

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
KANSAS CITY DIVISION**

IN RE	)	
	)	Case No. BK 15-41915-11
GAS-MART USA, INC., <i>et al.</i>	)	(Lead Case)
	)	
Debtors. <sup>1</sup>	)	Chapter 11

**MOTION FOR ADMINISTRATIVE CLAIM**

COMES NOW, MHC Truck Leasing, Inc., a/k/a PacLease and for its Motion for Administrative Claim pursuant to 11 U.S.C. §503(b)(1)(A) for the first 59 days post-petition in the amount of \$10,089.45<sup>2</sup> (“Administrative Claim”), the Administrative Claim is allowable under 11 USC Section 503(b)(1)(A) as the actual, necessary costs and expenses of preserving the estate based upon the following.

1. On July 2, 2015 (the “Petition Date”) Debtors commenced these cases by filing a voluntary petition pursuant to Chapter 11, Title 11, United States Code, 11 U.S.C. § 101, et seq. (the “Bankruptcy Code”).
2. MHC Truck Leasing, Inc. (“MHC”) is the lessor of rolling stock leased to Fran Transport & Oil Co. (“Fran”), pursuant to a Lease initially dated June 18, 2007, as amended from time to time. The rolling stock at issue are three (3) 2011 T800 Kenworth Day cab trucks (“Trucks”).
3. MHC is entitled to an administrative expense claim pursuant to 11 U.S.C.

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<sup>1</sup> Gas-Mart USA, Inc., debtor and debtor-in-possession in case BK 15-41915-11, Fran Transport & Oil Co., debtor and debtor-in-possession in Case BK 15-41917-11, G&G Enterprises, LLC, debtor and debtor-in-possession in case BK 15-41918-11, and Aving-rice, LLC, debtor and debtor-in-possession in Case BK 15-41919-11 (collectively referred to herein as “Debtors”).

<sup>2</sup> The amount of the Administrative Claim is based upon the assumption that the January lease payment is made pursuant to the Stipulation (Doc. #259). MHC reserves to amend this Administrative Claim to reflect the January lease payment if necessary.



§ 503(b)(1)(A) for all rental obligations that accrued during the first 59 days after the petition was filed in the amount of \$10,089.45. MHC is seeking allowance of the claim at this time and not immediate payment of this claim. MHC reserves all of its rights to object to the treatment of the Administrative Claim under any plan proposed by Fran. The invoices representing the lease payments due and owing for the first 59 days after filing are attached hereto, incorporated by reference herein, and labeled Exhibit “1”.

4. MHC timely filed its proof of claim which consists only of the pre-petition due and owing on the date of filing. Fran stipulated that the pre-petition claim was in the amount of at least \$30,919.12. (Doc. # 259).

5. In order to obtain an administrative expense priority and qualify as “actual, necessary costs and expenses of preserving the estate” two elements must be satisfied: (1) the expense must have arisen from a transaction with the estate, and (2) the transaction must have benefitted the estate in a demonstrable way. § 503(b)(1)(A). “Transaction” is broadly defined for purposes of § 503(b)(1)(A). *In re Athens/Alpha Gas Corp.*, 332 B.R. 578, 580 (B.A.P. 8th Cir. 2005).

6. Here, the first element is satisfied because the expense arose from a transaction with the estate. Fran made a decision to retain the Trucks after filing the bankruptcy petition. This decision, to continue in possession of the Trucks that Debtor does not own, falls within the broad definition of a “transaction with the estate.” *Id.*

7. The second element is whether the Trucks have benefitted the bankruptcy estate. The Trucks were necessary since the Trucks have been in constant use since this case was filed almost 5 months ago and no decision has been made regarding assumption or rejection of the lease.

WHEREFORE, MHC respectfully requests that this Court enter its order granting of the allowance of the Administrative Claim in the amount of \$10,089.45 and granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

**ROBERT A. KUMIN, P.C.**

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ATTORNEY FOR LESSOR

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 22<sup>nd</sup> day of December 2015, a true and correct copy of the forgoing document was filed with the Court's CM/ECF system, which sent notice to all parties receiving electronic notices.

/s/Scottie S. Kleypas  
Scottie S. Kleypas

**36 LOCATIONS IN 9 STATES**

Visit [www.mhc.com](http://www.mhc.com) for a list of current locations and services.



**SERVICING LOCATION**

MHC TRUCK LEASING, INC., DBA

**MHC TRUCK LEASING**  
 1528 N. CORRINGTON  
 KANSAS CITY, MO 64120  
 1-816-483-0137

**CONTRACT INVOICE**

Invoice No.	Invoice Date	P.O.#	Page
L00800000023682	7/08/2015		1

Customer No.	BILLING PERIOD
156571	01-Jul-15 thru 31-Jul-15

Fran Transport & Oil Company  
 Gasmart USA Do Not Contact Customer  
 10777 Barkley St Suite 200  
 Overland Park, KS 66211



UNIT NUMBER	ENDING MILES	BEGINNING MILES	TOTAL MILES	RATE	MILEAGE CHG	FIXED CHARGES	OTHER CHGS	TOTAL
6601411	505060	498175	6885	.0941	647.88	2614.17		3262.05
6601482	417670	412623	5047	.0912	460.29	2551.39		3011.68
6601483	349137	345662	3475	.0912	316.92	2551.38		2868.30

**THANK YOU FOR YOUR BUSINESS**

**PLEASE REMIT TO:** P.O. BOX 879269  
 KANSAS CITY, MO 64187-9269

**TERMS**  
 The invoice is net due 10 days. A late payment charge of 1.5 % per month, which is an annual rate of 18 %, will be added to accounts not timely paid.

<b>SUB TOTAL</b>	9,142.03
<b>SALES TAX</b>	843.36
<b>TOTAL DUE</b>	9,985.39





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 Visit [www.mhc.com](http://www.mhc.com) for a list  
 of current locations and services.

**SERVICING LOCATION**

MHC TRUCK LEASING, INC., DBA  
**MHC TRUCK LEASING**  
 1528 N. CORRINGTON  
 KANSAS CITY, MO 64120  
 1-816-483-0137

**RENTAL INVOICE**

Invoice No.	Invoice Date	P.O #	Page
K00800000054850	7/13/2015	DOWN 6601483	1

Fran Transport & Oil Company  
 Gasmart USA Do Not Contact Customer  
 10777 Barkley St Suite 200  
 Overland Park, KS 66211

Customer No.	BILLING PERIOD
156571	26-Jun-15 thru 03-Jul-15

*PACLEASE - The Distinctive Difference*



UNIT NUMBER	ENDING	BEGINNING	TOTAL MILES	RATE	FIXED RATE	DESCRIPTION	CHARGES	TOTAL
6601536 S 6601483	231904	230763	1141	.0912		Mileage	104.06	104.06

Driver Trip Records (DTRs) are required by law for all commercial vehicles licensed or permitted to travel in multiple states. This truck may be equipped with a GPS device that will record the required odometer information for you. However, you will still need to turn in all fuel receipts for the rental unit. Failure to provide DTRs and/or fuel receipts in timely manner will result in additional charges to cover the tax liability and penalties. Please contact your local rental representative if you have any questions. Thank you.

**THANK YOU FOR YOUR BUSINESS**

**PLEASE REMIT TO:** P.O. BOX 879269  
 KANSAS CITY, MO 64187-9269

**TERMS**  
 The invoice is net due 10 days. A late payment charge of 1.5 % per month, which is an annual rate of 18 %, will be added to accounts not timely paid.



<b>SUB TOTAL</b>	104.06
<b>SALES TAX</b>	.00
<b>TOTAL DUE</b>	104.06