNATION ISSUE DATE KF  
 ALTERNATION EFFECTIVE DATE  
 PHONE: 586-575-1287  
 M RADELT  
 Buyer  
 PURCHASING AGENT

PAYMENT TERMS NET 2ND DAY OF 2ND MONTH  
 SHIP VIA REFER TO WWW.GMSUPPLYPOWER.COM  
 DESTINATION UNLESS OTHERWISE INDICATED

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	QUANTITY UNIT	DESCRIPTION	BASE UNIT PRICE	PRICE MULTIPLE
				SHIPPING POINT, FREIGHT COLLECT F.O.B. CHARGES AND AGREES THAT ALL RECORDS SUPPORTING CHARGES (INCLUDING THOSE OF SUBSIDIARIES AND AFFILIATES TO WHOM WORK HAS BEEN CONTRACTED) WILL BE AVAILABLE FOR AUDIT BY GENERAL MOTORS CORPORATION FOR A PERIOD OF THREE (3) YEARS BEYOND FINAL PAYMENT. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT) CONTRACT CLAUSE SPECIAL TERM (U.S.) - C-TPAT FOR SELLER'S GOODS TO BE IMPORTED INTO THE UNITED STATES, SELLER SHALL COMPLY WITH ALL APPLICABLE RECOMMENDATIONS OR REQUIREMENTS OF THE UNITED STATES CUSTOMS SERVICE'S CUSTOM-TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT) INITIATIVE (FOR INFORMATION GO TO HTTP://WWW.CUSTOMS.USTREAS.GOV/ENFORCEM/TPAT.HTM). AT BUYER'S OR THE CUSTOMS SERVICE'S REQUEST, SELLER SHALL CERTIFY IN WRITING ITS COMPLIANCE WITH THE FOREGOING. SELLER SHALL INDEMNIFY AND HOLD BUYER HARMLESS FROM AND AGAINST ANY LIABILITY, CLAIMS, DEMANDS OR EXPENSES (INCLUDING ATTORNEY'S OR OTHER PROFESSIONAL FEES) ARISING FROM OR RELATING TO SELLER'S NONCOMPLIANCE. (AT 6/20/02)		



GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 7013 ORCHARD LAKE RD STE 110  
 WEST BLOOMFIELD MI  
 48322-3692

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

00000  
 INVOICE FOR SERVICE MACHINERY  
 & EQUIPMENT ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 : P.O. BOX 63490 AZ  
 85082-3490 US

INVOICE TO:

This order is not binding until accepted. Acceptance should be indicated in subsequent order when issued by returned to Buyer.  
 On the reverse side hereof are the terms and conditions to which Seller agrees by acceptance of this order.  
 The terms and conditions of this order shall be those set forth herein, and shall prevail over any other terms and conditions agreed upon between Buyer and Seller and no other agreement in any way modifying any of said terms and conditions will be binding upon the Buyer unless made in writing and signed by Buyer's authorized representative.  
 If Government Contract Number is Shown Hereon, additional Terms and Conditions Attached Hereon Apply.

F.O.B. DESTINATION UNLESS OTHERWISE INDICATED

SHIPPING POINT, FREIGHT COLLECT

**PURCHASE** PAGE 4  
**ORDER:** GMS09374

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Occasion Valuation of Express Shipments or Insure Parcel Post.

ORDER DATE 12/20/06	PHONE: 586-575-1287
ALTERATION ISSUE DATE KF	M RADELT Buyer
ALTERATION EFFECTIVE DATE	PURCHASING AGENT

SHIP VIA REFER TO WWW.GMSUPPLYPOWER.COM

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	NOUN NAME	DESCRIPTION	RFO NUMBER	DATE REQUIRED	TAX CODE/ %	BASE UNIT PRICE	PRICE MULTIPLE	UNIT MEAS
				SPECIAL TERM (US) - GOVERNMENT CONTRACTS ***** BUYER SERVES FROM TIME TO TIME AS A CONTRACTOR FOR THE UNITED STATES GOVERNMENT. IF SELLER IS A U.S. ENTITY, SELLER SHALL COMPLY WITH ALL FEDERAL LAWS, RULES, AND REGULATIONS THAT ARE APPLICABLE TO SELLER AS A SUBCONTRACTOR OF GOVERNMENT CONTRACTORS, INCLUDING, WITHOUT LIMITATION, THOSE RELATING TO (1) EQUAL EMPLOYMENT OPPORTUNITY (PARAGRAPHS (1) THROUGH (7) OF SECTION 202 OF EXECUTIVE ORDER 11246, AS AMENDED, 41 CFR 60-741.5, 41 CFR 60-250.5); (2) UTILIZATION OF SMALL AND DISADVANTAGED BUSINESS CONCERNS; FAR SUBPARTS 52.219-8 AND 52.219.9); (3) CONTRACTING WITH BUSINESS CONCERNS OPERATING IN AREAS OF SURPLUS LABOR (41 CFR 1-1.805); AND (4) CONTRACTING WITH WOMEN-OWNED BUSINESS CONCERNS (EXECUTIVE ORDER 12138). (42) 10-29-03 "DO NOT BILL SALES OR USE TAX ON ITEMS DELIVERED TO ALL SHIPPED TO LOCATIONS WITH THE STATES LISTED BELOW." GM HOLDS DIRECT PAYMENT AUTHORITY WITH THESE STATES. AS A RESULT, IN ALL OF THE IDENTIFIED STATES BELOW LISTED GM CORPORATE ENTITIES WILL REMIT DIRECTLY TO TAXING AUTHORITIES, ALL SALES OR USE TAX LIABILITY RELATED TO ITS PURCHASE AND USE OF TANGIBLE PERSONAL PROPERTY AND SERVICES (1). THEREFORE,						





General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 7013 ORCHARD LAKE RD STE 110  
 WEST BLOOMFIELD MI  
 48322-3692

TO:

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

00000 US  
 INVOICE FOR SERVICE, MACHINERY  
 & EQUIPMENT ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 : P.O. BOX 63490 AZ  
 85082-3490 US

This order is not binding until accepted. Acceptance should be indicated in acknowledgment copy which should be returned to Buyer.  
 The acceptance and transfer of the terms and conditions to which this order is subject by acceptance of this order.  
 The acceptance and transfer of the terms and conditions to which this order is subject by acceptance of this order.  
 The acceptance and transfer of the terms and conditions to which this order is subject by acceptance of this order.  
 If Government Contract Number is Shown Hereon, additional Terms and Conditions Attached hereto Apply.

PURCHASE PAGE 5  
 ORDER: GMS09374

This Number Must Appear On All Invoices, Packing Slips,  
 Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and  
 Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Decline Valuation of Express Shipments or Insure Parcel  
 Post.

ORDER DATE 12/20/06  
 ALTERNATION ISSUE DATE M RADELT  
 BUYER  
 ALTERNATION EFFECTIVE DATE  
 PURCHASING AGENT

PHONE: 586-575-1287

SHIP VIA REFER TO WWW.GMSUPPLYPOWER.CO

DESTINATION UNLESS OTHERWISE INDICATED  
 SHIPPING POINT, FREIGHT COLLECT

PAYMENT TERMS  
 NET 2ND DAY OF 2ND MONTH

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	NOUN NAME	DESCRIPTION	RFQ NUMBER	DATE REQUIRED	TAX CODE/ %	PRICE UNIT MULTIPLE	
				EFFECTIVE IMMEDIATELY, THIS TAX CLAUSE SUPERSEDES ALL TAX CODE INFORMATION FOUND ON THIS ORDER EXCEPT FOR THOSE STATES NOT IDENTIFIED BELOW. FOR THOSE STATES NOT IDENTIFIED BELOW, PLEASE CONTINUE TO FOLLOW THE SPECIFIC TAX CODE INSTRUCTIONS FOUND ON THIS ORDER. LISTED BELOW ARE DIRECT PAY PERMIT OR SALES TAX LICENSE NUMBERS FOR THE STATES, OR GM LOCATIONS WITHIN A STATE, WHERE GM HOLDS DIRECT PAY AUTHORITY: * * * * * GENERAL MOTORS CORPORATION PERMITS: GEORGIA #044-38-00894-3 INDIANA #003-2804890001 KENTUCKY #0000-10 KANSAS #98-0003B LOUISIANA #6009013-008DP (FAIRFAX ONLY) MARYLAND #20 MICHIGAN #ME-09000440 MISSISSIPPI #4277 (SPO ONLY) MISSOURI #11731559 NEW JERSEY #NJ9-001-683/000 NEW YORK #DP-003445 OHIO #98-000613 OKLAHOMA #137479 PENNSYLVANIA #02-93450/DP246 TEXAS #1-38-0572515-0 VIRGINIA #9980000793					

**General Motors Corporation**

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

**PURCHASE** PAGE 6

**ORDER: GMS09374**

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and Invoices.

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 7013 ORCHARD LAKE RD STE 110  
 WEST BLOOMFIELD MI  
 48322-3692

INVOICE TO:  
 00000 US  
 INVOICE FOR SERVICE, MACHINERY  
 & EQUIPMENT ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 : P.O. BOX 63490 AZ  
 85082-3490 US

The order is not binding until accepted. Acceptance should be obtained in substantially the same form as shown on the attached invoice. The service order herein are the terms and conditions to which Buyer agrees by acceptance of this order. Buyer's acceptance of this order shall constitute an agreement to accept the terms and conditions of the contract and to hold the Seller harmless from and against all claims, damages, losses and expenses, including reasonable attorneys' fees, which may be incurred by the Seller in connection with the performance of the contract. If Government Contract Number is Shown Hereon, additional Terms and Conditions Attached Herein Apply.

ORDER DATE 12/20/06  
 ALTERNATION ISSUE DATE M RADELT Buyer  
 ALTERNATION EFFECTIVE DATE KF  
 PHONE: 586-575-1287  
 PURCHASING AGENT

SHIP VIA REFER TO WWW.GMSUPPLYPOWER.COM

F.O.B. DESTINATION UNLESS OTHERWISE INDICATED  
 SHIPPING POINT, FREIGHT COLLECT

PAYMENT TERMS  
 NET 2ND DAY OF 2ND MONTH

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	NOUN NAME	DESCRIPTION	REQ. NUMBER	DATE REQUIRED	TAX CODE/ %	BASE UNIT PRICE	PRICE MULTIPLE	UNIT MEAS.
			WISCONSIN #WDP95-01-01012							
			ONSTAR CORPORATION PERMIT:							
			MICHIGAN #38-3506814							
			SATURN CORPORATION PERMITS:							
			MICHIGAN #38-2577506							
			TENNESSEE #100315259							
			FURTHER, IF THIS ORDER RELATES TO THE CONSTRUCTION CONTRACT FOR REAL PROPERTY, ALL APPLICABLE SALES AND USE TAXES ARE THE RESPONSIBILITY OF THE CONTRACTOR (WITH THE EXCEPTION OF TEXAS), AND SHOULD BE INCLUDED IN THE CONTRACTOR'S BID AS REQUIRED PURSUANT TO SECTION 3.9 AND SECTION R3.2 OF THE GM1638 (05/05) OR SECTION 6 OF THE GM1638A (08/02), UNLESS THE RESPONSIBILITY FOR PAYMENT OF SALES & USE TAXES ARE OTHERWISE SPECIFICALLY OUTLINED IN THE CONTRACT. WITH REFERENCE TO TEXAS: IF THE ORDER RELATES TO A CONSTRUCTION CONTRACT FOR REAL PROPERTY, THE CONTRACTOR SHOULD ISSUE ALL CONTRACTS AS SEPARATED CONTRACTS AND AS SUCH SHOULD NOT INCLUDE SALES TAX IN THE COST OF INCORPORATED MATERIALS OR EQUIPMENT. IN ADDITION, THE CONTRACTOR SHOULD NOT BILL GM (GENERAL MOTORS CORPORATION ONLY) FOR SALES TAX ON THE SEPARATED COSTS OF MATERIAL OR LABOR. GM WILL							

**GM** General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 7013 ORCHARD LAKE RD STE 110  
 WEST BLOOMFIELD MI  
 48322-3692

SEE BODY OF PURCHASE ORDER FOR SHIPPING ADDRESS

PURCHASE PAGE 7  
 ORDER: GMS09374

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 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel Post.

100000 US  
 INVOICE FOR SERVICE, MACHINERY & EQUIPMENT ONLY. QUESTIONS TO: CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP : P.O. BOX 63490 AZ 85082-3490 US

ORDER DATE 12/20/06  
 ALTERNATION ISSUE DATE KF  
 ALTERNATION EFFECTIVE DATE  
 PHONE: 586-575-1287  
 M RADELT  
 KF Buyer  
 PURCHASING AGENT

PAYMENT TERMS NET 2ND DAY OF 2ND MONTH  
 F.O.B. DESTINATION UNLESS OTHERWISE INDICATED  
 SHIPPING POINT, FREIGHT COLLECT

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	NOUN NAME	DESCRIPTION	REQ NUMBER	DATE REQUIRED	TAX CODE/ %	BASE UNIT PRICE	PRICE UNIT MULTIPLE
			ACCURUE AND REMIT THE APPROPRIATE SALES TAX DIRECTLY TO THE STATE OF TEXAS UNDER THE DIRECT PAY PERMIT.						
			DISBURSEMENT SERVICES - CUSTOMER COMMUNICATION CENTER PHONE: (248) 874-4636						
			(1) EXCLUDING ALL TELECOMMUNICATIONS SERVICES, HOTELS, AND MEAL PURCHASES. TAX IS TO BE PAID DIRECTLY TO THE SUPPLIER OF THESE ITEMS.						
			TERMS AND CONDITIONS SEPTEMBER 2004, APPLY OF WHICH SUPPLIER HAS RECEIVED A COPY.						

This order is not binding until accepted. Acceptance should be obtained in appropriate copy which should be returned to the vendor. On the reverse side thereof are the terms and conditions to which this order is subject by acceptance of this order. The vendor, including the terms and conditions on the first and reverse side thereof, shall remain the property of General Motors and Seller and no other agreement in any way modifying any of these terms and conditions shall be binding upon the Seller unless made in writing and signed by Buyer's authorized representative. If Buyer's Contract Number is shown herein, additional Terms and Conditions Attached Herein Apply.

**ORIGINAL**

**PURCHASE** PAGE 1

General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 M/C 480-206-180  
 WARREN MI  
 48090

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

US  
 VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI  
 48304

00000 US  
 INVOICE FOR SERVICE, MACHINERY  
 & EQUIPMENT ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 : P.O. BOX 63490 AZ  
 85082-3490 US

This order is not binding until accepted. Acceptance should be evidenced by acknowledgment copy which should be returned to Buyer.  
 This order is based on the terms and conditions in which BILLY orders by acceptance of this order.  
 This order, including the terms and conditions on the bill and invoice, shall remain the property of the  
 statement between Buyer and Seller and no other agreement or any other modifying one of said terms and conditions  
 will be binding upon the Buyer unless made in writing and signed by Buyer's authorized representative.  
 If Government Contract Number is Shown Hereon, additional Terms and Conditions  
 Attached Herein Apply.

ORDER: GMS09374 001  
 ALTERNATION ##  
 This Number Must Appear On All Invoices, Packing Slips,  
 Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and  
 Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel  
 Post.

ORDER DATE 12/20/06 PHONE: 586-575-1287  
 ALTERATION ISSUE DATE M RADELT Buyer  
 12/21/06 KF  
 ALTERATION EFFECTIVE DATE *ms*  
 12/21/06 PURCHASING AGENT

PAYMENT TERMS NET 2ND DAY OF 2ND MONTH SHIP VIA REFER TO WWW.GMSUPPLYPOWER.COM

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	NOUN NAME	DESCRIPTION	REQ. NUMBER	DATE REQUIRED	TAX CODE/ %	BASE UNIT PRICE	PRICE MULTIPLE	UNIT MEAS.
			### SPOT BUY GMS09374	HAS BEEN ALTERED AS FOLLOWS ###						

THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY  
 USD DOLLAR (UNITED STATES)

I CORRECTED THE CLAUSES. MR

PROVIDE ALL NECESSARY SUPERVISION, LABOR,  
 EQUIPMENT, MATERIAL AND SERVICES TO PERFORM THE WORK  
 PER BID SPEC NUMBER MTM-100 / DATED 10/30/06  
 ADDENDUM # 1 / DATED 11/9/06  
 ADDENDUM # 2 / DATED 11/9/06  
 ADDENDUM # 3 / DATED 11/14/06  
 PER THE CONTRACT DOCUMENTS LOCATED AT THE WGF  
 DEMOLITION ENGINEERING OFFICE  
 MCM WILL PAY GENERAL MOTORS 686,427 DOLLARS.  
 THE PAYMENT SCHEDULE IS :

**EXHIBIT**  
 "A-2"



#614 Muncie

**PURCHASE** PAGE 1

ORDER: GMS09374 002

## # A L T E R A T I O N ##

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.  
(2) copies of your packing slip must accompany each shipment.  
Item Identification Number(s) must be shown on Packing Slips and Invoices.  
Invoice Attn: Accounts Payable  
Do not Declare Valuation of Express Shipments or Insure Parcel Post.

ORDER DATE: 12/20/06  
ALTERNATION ISSUE DATE: 09/30/08  
ALTERNATION EFFECTIVE DATE: 09/30/08  
SHIP VIA: PURCHASING AGENT  
PHONE: 586-575-1287  
M RADELT  
KF Buyer

SEE BODY OF PURCHASE ORDER FOR SHIPPING ADDRESS

SHIP TO:

GENERAL MOTORS CORPORATION  
GLOBAL PURCHASING  
30009 VAN DYKE  
WARREN MI 48090  
FAX 502-797-5053

VENDOR NUMBER 01-301-3136  
MCM MANAGEMENT CORP  
35980 WOODWARD AVE STE 210  
BLOOMFIELD HILLS MI 48304

INVOICE TO: INVOICE FOR SERVICE, MACHINERY & EQUIP ONLY. QUESTIONS TO: CUSTOMER SERVICE 248/874/4636

MAIL INVOICE TO: GM F88 ABP  
P.O. BOX 63490, PHOENIX AZ 85082-3490 US

This order is not binding until accepted. Acceptance should be recorded as a purchase order which should be returned to the vendor. On the reverse side hereof are the terms and conditions of sale. The terms and conditions on the face and reverse side hereof, contain the complete and entire agreement between the parties and no other conditions, terms or conditions shall apply. If Government Contract Number is shown hereon, additional terms and conditions attached hereto apply.

F.O.B. DESTINATION UNLESS OTHERWISE INDICATED

SHIPPING POINT, FREIGHT COLLECT

TAX CODE / %

DATE REQUIRED

RFO NUMBER

DESCRIPTION

UNIT OF MEASURE

PRICE MULTIPLE

PRICE

UNIT

BASE UNIT PRICE

SHIP VIA

REFER TO WWW.GMSHIPPING.COM

REFERRAL

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REFERRAL

General Motors Corporation

GENERAL MOTORS CORPORATION  
GLOBAL PURCHASING  
30009 VAN DYKE  
WARREN MI 48090  
FAX 502-797-5053

VENDOR NUMBER 01-301-3136  
MCM MANAGEMENT CORP  
35980 WOODWARD AVE STE 210  
BLOOMFIELD HILLS MI 48304

INVOICE TO: INVOICE FOR SERVICE, MACHINERY & EQUIP ONLY. QUESTIONS TO: CUSTOMER SERVICE 248/874/4636

MAIL INVOICE TO: GM F88 ABP  
P.O. BOX 63490, PHOENIX AZ 85082-3490 US

F.O.B. DESTINATION UNLESS OTHERWISE INDICATED

SHIPPING POINT, FREIGHT COLLECT

TAX CODE / %

DATE REQUIRED

RFO NUMBER

DESCRIPTION

UNIT OF MEASURE

PRICE MULTIPLE

PRICE

UNIT

BASE UNIT PRICE

SHIP VIA

REFER TO WWW.GMSHIPPING.COM

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ORIGINAL

CONTINUE PAGE 2

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#614 Mucire

General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 WARREN MI 48090  
 FAX 502-797-6053

SHIP TO:

US

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

PURCHASE PAGE 2

ORDER: GMS09374 002

## A L T E R A T I O N ##

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and Invoices.  
 Invoice A/c: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel Post.

ORDER DATE 12/20/06 PHONE: 586-575-1287

M RADELT

BUYER

ALTERNATION ISSUE DATE 09/30/08

ALTERNATION EFFECTIVE DATE 09/30/08

SHIP VIA PURCHASING AGENT

REFER TO MWV.GMSHIPPING.COM

SHIP TO: MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

SHIP TO: MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

PAYMENT TERMS

NET 2ND DAY OF 2ND MONTH

SHIP TO: MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

SHIP TO: MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

SHIP TO: MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	QUANTITY	DESCRIPTION	UNIT	PRICE MULTIPLE
00003	37932	PRVX6308 002	1.0000	ALTERATION TO GMS09374, PROVIDE LABOR, MATERIAL AND EQUIPMENT TO PERFORM ADDITIONAL PUMPING AND DISPOSAL OF WATER FROM THE WWTP PER FIELD ORDER FC-MUN-MCM-005 ITEM NUMBER 2 AND QUOTE DATED 9/11/08. SAMUEL SOLOMON 248-753-5547 WHO ORDERED: SOLOMON 248-753-5547	UNIT	1.0000

0005527 USER MARTIN E RADELT

ORIGINAL

LAST PAGE

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# 64 Muncie

PURCHASE PAGE 1

ORDER: GMS09374 003  
### A L T E R A T I O N ###

SEE BODY OF PURCHASE ORDER FOR SHIPPING ADDRESS

SHIP TO:

GENERAL MOTORS CORPORATION  
GLOBAL PURCHASING  
30009 VAN DYKE  
WARREN MI 48090

VENDOR NUMBER 01-301-3136  
MCM MANAGEMENT CORP  
35980 WOODWARD AVE STE 210  
BLOOMFIELD HILLS MI 48304

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.  
(2) copies of your packing slip must accompany each shipment.  
Item Identification Number(s) must be shown on Packing Slips and Invoices.  
Invoice Alt: Accounts Payable  
Do not Declare Valuation of Express Shipments or Insure Parcel Post.

ORDER DATE: 12/20/06  
ALTERATION ISSUE DATE: 10/08/08  
ALTERATION EFFECTIVE DATE: 10/08/08  
PHONE: 586-575-1287  
M RADELT  
KF  
PACKAGING AGENT

SHIP VIA  
REFER TO WWW.GMSHIPPING.COM

NET 2ND DAY OF 2ND MONTH

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	DESCRIPTION	SHIP POINT	SHIP DATE	TAX CODE	UNIT PRICE	PRICE UNIT	UNIT
00004	31.054	PRVX8342 001	SPOT BUY GMS09374 HAS BEEN ALTERED AS FOLLOWS ## THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY USD. DOLLAR (UNITED STATES) THIS ALTERATION IS BEING ISSUED TO AMEND THE ORIGINAL PURCHASE ORDER TO INCLUDE FIELD ORDER NUMBER FO-MUN-MCM-002 ### THIS ITEM HAS BEEN ADDED ### FOA GMS09374 -- PROVIDE LABOR, MATERIAL AND EQUIPMENT TO PERFORM A ADDITIONAL ASBESTOS ABATEMENT AT THE ADMINISTRATION BUILDING AND POWER HOUSE AT THE GM MUNCIE SITE PER FIELD ORDER NUMBER FO-MUN-MCM-002 AND QUOTE DATED 9/11/08. DELIVER TO: CHRIS HORENZIAK 2000 CENTERPOINT PONTIAC, MICH 48341 WHO ORDERED: SOLOMON 248-753-5547				1.0000		

#614 Muncie

PURCHASE PAGE 1

ORDER: GMS09374 004

### A L T E R A T I O N ###

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKING SLIPS, PACKAGES AND BILLS OF LADING.  
 (2) COPIES OF YOUR PACKING SLIP MUST ACCOMPANY EACH SHIPMENT.  
 ITEM IDENTIFICATION NUMBER(S) MUST BE SHOWN ON PACKING SLIPS AND INVOICES.  
 DO NOT DECLARE VALUATION OF EXPRESS SHIPMENTS OR INSURE PARCEL POST.

ORDER DATE: 12/20/06  
 M RADELT  
 BUYER  
 ALTERATION ISSUE DATE: 10/10/08  
 PURCHASING AGENT: 10/10/08

PHONE: 586-575-1287  
 REFER TO WWW.GMSHIPPING.COM

SHIP TO: SER BODY OF PURCHASE ORDER FOR SHIPPING ADDRESS

INVOICE FOR SERVICE/MACHINERY & EQUIP ONLY-QUESTIONS TO: CUSTOMER SERVICE 248/874/4636 MAIL INVOICE TO: GM FSS ABP P.O. BOX 63490, PHOENIX AZ 85082-3490 US

INVOICE TO: BLOOMFIELD HILLS MI 48304  
 TO: 35980 WOODWARD AVE STE 210 BLOOMFIELD HILLS MI 48304  
 VENDOR NUMBER 01-301-3136  
 RCM MANAGEMENT CORP  
 30009 VAN DYKE WARRREN MI 48090  
 FAX 502-797-6053

SHIP TO: 00000 US

SHIP VIA: PURCHASING AGENT

DESTINATION USES; OTHERWISE INDICATED

SHIPPING POINT, FREIGHT COLLECT

BASE UNIT PRICE

TAX CODE / %

UNIT OF MEASURE

PRICE MULTIPLE

UNIT

1.0000

UNIT

UNIT

UNIT

General Motors Corporation  
 GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 WARRREN MI 48090  
 FAX 502-797-6053

VENDOR NUMBER 01-301-3136  
 RCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

NET 2ND DAY OF 2ND MONTH

ITEM IDENTIFICATION NO.

QUANTITY ORDERED

ITEM NAME

DESCRIPTION

DATE RECEIVED

NUM NUMBER

DESTINATION USES; OTHERWISE INDICATED

SHIPPING POINT, FREIGHT COLLECT

BASE UNIT PRICE

TAX CODE / %

UNIT OF MEASURE

PRICE MULTIPLE

UNIT

00005

78616

PRVX9701 001

### SPOT BUY GMS09374 HAS BEEN ALTERED AS FOLLOWS ###

THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY

USD DOLLAR (UNITED STATES)

THIS ALTERATION IS BEING ISSUED TO AMEND THE ORIGINAL PURCHASE ORDER TO INCLUDE FIELD ORDER NUMBER FO-MUN-MCX-003

PER THE APPROVED MEGA PLAN 800596411 (3C 1/07)

### THIS ITEM HAS BEEN ADDED ###

FOA GMS09374 -- PROVIDE LABOR, MATERIAL AND EQUIPMENT FOR ADDITIONAL CLEANING AND TESTING AND/OR LOWERING LEVELS OF PCB CONTAMINATION WITHIN THE DELCO BUILDING PER FIELD ORDER NUMBER FO-MUN-MCX-003 AND QUOTE DATED 9/11/08

SAMUEL SOLOMON 248-753-5547

DELIVER TO: CHRIS HORNZELAK

2000 CENTERPOINT

POWTLAC, MICH 48341

WHO ORDERED: SOLOMON 248-753-5547

0005535 USER MARTIN E RADELT

ORIGINAL

LAST PAGE

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# 64 Muncie

General Motors Corporation

GENERAL MOTORS CORPORATION  
GLOBAL PURCHASING  
30009 VAN DYKE  
WARREN MI 48090

SEE BODY OF PURCHASE ORDER  
FOR SHIPPING ADDRESS

SHIP TO:

VENDOR NUMBER 01-301-3136  
NCM MANAGEMENT CORP  
TO: 35980 WOODWARD AVE STE 210  
BLOOMFIELD HILLS MI 48304

INVOICE TO:  
& EQUIP ONLY. QUESTIONS TO:  
CUSTOMER SERVICE 248/874/4636  
MAIL INVOICE TO: GM FSS ABP  
P.O. BOX 63490, PHOENIX AZ  
85082-3490 US

This order and accompanying invoice, receipt and packing slip shall be void if the recipient does not sign and return the invoice, receipt and packing slip to the sender within the time specified on the invoice, receipt and packing slip. If the recipient does not sign and return the invoice, receipt and packing slip within the time specified on the invoice, receipt and packing slip, the recipient shall be deemed to have accepted the invoice, receipt and packing slip and shall be bound by the terms and conditions stated therein. This order is subject to the terms and conditions of the purchase order and the invoice, receipt and packing slip. The recipient shall be deemed to have accepted the terms and conditions of the purchase order and the invoice, receipt and packing slip by signing and returning the invoice, receipt and packing slip to the sender.

PURCHASE PAGE 1

ORDER: GMS09374 005

## A I T B R A T I O N ##

This Number Must Appear On All Invoices, Packing Slips, packages and Bills of Lading.  
(2) copies of your packing slip must accompany each shipment.  
Item identification Number(s) must be shown on packing Slips and invoices.  
Invoice Attn: Accounts Payable  
Do not Declare Valuation of Express Shipments or Insure Parcel Post.

ORDER DATE 12/20/06

ALTERATION ISSUE DATE 10/14/08

ALTERATION EFFECTIVE 10/14/08

SHIP VIA

BUYER

PHONS: 586-575-1287

M RADELT

KF

PURCHASING AGENT

REFER TO WWW.GMSHIPPING.COM

DESTINATION UNLESS OTHERWISE INDICATED

SHIPPING POINT, FREIGHT COLLECT

SHIP TO: WYV.GMSHIPPING.COM

SHIP VIA

BASE UNIT PRICE

PRICE UNIT OF MEASURE

UNIT OF MEASURE

NET 2ND DAY OF 2ND MONTH

ITEM QUANTITY ORDERED

SEQUENCE ITEM IDENTIFICATION NO.

DESCRIPTION

RTQ NUMBER

DATE REQUIRED

TAXCODE/%

### SPOT BUY GMS09374 HAS BEEN ALTERED AS FOLLOWS ##

THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY  
USD DOLLAR (UNITED STATES)

THIS ALTERATION IS JUST TO CORRECT ALTERATION # 004  
THE CORRECT MEGA PLAN NUMBER IS 1000596826 FOR  
FIELD ORDER FO-MUN-MCM-003 MR

PAYMENT TERMS

0005537 USER MARTIN B RADELT

ORIGINAL

LAST PAGE

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#614 MUNCIE

**GM** General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 FAX 602-797-6053  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 TO: 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI  
 48304

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

00000 US  
 INVOICE FOR SERVICE, MACHINERY  
 & EQUIP ONLY. SUBSTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 P.O. BOX 63490, PHOENIX AZ  
 85082-3490 US

PURCHASE PAGE 1

ORDER: GMS09374006

### ALTERNATION ###

This Number Must Appear On All Invoices, Packing Slips,  
 Packages and Bill of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and  
 Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel  
 Post.

ORDER DATE 12/20/06  
 M RADELT  
 BUYER

ALTERATION DATE 10/20/08

ALTERATION EFFECTIVE 10/20/08

SHIP VIA PURCHASING AGENT

REFER TO WWW.GMSHIPPING.COM

The seller, including any subcontractor, warrants that the goods are as described in the invoice and that the goods are free from all liens, claims, and other encumbrances. The seller warrants that the goods are free from all liens, claims, and other encumbrances. The seller warrants that the goods are free from all liens, claims, and other encumbrances. The seller warrants that the goods are free from all liens, claims, and other encumbrances.

DESTINATION UNLESS OTHERWISE INDICATED

SHIPPING POINT, FREIGHT COLLECT

TAX CODE %

DATE REQUIRED

### SPOT BUY GMS09374 HAS BEEN ALTERED AS FOLLOWS ###

THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY

USD DOLLAR (UNITED STATES)

THIS ALTERATION IS BEING ISSUED TO AMEND THE

ORIGINAL PURCHASE ORDER TO INCLUDE FIELD ORDER

NUMBER FC-MUN-MCM-006

PER THE APPROVED MEGA PLAN # 1400597240 (3C 1/07)

### THIS ITEM HAS BEEN ADDED ###

10/13/08 C 0.00%

POA GMS09374 -- PROVIDE LABOR, MATERIAL AND

EQUIPMENT TO PERFORM ADDITIONAL WORK CLEANING OF

POWER HOUSE AT THE GM MUNCIE SITE PER FIELD ORDER

NUMBER FC-MUN-MCM-006 AND QUOTE DATED 10/12/08.

SAUEL SOLOMON 248-753-5547

DELIVER TO: CHRIS HORENZIAK

2000 CENTERPOINT

PONTIAC, MICH 48341

WHO ORDERED: SOLOMON 248-753-5547

ITEM SEQUENCE	QUANTITY ORDERED	2ND DAY OF 2ND MONTH	ITEM IDENTIFICATION NO.	DESCRIPTION	UNIT REQUIRED	TAX CODE %	PRICE UNIT PRICE	PRICE MULTIPLE	UNIT MEASURE
00006	150331		PRW20610 001	### THIS ITEM HAS BEEN ADDED ###			1.0000		UNIT

#614 Muncie



General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 FAX 602-797-6053  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCH MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 TO: BLOOMFIELD HILLS MI  
 48304

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

00000 US

INVOICE FOR SERVICES, MACHINERY  
 & EQUIP ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 P.O. BOX 63490, PHOENIX AZ  
 85082-3490 US

This order is not binding until accepted. Acceptance should be indicated on a copy of your copy which should be returned to the supplier. This order is subject to the terms and conditions on the back and covers the complete and final agreement between the parties. The supplier's liability is limited to the amount of the purchase price. The supplier's liability is limited to the amount of the purchase price. The supplier's liability is limited to the amount of the purchase price.

PURCHASE PAGE 1

ORDER: #GMS09374-007  
 #MCH MUNCIE  
 This Number Must Appear On All Invoices, Packing Slips,  
 Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and  
 Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel  
 Post.

ORDER DATE 12/20/06  
 ALTERNATION ISSUE DATE 10/23/08  
 ALTERNATION EFFECTIVE DATE 10/23/08  
 PHONE: 586-575-1287  
 M RADELT  
 KP  
 PURCHASING AGENT

SHIP VIA  
 REFER TO WWW.GMSHIPPING.COM

ESTIMATION UNLESS OTHERWISE INDICATED  
 SHIPPING POINT, FREIGHT COLLECT

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	DESCRIPTION	SHIP TO	UNIT
00007	248435	PRMX2483-001	<p>### SPOT BUY GMS09374 HAS BEEN ALTERED AS FOLLOWS ###</p> <p>THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY                      USD DOLLAR (UNITED STATES)</p> <p>THIS ALTERATION IS BEING ISSUED TO AMEND THE                      ORIGINAL PURCHASE ORDER TO INCLUDE FIELD ORDER                      NUMBER #0-MUN-MCH-004</p> <p>PER THE APPROVED MEGA PLAN 2300598632 (3C 1/07)</p> <p>### THIS ITEM HAS BEEN ADDED ###</p> <p>POA GMS09374 -- PROVIDE LABOR, MATERIAL AND                      EQUIPMENT TO PERFORM ADDITIONAL WORK TO DEMOLISH THE                      DELCO BUILDING/AS A PCB CONTAMINATED STRUCTURE AT GM                      MUNCIE MANUAL TRANSMISSION PLANT PER FIELD ORDER                      NUMBER #0-MUN-MCH-004 AND QUOTE DATED 9/12/08.</p> <p>DELIVER TO: CHRIS HORENZIAK                      2000 CENTERPOINT                      PONTIAC, MICH 48341                      WHO ORDERED: SOLOMON 248-753-5547</p>	10/22/08 C 0.008	1.0000

#614 Mencie

**General Motors Corporation**  
 GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 WARREN MI 48090  
 US

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

PURCHASE PAGE 1

ORDER: GMS09374-008

### A L T E R A T I O N ###  
 This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Number(s) must be shown on Packing Slips and Invoices.  
 Invoice Attn: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel Post.

INVOICE TO:  
 VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI 48304

INVOICE FOR SERVICE, MACHINERY & EQUIP ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM FSS ABP  
 P.O. BOX 63490, PHOENIX AZ 85082-3490  
 US

ORDER DATE 12/20/05  
 M RADELT  
 BUYER  
 ALTERNATION ISSUE DATE 11/10/08  
 ALTERNATION EFFECTIVE DATE 11/10/08  
 PURCHASING AGENT

SHIP VIA REFER TO WWW.GM SHIPPING.COM

THE SPOT BUY TERMS SET FORTH HEREIN ARE MODIFIED AS FOLLOWS:  
 FOR SUPPLIERS UTILIZING ELECTRONIC FUNDS TRANSFER (EFT), PAYMENT WILL BE INITIATED ON THE CALCULATED DUE DATE WHICH WILL RESULT IN FUNDS ARRIVING TO YOUR ACCOUNT APPROXIMATELY THREE DAYS LATER.

DESTINATION UNLESS OTHERWISE INDICATED  
 SHIPPING POINT, FREIGHT COLLECT

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	MOUH NAME	DESCRIPTION	REQ NUMBER	DATE REQUIRED	TAX CODE / %	PRICE UNIT PRICE	PRICE MULTIPLE	UNIT OF MEASURE
				### SPOT BUY GMS09374 HAS BEEN ALTERED AS FOLLOWS ###						
				THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY USD DOLLAR (UNITED STATES)						
				THE PAYMENT TERMS OTHERWISE SET FORTH HEREIN ARE MODIFIED AS FOLLOWS: FOR SUPPLIERS UTILIZING ELECTRONIC FUNDS TRANSFER (EFT), PAYMENT WILL BE INITIATED ON THE CALCULATED DUE DATE WHICH WILL RESULT IN FUNDS ARRIVING TO YOUR ACCOUNT APPROXIMATELY THREE DAYS LATER.						

#614 Muncie

General Motors Corporation

GENERAL MOTORS CORPORATION  
 GLOBAL PURCHASING  
 30009 VAN DYKE  
 FAX 602-797-6053  
 WARREN MI  
 48090

VENDOR NUMBER 01-301-3136  
 MCM MANAGEMENT CORP  
 35980 WOODWARD AVE STE 210  
 BLOOMFIELD HILLS MI  
 48304

SEE BODY OF PURCHASE ORDER  
 FOR SHIPPING ADDRESS

SHIP TO:

00000 US

INVOICE FOR SERVICE, MACHINERY  
 & EQUIP ONLY. QUESTIONS TO:  
 CUSTOMER SERVICE 248/874/4636  
 MAIL INVOICE TO: GM PSS ABP  
 P.O. BOX 63490, PHOENIX AZ  
 85082-3490 US

The originator must always use accepted acceptance methods to be verified as a responsibility of the party which issues the invoice to the recipient. The originator must also ensure that the terms and conditions of the invoice are agreed upon by the recipient. The originator must also ensure that the invoice is issued to the correct recipient. The originator must also ensure that the invoice is issued to the correct recipient. The originator must also ensure that the invoice is issued to the correct recipient.

PURCHASE PAGE 1

ORDER: GMS09374 009

## A L T E R A T I O N ##

This Number Must Appear On All Invoices, Packing Slips, Packages and Bills of Lading.  
 (2) copies of your packing slip must accompany each shipment.  
 Item Identification Numbers must be shown on Packing Slips and Invoices.  
 Invoice Alt#: Accounts Payable  
 Do not Declare Valuation of Express Shipments or Insure Parcel Post.

ORDER DATE 12/20/06 PHONE: 586-575-1287  
 M RADELT  
 ALTERNATION ISSUE DATE 11/11/08 XF Buyer  
 ALTERNATION EFFECTIVE 11/11/08  
 SHIP VIA PURCHASING AGENT

REFER TO WWW.GMSHIPPING.COM

SHIPMENT DESTINATION UNLESS OTHERWISE INDICATED

NET 2ND MTH, 5TH CALENDAR DAY

ITEM SEQUENCE	QUANTITY ORDERED	ITEM IDENTIFICATION NO.	DESCRIPTION	UNIT OF MEASURE	PRICE MULTIPLE
00008	236280	PRX3559001	<p>## SPOT BUY GMS09374 HAS BEEN ALTERED AS FOLLOWS ##</p> <p>THIS ORDER IS LISTED IN THE FOLLOWING CURRENCY                      USD DOLLAR (UNITED STATES)</p> <p>THIS ALTERATION IS BEING ISSUED TO AMEND THE ORIGINAL PURCHASE ORDER TO INCLUDE FIELD ORDER NUMBER FO-MUN-MCM-007.</p> <p>## THIS ITEM HAS BEEN ADDED ##</p> <p>POA GMS09374 -- PROVIDE LABOR, MATERIAL AND EQUIPMENT TO PERFORM ADDITIONAL CLEANING IN SEVERAL AREAS OUT SIDE OF THE SCOPE OF THE BID SPECIFICATION PER FIELD ORDER NUMBER FO-MUN-MCM-007 AND QUOTE DATED 10/12/08.</p> <p>SAMUEL SOLOMON 248-753-5547                      DELIVER TO: CHRIS HORENZIAK                      2000 CENTERPOINT                      PONTIAC, MICH 48341                      WHO ORDERED: SOLOMON 248-753-5547</p>		1.0000

LAST PAGE

ORIGINAL

000556 USER MOHAMMAD A QURESHI

CHANGE 4/93



### Legal Description of Real Estate

All those certain pieces or parcels of land situate in Delaware County, State of Indiana, and more particularly described as follows:

A part of the Northwest Quarter and a part of the Southwest Quarter of Section 16 Township 20 North Range 10 East, more particularly described as follows, to-wit:

Beginning at a point in the West line of Elliott Street, as said Elliott Street is laid out and platted in the T.F. Rose First Addition to the City of Muncie, Indiana at the point of intersection of the West line of said Elliott Street with the North line of the Southwest Quarter of Section 16 Township 20 North Range 10 East; thence South  $00^{\circ}-06'-45''$  West and on and along the West line of said Elliott Street 1,299.74 feet to its intersection with the North line of 8th Street, as said 8th Street is laid out and platted in the T.F. Rose First Addition to the City of Muncie, Indiana; thence North  $90^{\circ}-00'-00''$  West and on and along the North line of said 8th Street and said line extended West 1,847.15 feet to a point 30.0 feet East of the East line of Perkins Avenue, as said Perkins Avenue is laid out and platted in J.J. Perkins Addition to the City of Muncie, Indiana; thence in a Northwesterly direction on a curve to the right, said curve having a radius of 30.0 feet and a long chord distance of 42.43 feet to its intersection with the East line of said Perkins Avenue at a point 40.0 feet North of the Southwest Corner of Lot 206 in said J.J. Perkins Addition; thence North  $00^{\circ}-00'-00''$  East and on and along the East line of said Perkins Avenue 1,102.80 feet to its intersection with the South Right-of-Way line of the Conrail Railroad (formerly the C.C.C. & ST.L.R.R.); thence North  $76^{\circ}-50'-45''$  East and on and along the said South Right-of-Way Line of said Conrail Railroad 1,930.93 feet to its intersection with the West line of Elliott Street in the T.F. Rose First Addition to the City of Muncie, Indiana; thence South  $00^{\circ}-06'-45''$  West and on along the West line of said Elliott Street 271.34 feet to the point of beginning. EXCEPTING THEREFROM Lots 292, 291, and the West (four) 4.0 feet of Lot 290 and the South Half of the vacated alley lying adjacent and North of the above described lots, all in J.J. Perkins Addition to the City of Muncie, Indiana. Containing after said Exception 58.012 acres, more or less. (The above description is intended to include all of T.F. Rose First Addition East of Elliott Street heretofore vacated and the following lots in J.J. Perkins Addition to the City of Muncie, Indiana; Lots 193 thru 206, except South ten (10.0) feet, Lots 217 thru 230, Lots 241 thru 254, Lots 265 thru 278, Lot 289, the East 48' of Lot 290, Lots 293 thru 302, Lots 317 thru 326; ALSO including vacated 5th Street from the East line of Perkins Avenue to the West line of Sampson Avenue, vacated 6th Street from the East line of Perkins Avenue to the East line of the J.J. Perkins Addition, vacated 7th Street from the East line of Perkins Avenue to the East line of the J.J. Perkins Addition, and vacated Sampson Avenue from the South line of 5th Street to a point 10.0' North of the North line of 8th Street. ALSO, all of the vacated alley between Lots 317 thru 326 and Lots 293 thru 302, all of the vacated alley between Lots 285 thru 288 and Lots 241 thru 244, all of the vacated alley between Lots 269

EXHIBIT

tabular

6

through 278 and Lots 245 thru 254, all of the vacated alley between Lots 217 thru 220 and Lots 193 thru 198, all of the vacated alley between Lots 221 thru 230 and Lots 197 thru 206 and the South Half of the vacated alley adjacent to Lots 289 and the East 48' of Lot 290). Also the following described parcel of land, more particularly described as follows, to-wit: Beginning at the Southwest corner of Lot 148 in J.J. Perkins First Addition to the City of Muncie, Indiana (being the intersection of the East line of Sampson Avenue; and the North line of 9th Street); thence North on the East line of said Sampson Avenue 301.7 feet to the South line of 8th Street; thence East on the South line of said 8th Street and said South line extended East 858.8 feet to the West line of Birch Street, as said street is laid out and platted in Winton Place, an addition to the City of Muncie, Indiana; thence South on the West line of said Birch Street and said West line extended South 182.5 feet to a point 17.5 feet South of the North line of said 9th Street in said Winton Place; thence West and parallel with the North line of said 9th Street 350.0 feet; thence South 3.82 feet; thence in a Southerly and Westerly direction on a curve to the left, said curve having a radius of 137.5 feet and an arc distance of 153.74 feet to its intersection with the North line of 9th Street extended; thence West on the North line of said 9th Street and said line extended 210.0 feet to the East line Lot 145 in J.J. Perkins First Addition; thence South on the said East line 10.0 feet to the Southeast Corner of said Lot 145; thence West on the North line of said 9th Street 200.0 feet to the point of beginning. Estimated to contain 4.907 acres, more or less. (The above description is intended to include all of the following, Lots 70 thru 76 except North 10.0 feet, Lots 219 and 223 except North 10 feet; Lots 220, 221, 222, 224, 225, 226, 227 and 228 the vacated North 17.5 feet of 9th Street; the vacated alley lying adjacent to and West of Lots 223 thru 228, all in Winton Place, an addition to the City of Muncie, Indiana; also intended to include Lots 169 thru 172, and Lots 145 thru 148 and a vacated alley lying between Lots 169 thru 172 and Lots 145 thru 148 all in J.J. Perkins First Addition.) ALSO, the following described parcel of land, more particularly described as follows, to-wit: All of Lots 7, 8, 14, 15, 16, 23, 24, 25, 46, 47, 48, 69, 70, 71, 92, 93, 94 in T.F. Rose First Addition to the City of Muncie, Indiana and the following vacated alley and street; vacated 8th Street between Lots 48 thru 48 and Lots 69 thru 71, and vacated alley between Lots 69 thru 71 and Lots 92 thru 94 all in T.F. Rose First Addition to the City of Muncie, Indiana. ALSO, the following described parcel of land, more particularly described as follows, to-wit: Lots 63, 64, 65, 66, and 67, except the North ten (10.0) feet and also the vacated North 17.6 feet of 9th Street lying adjacent to Lots 63 thru 67 all in Winton Place, an addition to the City of Muncie, Indiana. Subject to all easements of record for utilities.

Federoff Law Firm

4P

1Am



2009R14789

JANE LASATER  
DELAWARE COUNTY RECORDER  
RECORDED ON  
05/28/2009 04:02:03PM  
REC FEE: 21.00  
PAGES: 4

**SWORN STATEMENT AND NOTICE OF INTENTION  
TO HOLD MECHANIC'S LIEN UPON REAL ESTATE**

TO: General Motors Corporation  
P.O. Box 33170  
Detroit, MI 48232-5170

Manual Transmissions Of Muncie, LLC  
P.O. Box 5050  
Muncie, IN 47307

**YOU ARE HEREBY NOTIFIED** that MCM Management Corp., Inc. ("Claimant") whose address is 35980 Woodward Avenue, Suite 210, Bloomfield Hills, MI 48304, intends to hold a mechanic's lien on real estate owned or occupied by Manual Transmissions Of Muncie, LLC ("Owner"), which has a common address of 1200 W. 8<sup>th</sup> Street, Muncie, IN 47302, and which is more particularly described on the attached Exhibit "A", and by this reference is made a part and incorporated in of this Sworn Statement and Notice of Intention to Hold Mechanic's Lien Upon Real Estate ("Notice"), and all improvements, buildings, and structures situate on the real estate (collectively, the "Real Estate") in the amount of \$335,278, plus interest and attorney fees, for services, labor, equipment, materials, and qualified supervision furnished by Claimant for the benefit of the Real Estate, which services, labor, equipment, materials, qualified supervision were furnished by Claimant to the Real Estate within the last 90 days.

The above-described services, labor, equipment, materials, and qualified supervision were furnished by Claimant at the request of General Motors Corporation.

The sum of \$335,278, plus interest and attorney fees, is now due and owing Claimant.

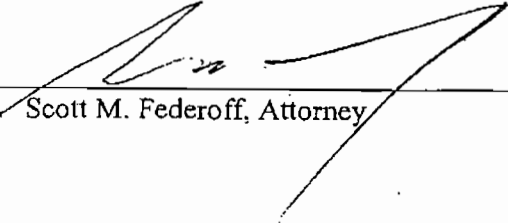
The undersigned, who is an attorney registered with the Clerk of the Indiana Supreme Court as an attorney in good standing under the requirements of the Indiana Supreme Court, executing Notice for and on behalf of Claimant, having been first duly sworn upon his oath, and under the penalties of perjury, hereby verifies and states that Claimant intends to hold a mechanic's lien on the Real Estate and the improvements located on it, and to the best knowledge of the undersigned, the facts contained in this Notice are true and accurate.





MCM Management Corp., Inc.

By:

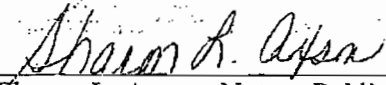


Scott M. Federoff, Attorney

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF ALLEN )

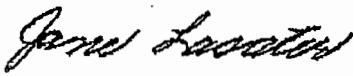
Before me, the undersigned, a Notary Public in and for said County and State, this 28<sup>th</sup> day of May, 2009, personally appeared Scott M. Federoff, known to be an attorney registered with the Clerk of the Indiana Supreme Court, for an on behalf of MCM Management Corp., Inc., and acknowledged the execution of this Notice to be the free and voluntary act of said corporation for the uses and purposes set forth in this Notice, and that he was duly authorized to execute this Notice by the corporation. Witness my hand and Notarial Seal.

My Commission Expires:  
 January 3, 2010

Sharon L. Axson, Notary Public  
 Resident of Allen County, Indiana

I hereby certify that I have this 28<sup>th</sup> day of May, 2009, mailed first-class a duplicate of this Notice to those named in this Notice at the addresses set forth above.



Recorder of Delaware County, Indiana

This instrument prepared by: Scott M. Federoff, Federoff Law Firm, LLP, 10445 Illinois Road, Ft. Wayne, IN 46814.

After recording, return to: Federoff Box.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Scott M. Federoff.

Exhibit "A"  
Legal Description of Real Estate

All those certain pieces or parcels of land situate in Delaware County, State of Indiana, and more particularly described as follows:

A part of the Northwest Quarter and a part of the Southwest Quarter of Section 16 Township 20 North Range 10 East, more particularly described as follows, to-wit:

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through 278 and Lots 245 thru 254, all of the vacated alley between Lots 217 thru 220 and Lots 193 thru 196, all of the vacated alley between Lots 221 thru 230 and Lots 197 thru 206 and the South Half of the vacated alley adjacent to Lots 289 and the East 48' of Lot 290). Also the following described parcel of land, more particularly described as follows, to-wit: Beginning at the Southwest corner of Lot 148 in J.J. Perkins First Addition to the City of Muncie, Indiana (being the intersection of the East line of Sampson Avenue; and the North line of 9th Street); thence North on the East line of said Sampson Avenue 301.7 feet to the South line of 8th Street; thence East on the South line of said 8th Street and said South line extended East 858.8 feet to the West line of Birch Street, as said street is laid out and platted in Winton Place, an addition to the City of Muncie, Indiana; thence South on the West line of said Birch Street and said West line extended South 182.9 feet to a point 17.5 feet South of the North line of said 9th Street in said Winton Place; thence West and parallel with the North line of said 9th Street 350.0 feet; thence South 3.82 feet; thence in a Southerly and Westerly direction on a curve to the left, said curve having a radius of 137.5 feet and an arc distance of 153.74 feet to its intersection with the North line of 9th Street extended; thence West on the North line of said 9th Street and said line extended 210.0 feet to the East line Lot 145 in J.J. Perkins First Addition; thence South on the said East line 10.0 feet to the Southeast Corner of said Lot 145; thence West on the North line of said 9th Street 200.0 feet to the point of beginning. Estimated to contain 4.907 acres, more or less. (The above description is intended to include all of the following, Lots 70 thru 75 except North 10.0 feet, Lots 219 and 223 except North 10 feet; Lots 220, 221, 222, 224, 225, 226, 227 and 228 the vacated North 17.5 feet of 9th Street; the vacated alley lying adjacent to and West of Lots 223 thru 228, all in Winton Place, an addition to the City of Muncie, Indiana; also intended to include Lots 169 thru 172, and Lots 145 thru 148 and a vacated alley lying between Lots 169 thru 172 and Lots 145 thru 148 all in J.J. Perkins First Addition.) ALSO, the following described parcel of land, more particularly described as follows, to-wit: All of Lots 7, 8, 14, 15, 16, 23, 24, 25, 46, 47, 48, 69, 70, 71, 92, 93, 94 in T.F. Rose First Addition to the City of Muncie, Indiana and the following vacated alley and street; vacated 8th Street between Lots 46 thru 48 and Lots 69 thru 71, and vacated alley between Lots 69 thru 71 and Lots 92 thru 94 all in T.F. Rose First Addition to the City of Muncie, Indiana. ALSO, the following described parcel of land, more particularly described as follows, to-wit: Lots 63, 64, 65, 66, and 67, except the North ten (10.0) feet and also the vacated North 17.5 feet of 9th Street lying adjacent to Lots 63 thru 67 all in Winton Place, an addition to the City of Muncie, Indiana. Subject to all easements of record for utilities.





DeJaree County Client  
100 West Main Street

Bill #: 28219  
Weight: 8.81 OZ

MUNCIE IN 47305

**SHIP** MANUAL TRANSMISSIONS OF MUNCIE, LLC  
**TO:** C/O THE CORPORATION TRUST COMPANY  
1209 ORANGE STREET  
WILMINGTON DE 19801

ZIP-®/ USPS SIGNATURE CONFIRM



420 19801 9121 9235 8300 1000 1004 43

ELECTRONIC RATE APPROVED # 923563001

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

IN THE DELAWARE CIRCUIT COURT  
CAUSE NO. 18C01-1005-PL-14

MCM MANAGEMENT CORP., )  
 )  
Plaintiff, )  
v. )  
 )  
MANUAL TRANSMISSIONS OF )  
MUNCIE, LLC, THE STATE OF INDIANA, )  
and the TREASURER OF DELAWARE )  
COUNTY, INDIANA, )  
 )  
Defendants. )

FILED  
CLERKS OFFICE  
DELAWARE CO., INDIANA

JUN 04 2010

*[Signature]*  
CLERK

**MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

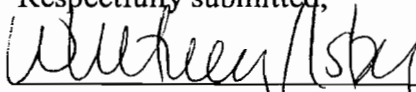
Defendant, Manual Transmissions of Muncie, LLC, (“MTM”), by counsel, states the following for its Motion for Enlargement of Time to Answer or Otherwise Respond to the Complaint:

1. Plaintiff, MCM Management Corp. (“Plaintiff”), commenced this action by filing its “Complaint for Breach of Contract, Unjust Enrichment/Quantum Meruit, and Foreclosure of Mechanic’s Lien” (“Complaint”) on May 12, 2010.
2. MTM was served with the Complaint on May 20, 2010. Therefore, an answer or other response is due to be filed by MTM on or before June 14, 2010 and that time has not expired.
3. By this Motion, MTM requests an additional thirty (30) days from the filing of this motion, to and including July 1, 2010, to answer or otherwise respond to the Complaint.
4. An enlargement of time is necessary to allow MTM and its counsel an opportunity to investigate the facts and prepare a response to the Plaintiff’s Complaint.
5. Counsel for the Plaintiff has been contacted and consents to the relief requested in

this motion.

WHEREFORE, Defendant, Manual Transmissions of Muncie, LLC, requests that it be given an enlargement of time of up to and including July 1, 2010 in order to answer or otherwise respond to the Plaintiff's Complaint, and for such other just and appropriate relief.

Respectfully submitted,



Thomas C. Scherer, #24-49

Whitney L. Mosby, #23691-49

*Attorneys for Defendant,*

*Manual Transmissions of Muncie, LLC*

BINGHAM McHALE LLP  
10 West Market Street, #2700  
Indianapolis, Indiana 46204-2982  
Telephone: (317) 635-8900  
Facsimile: (317) 236-9907  
E-mail: [tscherer@binghammchale.com](mailto:tscherer@binghammchale.com)  
[wmosby@binghammchale.com](mailto:wmosby@binghammchale.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following via first class United States mail, postage prepaid and addressed as shown, this 1st day of June, 2010:

James A. Federoff  
Jason M. Kuchmay  
FEDEROFF KUCHMAY LLP  
10445 Illinois Road  
Fort Wayne, Indiana 46814



1497857

STATE OF INDIANA ) IN THE DELAWARE CIRCUIT COURT  
 ) SS:  
COUNTY OF DELAWARE ) CAUSE NO. 18C01-1005-PL-14

MCM MANAGEMENT CORP., )  
 )  
Plaintiff, )  
v. )  
 )  
MANUAL TRANSMISSIONS OF )  
MUNCIE, LLC, THE STATE OF INDIANA, )  
and the TREASURER OF DELAWARE )  
COUNTY, INDIANA, )  
 )  
Defendants. )

FILED  
CLERKS OFFICE  
DELAWARE CO., INDIANA

JUN 04 2010

*[Signature]*  
CLERK

**APPEARANCE BY ATTORNEY IN CIVIL CASE**  
**PURSUANT TO TRIAL RULE 3.1**

**Party Classification:** Initiating  Responding  Intervening

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s): Manual Transmissions of Muncie, LLC.
2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

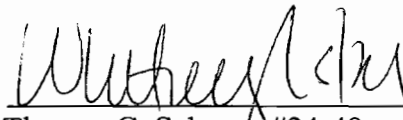
**Name:** Thomas C. Scherer **Atty. Number:** 24-49  
Whitney L. Mosby **Atty. Number:** 23691-49  
**Address:** BINGHAM MCHALE LLP **Phone:** 635-8900  
10 W. Market St., #2700 **FAX:** 236-9907  
Indianapolis, Indiana 46204-2982

3. There are other party members: Yes  No  (If yes, list on continuation page.)
4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): \_\_\_\_\_
5. I will accept service by FAX at the above noted number: Yes  No
6. This case involves support issues. Yes  No  (If yes, supply social security numbers for all family members on continuation page.)
7. There are related cases: Yes  No  (If yes, list on continuation page.)
8. This form has been served on all other parties. Certificate of Service is attached: Yes .

9. Additional information required by local rule: **Not applicable.**

**Authority:** Pursuant to Trial Rule 3.1, this form shall be filed at the time an action is commenced or when a party first appears. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to this court. This form is approved by the Division of State Court Administration.

Respectfully submitted,



Thomas C. Scherer, #24-49

Whitney L. Mosby, #23691-49

*Attorneys for Defendant,*

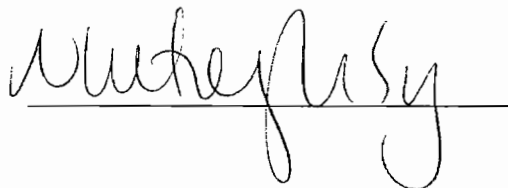
*Manual Transmissions of Muncie, LLC*

BINGHAM McHALE LLP  
10 West Market Street, #2700  
Indianapolis, Indiana 46204-2982  
Telephone: (317) 635-8900  
Facsimile: (317) 236-9907  
E-mail: [wmosby@binghammchale.com](mailto:wmosby@binghammchale.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following via first class United States mail, postage prepaid and addressed as shown, this 1st day of June, 2010:

James A. Federoff  
Jason M. Kuchmay  
FEDEROFF KUCHMAY LLP  
10445 Illinois Road  
Fort Wayne, Indiana 46814



STATE OF INDIANA )  
 ) SS: IN THE DELAWARE CIRCUIT COURT  
COUNTY OF DELAWARE ) CAUSE NO. 18C01-1005-PL-14

MCM MANAGEMENT CORP., )  
 )  
 Plaintiff, )  
 v. )  
 )  
 MANUAL TRANSMISSIONS OF )  
 MUNCIE, LLC, THE STATE OF INDIANA, )  
 and the TREASURER OF DELAWARE )  
 COUNTY, INDIANA, )  
 )  
 Defendants. )

**ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME  
TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Defendant, Manual Transmissions of Muncie, LLC, by counsel, has filed its Motion for Enlargement of Time to File Answer or Otherwise Respond to Complaint (“Motion”), and the Court, being duly advised in the premises, now finds that such Motion should be GRANTED. It is therefore

ORDERED that the Defendant, Manual Transmissions of Muncie, LLC, has up to and including July 1, 2010 within which to answer or otherwise respond to the Complaint filed by the Plaintiff.

DATED: 6/7/10

Marianne Workman  
Judge, Delaware County Circuit Court



Distribution:

Thomas C. Scherer  
Whitney L. Mosby  
Bingham McHale, LLP  
10 West Market Street, #2700  
Indianapolis, Indiana 46204-2982

James A. Federoff  
Jason M. Kuchmay  
Federoff Kuchmay LLP  
10445 Illinois Road  
Fort Wayne, IN 46814

1497995

FORM 104 (10/06)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)
<b>PLAINTIFFS</b>  MCM MANAGEMENT CORP.	<b>DEFENDANTS</b>  MANUAL TRANSMISSIONS OF MUNCIE, LLC, THE STATE OF INDIANA, and the TREASURER OF DELAWARE COUNTY, INDIANA.	
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.) James A. Federoff, Jason M. Kuchmay Federoff Kuchmay LLP, 10445 Illinois Road, Ft Wayne, IN 46814 260-338-4506	<b>ATTORNEYS</b> (If Known) Whitney L. Mosby, Thomas C. Scherer Bingham McHale LLP, 10 W. Market St., #2700, Indianapolis, IN 46204 317-635-8900	
<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee	
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		
Notice of Removal pursuant to 28 U.S.C. Section 1452(a) and Rule 9027 of the Federal Rules of Bankruptcy Procedure.		
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<b>FRBP 7001(1) - Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other <b>FRBP 7001(2) - Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property <b>FRBP 7001(3) - Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) <b>FRBP 7001(4) - Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) <b>FRBP 7001(5) - Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation <b>FRBP 7001(6) - Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	<b>FRBP 7001(6) - Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other <b>FRBP 7001(7) - Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief - reinstatement of stay <input type="checkbox"/> 72-Injunctive relief - other <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment <b>FRBP 7001(10) Determination of Removed Action</b> <input checked="" type="checkbox"/> 01-Determination of removed claim or cause <b>Other</b> <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$	
Other Relief Sought		

Whitney Mosby

WHITNEY MOSBY #23691-49

## FORM 104 (10/06), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR MOTORS LIQUIDATION COMPANY, et al., f/k/a General Motors Corp., et al.		BANKRUPTCY CASE NO. 09-50026-REG
DISTRICT IN WHICH CASE IS PENDING Southern District of New York	DIVISIONAL OFFICE	NAME OF JUDGE Robert E. Gerber
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

Print Form
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**INSTRUCTIONS**

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and the defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and in the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

TRANSOUT

**U.S. Bankruptcy Court  
Southern District of Indiana (Indianapolis)  
Miscellaneous Proceeding #: 10-56003  
Internal Use Only**

*Assigned to:* Anthony J. Metz III

*Date Filed:* 06/21/10

**Debtor**  
-----

**Motor Liquidation Company, et al  
f/k/a General Motors Corp. et al.**

represented by **Deborah Kovsky-Apap**  
Pepper Hamilton LLP  
100 Renaissance Center, Suite 3600  
Detroit, MI 48243  
313-393-7331  
Fax : 313-731-1572  
Email: kovskyd@pepperlaw.com

**Plaintiff**  
-----

**MCM Management Corp.**

represented by **James A Federoff**  
Federoff Kuchmay, LLP  
10445 Illinois Road  
Fort Wayne, IN 46814  
260-338-4506  
*LEAD ATTORNEY*  
**Jason M. Kuchmay**  
Federoff Kuchmay LLP  
10445 Illinois Road  
Fort Wayne, IN 46814  
260-207-2100  
Fax : 260-207-2101  
Email: jmk@federoff-law.com

V.

**Defendant**  
-----

**Manual Transmissions of Muncie,  
LLC**

represented by **Deborah Kovsky-Apap**  
(See above for address)  
**Thomas C Scherer**  
Bingham McHale LLP  
10 W Market St Ste 2700  
Indianapolis, IN 46204-2954  
317-968-5407  
Fax : 317-236-9907  
Email: tscherer@binghammchale.com

*LEAD ATTORNEY*

**Whitney L Mosby**  
 10 West Market Street, #2700  
 Indianapolis, IN 46204  
 (317) 635-8900  
 Fax : (317) 236-9907  
 Email: wmosby@binghammchale.com  
*LEAD ATTORNEY*

**The State of Indiana**

represented by **The State of Indiana**  
 PRO SE

**The Treasurer of Delaware County, Indiana**

represented by **The Treasurer of Delaware County, Indiana**  
 PRO SE

**U.S. Trustee**

**U.S. Trustee**

101 W. Ohio St.. Ste. 1000  
 Indianapolis, IN 46204  
 317-226-6101

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
06/21/2010	1	In re: Motors Liquidation Company, et al f/k/a General Motors Corp., et al., Debtor. <b>Notice of Removal</b> filed by Whitney L. Mosby and Thomas C. Scherer on behalf of MCM Management Corp., Plaintiff vs. Manual Transmissions of Muncie, LLC, The State of Indiana, and the Treasurer of Delaware County, Indiana, Defendants. (Attachments: (1) Adversary Cover Sheet) (ske). (Entered: 06/22/2010)
06/21/2010	2	Appearance filed by Thomas C Scherer on behalf of Defendant Manual Transmissions of Muncie, LLC. (ske). (Entered: 06/22/2010)
06/21/2010	3	Appearance filed by Whitney L Mosby on behalf of Defendant Manual Transmissions of Muncie, LLC. (ske). (Entered: 06/22/2010)
06/22/2010		Receipt of Filing/Indexing of Foreign Paper for \$39.00. Receipt Number 269845. (SE) (Entered: 06/22/2010)
		Motion for Out-of-District Transfer of Adversary to Southern District of New York <i>Bankruptcy Court</i> filed by Whitney L Mosby on behalf of Defendant Manual Transmissions of Muncie,



06/24/2010	● <u>4</u>	LLC. (Mosby, Whitney) (Entered: 06/24/2010) [Granted by #32] [CM08]
06/25/2010	● <u>5</u>	Notice of Extension of Time to File Answer <i>or Otherwise Respond to Complaint</i> filed by Whitney L Mosby on behalf of Defendant Manual Transmissions of Muncie, LLC (re: Doc # <u>1</u> ). <i>Answer due by 7/1/2010</i> . (Mosby, Whitney) (Entered: 06/25/2010)
06/28/2010	● <u>6</u>	Order Granting Manual Transmissions of Muncie, LLC's Motion for Enlargement of Time to Answer or Otherwise Respond to Complaint to and including 7/1/10 (re: Doc # <u>5</u> ). (dsw) (Entered: 06/30/2010)
06/30/2010	● <u>7</u>	Notice Issued on Motion for Transfer of Adversary Proceeding (re: Doc # <u>4</u> ). <i>Notice issued; Objections due by 7/14/2010</i> . (dsw) (Entered: 06/30/2010)
07/01/2010	● <u>8</u>	Answer and Affirmative Defenses to Complaint filed by Whitney L Mosby on behalf of Defendant Manual Transmissions of Muncie, LLC. (re: Doc. <u>1</u> ) (sos) (Entered: 07/01/2010)
07/01/2010		Deadlines terminated: Generic Deadline for a Tickler Entry ( <u>6</u> ). (dsw) (Entered: 07/01/2010)
07/02/2010	● <u>9</u>	Appearance filed by Jason M Kuchmay on behalf of Plaintiff MCM Management Corp. (mtn) (Entered: 07/02/2010)
07/02/2010	● <u>10</u>	Notice of Submission of Statement Denying Allegations in Notice of Removal filed by Jason M Kuchmay on behalf of Plaintiff MCM Management Corp. (re: Doc # <u>1</u> ). (mtn) (Entered: 07/02/2010)
07/02/2010	● <u>11</u>	BNC Certificate of Service - NOTICE (re: Doc # <u>7</u> ). No. of Notices: 2 Service Date 07/02/2010. (Admin.) (Entered: 07/03/2010)
07/02/2010	● <u>12</u>	BNC Certificate of Service - ORDER (re: Doc # <u>6</u> ). No. of Notices: 2 Service Date 07/02/2010. (Admin.) (Entered: 07/03/2010)
07/14/2010	● <u>13</u>	Response in Opposition to Motion for Transfer of Adversary Proceeding filed by Jason M. Kuchmay on behalf of Plaintiff MCM Management Corp. (re: Doc # <u>4</u> ). (Kuchmay, Jason) (Entered: 07/14/2010)
		Motion for Remand filed by Jason M. Kuchmay on behalf of

07/14/2010	● <a href="#">14</a>	Plaintiff MCM Management Corp. (Kuchmay, Jason) (Entered: 07/14/2010) [Denied by #33]
07/14/2010	● <a href="#">15</a>	Response in Support of Motion for Remand filed by Jason M. Kuchmay on behalf of Plaintiff MCM Management Corp. (re: Doc # <a href="#">14</a> ). (Attachments: (1) Exhibit A to Complaint (2) Exhibit A-1 to Complaint (3) Exhibit A-2 to Complaint (4) Exhibit B to Complaint (5) Exhibit C to Complaint) (Kuchmay, Jason) (Entered: 07/14/2010)
07/23/2010	● <a href="#">16</a>	Official Court Notice Setting Hearing on Motion for Remand filed by Jason M. Kuchmay on behalf of Plaintiff MCM Management Corp. (re: Doc # <a href="#">14</a> ). <i>Hearing to be held on 8/5/2010 at 09:00 AM EDT at Rm 311 U.S. Courthouse, Indianapolis.</i> (rss). CORRECTION: Notice issued in error; See document #17. Modified on 7/23/2010 (mtn). (Entered: 07/23/2010)
07/23/2010	● <a href="#">17</a>	Official Court Notice Setting Hearing on Motion for Remand filed by Jason M. Kuchmay on behalf of Plaintiff MCM Management Corp. (re: Doc # <a href="#">14</a> ). <i>Hearing to be held on 8/5/2010 at 03:00 PM EDT at Rm 311 U.S. Courthouse, Indianapolis.</i> (rss) (Entered: 07/23/2010)
07/25/2010	● <a href="#">18</a>	BNC Certificate of Service - OFFICIAL COURT NOTICE (re: Doc # <a href="#">17</a> ). No. of Notices: 1 Service Date 07/25/2010. (Admin.) (Entered: 07/26/2010)
07/26/2010	● <a href="#">19</a>	Reply to Response filed by Whitney L Mosby on behalf of Defendant Manual Transmissions of Muncie, LLC (re: Doc # <a href="#">13</a> ). (Mosby, Whitney) (Entered: 07/26/2010)
07/26/2010	● <a href="#">20</a>	Motion for Authority to Stay Ruling on Motion to Remand Pending the Resolution of the Motion for Transfer to the United States Bankruptcy Court for the Southern District of New York Pursuant to 28 U.S.C. Section 1412 filed by Whitney L Mosby on behalf of Defendant Manual Transmissions of Muncie, LLC. (Mosby, Whitney) (Entered: 07/26/2010)
07/28/2010	● <a href="#">21</a>	<i>Electronic Notification Re:</i> Hearing on Motion for Out-of-District Transfer of Adversary to Southern District of New York with Objection and Response filed thereto (re: Doc # <a href="#">4</a> , <a href="#">13</a> , <a href="#">19</a> ). <i>Hearing to be held on 8/5/2010 at 03:00 PM EDT at Rm 311 U.S. Courthouse, Indianapolis.</i> (sos) (Entered: 07/28/2010)
		Motion to Continue Hearing re: Official Court Notice Setting Hearing (Adv), and all other matters to be heard at that time filed by Jason M. Kuchmay on behalf of Plaintiff MCM Management

07/28/2010	● <a href="#">22</a>	Corp. (re: Doc # <a href="#">17</a> ). (Kuchmay, Jason) (Entered: 07/28/2010) [Granted by # <a href="#">23</a> ]
07/28/2010	● <a href="#">23</a>	Order Granting Motion to Continue Hearing ( <i>Docket Order Only</i> ) (re: Doc # <a href="#">22</a> ). Notice Issued. <i>Hearing to be held on 8/12/2010 at 01:30 PM EDT at Rm 311 U.S. Courthouse, Indianapolis.</i> (sos) (Entered: 07/28/2010)
07/30/2010	● <a href="#">24</a>	Response in Opposition to Motion for Remand filed by Whitney L Mosby on behalf of Defendant Manual Transmissions of Muncie, LLC (re: Doc # <a href="#">14</a> ). (Mosby, Whitney) (Entered: 07/30/2010)
07/30/2010	● <a href="#">25</a>	BNC Certificate of Service - OFFICIAL COURT NOTICE (re: Doc # <a href="#">23</a> ). No. of Notices: 1 Service Date 07/30/2010. (Admin.) (Entered: 07/31/2010)
08/05/2010	● <a href="#">26</a>	Minute Entry/Order re: (1) Hearing: MCM Management Corp.'s Motion for Remand. Vacated: Continuance requested. Matters reset for 8/12/10 at 1:30 pm (re: Doc # <a href="#">14</a> ). (2) Hearing on Motion for Out-of-District Transfer of Adversary with Objection and Response filed thereto. Vacated: Continuance requested. Matters reset for 8/12/10 at 1:30 pm (re: Doc # <a href="#">13</a> , <a href="#">19</a> , <a href="#">4</a> ). ( <i>Docket Order Only</i> ). (sos) (Entered: 08/05/2010)
08/06/2010	● <a href="#">27</a>	Reply to Motion for Remand filed by Jason M. Kuchmay on behalf of Plaintiff MCM Management Corp. (re: Doc # <a href="#">14</a> ). (Kuchmay, Jason) (Entered: 08/06/2010)
08/10/2010	● <a href="#">28</a>	Objection to Motion for Authority filed by Jason M. Kuchmay on behalf of Plaintiff MCM Management Corp. (re: Doc # <a href="#">20</a> ). (Kuchmay, Jason) (Entered: 08/10/2010)
08/12/2010	● <a href="#">29</a>	Motion to Appear Pro Hac Vice with Affidavit in Support filed by Deborah Kovsky-Apap on behalf of Defendant Manual Transmissions of Muncie, LLC, Debtor Motor Liquidation Company, et al f/k/a General Motors Corp. et al. <i>Filing fee for Pro Hac Vice Motion due 08/26/2010.</i> (Attachments: (1) Exhibit A - Affidavit) (Kovsky-Apap, Deborah) (Entered: 08/12/2010) [Granted by # <a href="#">31</a> ]
08/12/2010		Temporary Receipt in the amount of \$30.00 for Motion for Pro Hac Vice (Temporary Receipt No. 701803) (re: Doc # <a href="#">29</a> ). (jdc) (Entered: 08/12/2010)
		Minute Entry/Order re: (1) Continued Hearing: MCM Management Corp.'s Motion for Remand. Parties Appear by

08/12/2010	● <u>30</u>	Counsel. Motion for Remand Rendered Moot by Court's Order Granting the Motion for Out-of-District Transfer of Adversary (re: Doc # <u>14</u> , <u>15</u> , <u>20</u> , <u>24</u> ). (2) Continued Hearing on Motion for Out-of-District Transfer of Adversary with Objection and Response filed thereto. Arguments heard. Court grants Motion for Out-of-District Transfer of Adversary (W. Mosby to submit orders) (re: Doc # <u>13</u> , <u>19</u> , <u>4</u> ). (rss) (Entered: 08/12/2010)
08/12/2010	●	Receipt in the amount of \$30.00 for Motion for Pro Hac Vice (District Court Receipt No. IP019451) (re: Doc # <u>29</u> ). (lmf) (Entered: 08/13/2010)
09/13/2010	● <u>31</u>	Order Granting Motion to Appear Pro Hac Vice (re: Doc # <u>29</u> ). (rob) (Entered: 09/14/2010)
09/13/2010	● <u>32</u>	Order Granting Motion for Out-of-District Transfer of Adversary to Southern District of New York <i>Bankruptcy Court</i> (re: Doc # <u>4</u> ). (rob) (Entered: 09/14/2010)
09/13/2010	● <u>33</u>	Order Denying Motion for Remand As Moot(re: Doc # <u>14</u> ) (rob) (Entered: 09/14/2010)
09/16/2010	● <u>34</u>	BNC Certificate of Service - ORDER (re: Doc # <u>32</u> ). No. of Notices: 1 Service Date 09/16/2010. (Admin.) (Entered: 09/17/2010)
09/16/2010	● <u>35</u>	BNC Certificate of Service - ORDER (re: Doc # <u>33</u> ). No. of Notices: 1 Service Date 09/16/2010. (Admin.) (Entered: 09/17/2010)