

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re	}	Case No. 08-62733
	}	
Triad Energy Corporation,	}	Chapter 11
	}	
Debtor.	}	JUDGE C. KATHRYN PRESTON

NOTICE OF MECHANIC’S LIENS PURSUANT TO 11 U.S.C. §546

Now comes Ken Miller Supply of West Virginia, Inc. (hereinafter “Miller”) by and through counsel and hereby provides notice of its secured mechanic’s liens pursuant to 11 U.S.C.

§546(b)(2). Miller is a holder of nine (9) pre-petition, perfected mechanic’s liens against Debtor’s oil and gas leases. The oil and gas leases are for the Debtor’s rights to extract oil and gas from real estate. Miller filed mechanic’s liens pursuant to West Virginia and Kentucky state law for materials it supplied to the Debtor.

West Virginia code section 38-2-34 entitled “Time within which suit to enforce lien may be brought; right of other lienors to intervene” provides that the holder of a mechanics lien must preserve those liens within the statutory period of six months from filing/recording or lose those perfected interests.

West Virginia code section 38-2-34 provides: “Unless a suit in chancery to enforce any lien authorized by this article is commenced within six months after the person desiring to avail himself thereof shall have filed his notice in the clerk’s office, as hereinbefore provided in this article, such lien shall be discharged; but a suit commenced by any person having such lien shall, for the purpose of preserving the same, inure to the benefit of all other persons having a lien under this article on the same property, and such person may intervene in such suit for the purpose of enforcing their liens, in the same manner as in other chancery suits.”

Kentucky revised statute section 376.090 entitled “Limitation on action to enforce lien – Priority of lien” provides that the holder of a mechanics lien must enforce the lien within the statutory period of twelve months.

Kentucky revised statute section 376.090 provides, in pertinent part: “(1) Any lien provided for in KRS 376.010 shall be deemed dissolved unless an action is brought to enforce the lien within twelve (12) months from the day of filing the statement in the clerk’s office... (2) Any lien provided for is KRS 376.010 shall, if the lienholder complies with the requirements of KRS 376.080 and subsection (1) of this section, and does so within the time therein fixed, be valid and effectual against any creditor of, or bona fide or other purchaser from, the owner of the property.”

Miller filed “NOTICE OF MECHANIC’S LIEN” in the appropriate county in West Virginia to perfect its mechanics liens:

Greene 614 recorded 12/23/2008 in the amount of \$4,167.10.
Rowe 1 recorded 12/23/08 in the amount of \$2,697.99
J.A. White recorded 12/23/08 in the amount \$7,250.75
Tallman 8151 recorded 12/23/08 in the amount of \$40,082.18
Dudich 801 recorded 12/23/08 in the amount of \$169,343.19
Johns 802 recorded 12/23/08 in the amount of \$218,359.16
OSI 8 recorded 12/23/08 in the amount of \$1,042.56
D.A. Ruley recorded 12/23/08 in the amount of \$915.04

Miller filed “STATEMENT OF MECHANICS’ AND MATERIALMEN’S LIEN OF KEN MILLER SUPPLY OF WV, INC AGAINST MINNIE/BABY HILL AND DESIGNATED AGENTS VIRGIL HILL AND GLADYS WALKER” in the amount of \$136,169.55 to perfect its interest pursuant to Kentucky law.

The mechanics liens total \$580,027.52. The liens represent materials furnished and delivered to Triad Energy Corporation of West Virginia for use on wells. A proof of claim has been filed on April 6, 2009 for \$580,027.52, with a copy of all mechanic’s liens.

Bankruptcy Code §546(b)(2) provides “If (A) a law described in paragraph (1) requires seizure of such property or commencement of an action to accomplish such perfection, or

maintenance or continuation of perfection of an interest in property; and (B) such property has not been seized or such an action has not been commenced before the date of the filing of the petition; such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, by giving notice within the time fixed by such law for such seizure or such commencement.”

The purpose of this Notice is for Miller to perfect its interest in lieu of filing an action pursuant to West Virginia Code §38-2-34 et. seq. and Kentucky Revised Statute §376.090 et. seq.

Respectfully submitted,

/s/ Geoffrey J. Peters

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Counsel for Movant,

Ken Miller Supply of West Virginia, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2009, a copy of the foregoing Notice of Mechanic's Lien was served on the following registered ECF participants, **electronically** through the court's ECF System at the email addresses registered with the court:

Christopher B. Wick, Esq., Daniel A. DeMarco, Esq., Rocco I. Debitetto, Esq., 200 Public Square, Suite 2800, Cleveland, OH 44114-2301, Attorney for the Debtor(s)
MaryAnne Wilsbacher, U.S. TRUSTEE
Official Committee of Unsecured Creditors
Ronald E. Gold, Esq., Counsel for Capital One National Association
Donald W. Mallory, Esq., Counsel for K&N Contracting, Inc.
William L. Wallander, Esq., Counsel for Capital One
James S. Huggins, Esq., Counsel for Peoples Bank
Cynthia A. Jeffrey, Esq., Counsel for Ford Motor Credit Company, LLC
Reginald W. Jackson, Esq., Counsel for Official Committee of Unsecured Creditors
Dennis M. Ostrowski, Esq., Counsel for DCFS USA LLC
Robert L. Bays, Esq., Counsel for Houchin Construction Limited Liability Company
Robert L. Bays, Esq., Counsel for Arvilla Oilfield Services, LLC
Amy M. Paul, VP, General Counsel for BakerCorp
James P. Botti, Esq., Counsel for Key Equipment Finance

and on the following by **ordinary U.S. Mail** addressed to:

Triad Energy Corporation, PO Box, 430, Reno, OH 45773
Consolidated List of Creditors Holding 30 Largest Unsecured Claims

/s/ Geoffrey J. Peters

GEOFFREY J. PETERS #0063502
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Counsel for Creditor,
Ken Miller Supply of West Virginia, Inc.