

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

In re: HII TECHNOLOGIES, INC., et al.¹ Debtors	§ § § §	Chapter 11 15-60070 (DRJ) (Jointly Administered)
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DECLARATION OF HUGH M. RAY, III
(Related to Docket No. 158)

The Honorable David R. Jones, United States Bankruptcy Judge:

In furtherance of this Court's Order (docket no. 158), I, Hugh M. Ray, III, hereby declare under penalty of perjury, as follows:

Service of Docket No. 158

1. On October 15, 2015, I caused to be mailed by U.S. Express Mail Overnight #EM475563235, this Court's Order (docket no. 158), to Calen Baucom at his physical address of 1600 N Main Avenue, Monahans, Texas 79756 (see **Exhibit 1**).
2. On October 15, 2015, I caused to be mailed by U.S. Express Mail Overnight #EM475563244, this Court's Order (docket no. 158), to Calen Baucom at his post office box address of P. O. Box 724, Monahans, Texas 79756 (see **Exhibit 1**).
3. On October 15, 2015, I emailed to Calen Baucom at his last known email address of calen.baucom@me.com the following Court Orders: (a) Order in Aid of Administration of the Case (docket no. 33); (b) Order to Appear and Show Cause (docket no. 56); and (c) Order (docket no. 158). A true copy of the email and orders are attached hereto as **Exhibit 2**. As of the filing of this declaration, the email has not been returned or rejected by the recipient server.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: (i) Apache Energy Services, LLC (4404); (ii) Aqua Handling of Texas, LLC (4480); (iii) HII Technologies, Inc. (3686); (iv) Sage Power Solutions, Inc. fka KMHVC, Inc. (1210); and (v) Hamilton Investment Group, Inc. (0150).

Service of Docket No. 56

4. On September 25, 2015, I caused to be mailed by U.S. Express Mail Overnight #EM475563258 and U.S. Certified Mail #7013 2250 0001 1229 9606, Return Receipt Requested, this Court's original Show Cause Order (docket no. 56), to Calen Baucom at his last known physical address of 1600 N Main Avenue, Monahans, Texas 79756. A Certificate of Service was then filed at docket no. 58.

5. Attached as **Exhibit 3** is a true copy of (i) the return receipt card for the certified mail and (ii) correspondence from the post office confirming the receipt/signature of the Overnight Express Mail (both of which appear to bear the signature of Calen Baucom) that indicate Mr. Baucom's receipt of the order that is docket no. 56.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 15, 2015



Hugh M. Ray, III

EXHIBIT 1



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Time Assigned <input type="checkbox"/> AM <input type="checkbox"/> PM				Mo. Day Time			
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FROM: (PLEASE PRINT) MCKOOL SMITH PC 600 TRAVIS ST STE 7000 HOUSTON TX 77002-3018	TO: (PLEASE PRINT) CALEN BAUCOM 1600 N MAIN AVE MONTEAGUE, TX 79756
PHONE: 713 488 7300	PHONE:

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UNITED STATES

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Time Accepted	Scheduled Time of Delivery	Mo. Day	AM PM
Flat Rate <input type="checkbox"/> or Weight <input type="checkbox"/>	COO Fee	Delivery Date	Time
Int'l Alpha Country Code	Insurance Fee	Mo. Day	AM PM
Int'l Alpha Country Code	Total Postage & Fees	Delivery Date	Time
Acceptance Emp. Initials		Mo. Day	AM PM

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FROM: (PLEASE PRINT)	TO: (PLEASE PRINT)
MCKOOL SMITH PC 600 TRAVIS ST STE 7000 HOUSTON TX 77002-3018	CALVIN BAUCOM PO BOX 724 MONAHAN TX 79756
PHONE: 713 485 7300	PHONE:

EPI3F July 2013 OD: 12.5 x 9.5



0410004000002

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6/10 F:02 T:

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UNITED STATES

EXHIBIT 2

From: [Hugh M. Ray, III](#)
To: [Calen Baucom \(calen.baucom@me.com\)](#)
Cc: [Christopher D. Johnson](#); [Ben Hugon](#); [eguffy@lockelord.com](#); [sbrvant@lockelord.com](#); [Mark Joachim \(mark.joachim@arentfox.com\)](#); [Leonard Simon \(lsimon@pendergraffsimon.com\)](#); [Duran Hector \(USTP\)](#); [Nancy J. Jones](#)
Subject: Bankruptcy Contempt Order
Date: Thursday, October 15, 2015 5:09:39 PM
Attachments: [158 \[Signed\] Order re Show Cause re Baucom.pdf](#)
[56 \[Signed\] Show Cause Order.pdf](#)
[33 \[Signed\] Order in Aid of Case Admin.pdf](#)
[3bclean-control.bin](#)

Mr. Baucom,

I just received your e-mail address and I hope this reaches you.

We have mailed you several orders and notices from the bankruptcy court. I was recently informed that Kirk Kennedy does not represent you. I encourage you to engage counsel if you have not already.

Attached is a court order (Docket #156) entered this afternoon reaffirming that you are ordered to appear in the United States Bankruptcy Court (515 Rusk Street, Courtroom 400, Houston Texas 77002) at 12:30 PM – that is half past noon - on Monday October 19, 2015. I am also attaching two previous court orders (Docket #56 and 33) so that you understand the context of the present order.

Sincerely,

Hugh M. Ray, III

Principal

[McKool Smith](#)

600 Travis, Suite 7000
Houston, Texas 77002

713-485-7303 Direct
713-485-7344 Fax

NOTICE OF CONFIDENTIALITY:

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ENTERED
09/22/2015

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

IN RE:	§	
	§	CASE NO: 15-60070
HII TECHNOLOGIES, INC., <i>et al.</i> ,	§	CHAPTER 11
	§	Jointly Administered
Debtor(s).	§	DAVID R. JONES

ORDER IN AID OF ADMINISTRATION OF THE CASE
(Docket No.)

During testimony provided at the Debtors' first day hearings, Ms. Cross testified that the Debtors have been locked out of several of their equipment yards. Each landlord of the Debtors shall permit access to these yards to Debtors and their representatives to inventory equipment and otherwise inspect the premises. If a landlord believes that the Debtors should not be able to remove their property from the leased premises, such landlord shall file a pleading with the Court within 14 days of receiving a copy of this order setting forth the specific legal reasons that the Debtors should not be able to remove their property. The failure to file the foregoing pleading shall be deemed a consent to the Debtor removal of their property.

Ms. Cross further testified that the Debtors' equipment is still in the possession of former employees and management. The continued retention of estate property is a violation of the automatic stay. All persons in possession of the Debtors' records (paper or electronic), equipment, computers, vehicles and other personal property shall immediately return such property to the Debtors' closest office.

SIGNED: September 22, 2015.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE



ENTERED
09/25/2015

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

IN RE:	§	
	§	CASE NO: 15-60070
HHI TECHNOLOGIES, INC., <i>et al.</i> ,	§	CHAPTER 11
	§	Jointly Administered
Debtor(s).	§	DAVID R. JONES

ORDER TO APPEAR AND SHOW CAUSE
(Docket No.)

On September 24, 2015, the Debtors filed their Expedited Motion to Enforce the Automatic Stay and for Brent Mulliniks, Billy W. Cox, Calen Baucom, William Mark Hamilton and Craig Hamilton to Appear and Show Cause Why They Should not be Held in Contempt. The motion seeks relief that is covered, in part, by Bankruptcy Rule 7001. As such, the Court could not grant all of the relief that is requested in the motion. Debtors' counsel was advised of the Court's concerns at a prior hearing. Notwithstanding the foregoing, the allegations set forth in the Debtors' motion are serious and this Court has an independent duty to ensure that parties comply with the laws of the United States. Accordingly, it is

ORDERED THAT:

1. The Court will hold a hearing on **October 5, 2015 at 2:30 p.m. (Central time)** in Courtroom 400, 4th Floor, United States Courthouse, 515 Rusk Street, Houston, Texas to consider whether Brent Mulliniks, Billy W. Cox, Calen Baucom, William Mark Hamilton and Craig Hamilton have violated 11 U.S.C. § 362; 11 U.S.C. § 542 and other applicable law.

2. Brent Mulliniks, Billy W. Cox, Calen Baucom, William Mark Hamilton and Craig Hamilton shall personally appear at the hearing. No telephonic appearances will be permitted. Each of the foregoing is advised to retain counsel licensed to appear in the United States District Court for the Southern District of Texas. If Brent Mulliniks, Billy W. Cox, Calen Baucom, William Mark Hamilton or Craig Hamilton engaged in the activities described by the Debtors in their motion, the Court may impose coercive and compensatory sanctions that include monetary sanctions and other remedial relief.

3. Should Brent Mulliniks, Billy W. Cox, Calen Baucom, William Mark Hamilton and Craig Hamilton Mr. Yates fail to appear at the scheduled hearing, the Court may issue a bench warrant for their arrest in order to secure their presence before the Court.

4. The Debtors shall serve a copy of this Order on Brent Mulliniks, Billy W. Cox, Calen Baucom, William Mark Hamilton and Craig Hamilton by U.S. first class mail, U.S. certified mail and any other method reasonably designed to provide notice of the scheduled hearing, including electronic mail, facsimile and/or personal service. The Debtors shall file a certificate of service prior to the hearing.

5. The Debtors shall attend the hearing and be prepared to present evidence of the property they allege is being held by Brent Mulliniks, Billy W. Cox, Calen Baucom, William Mark Hamilton or Craig Hamilton and all damages caused by the wrongful possession or use.

6. The parties may not agree to pass or cancel the hearing. Although the parties may settle their dispute, this order remains in force and effect absent further order.

SIGNED: September 25, 2015.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE



ENTERED
10/15/2015

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

IN RE: HII TECHNOLOGIES, INC., et al., Debtor(s).	§ § § § §	CASE NO: 15-60070 CHAPTER 11 Jointly Administered Order DAVID R. JONES
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ORDER
(Docket No. 56 and 154)

The Court has reviewed the pleading filed by the Debtors at Docket No. 154. The hearing set for Monday, October 19, 2015 at 12:30 p.m. is a continued hearing on the Court's Order to Appear and Show Cause (the "Show Cause Order"). As set forth in paragraph 6 of the Show Cause Order, the parties may not cancel or pass the hearing. Based on the representations contained in Docket No. 154, however, it is

ORDERED THAT:

1. Brent Mulliniks, Billy W. Cox, William Mark Hamilton and Craig Hamilton are excused from the hearing on Monday, October 19, 2015. The Court finds that the Show Cause Order has been satisfied with respect to Brent Mulliniks, Billy W. Cox, William Mark Hamilton and Craig Hamilton.
2. The Court will proceed with the hearing on October 19, 2015. If Mr. Baucom is not present, the Court may issue a bench warrant for his arrest as set forth in paragraph 3 of the Show Cause Order.
3. Counsel for the Debtors should appear at the continued hearing with a copy of the certified mail receipt signed by Mr. Baucom referenced in Docket No. 154 as well as all personal information in its files regarding Mr. Baucom, including social security number, driver's license number, passport information, phone numbers and any other information that will assist the United States Marshal in locating Mr. Baucom.
4. Counsel for the Debtors shall immediately serve a copy of this Order on Mr. Baucom and file a certificate of service.

SIGNED: October 15, 2015.


DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 3

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

In re:	§	Chapter 11
	§	
HII TECHNOLOGIES, INC., et al.¹	§	15-60070 (DRJ)
Debtors	§	(Jointly Administered)

CERTIFICATE OF SERVICE

The undersigned certifies that on September 25, 2015, a true and correct copy of the Order to Appear and Show Cause, docket no. [56], was served via United States First Class Mail, postage prepaid, certified mail, return receipt requested, and by Federal Express on the parties listed below:

Brent Mulliniks
201 River Creek Lane
Aledo, TX 76008
CMRRR 7014 0150 0002 3805 6196, FedEx and First Class Mail

Billy Cox
5373 FM 1726
Goliad, TX 77963
**CMRRR 7013 2250 0001 1229 9590, First Class Mail and
US Express Mail Overnight**

Calen Baucom
1600 N Main Ave
Monahans, TX 79756
**CMRRR 7013 2250 0001 1229 9606, First Class Mail and
US Express Mail Overnight**

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: (i) Apache Energy Services, LLC (4404); (ii) Aqua Handling of Texas, LLC (4480); (iii) HII Technologies, Inc. (3686); (iv) Sage Power Solutions, Inc. fka KMHVC, Inc. (1210); and (v) Hamilton Investment Group, Inc. (0150).

William Mark Hamilton

1601 W Logan

Guthrie, OK 73044

CMRRR 7013 2250 0001 1229 9613, FedEx and First Class Mail

Craig Hamilton

210 N. Buffalo Ave

Guthrie, OK 73044

CMRRR 7013 2250 0001 1229 9620, FedEx and First Class Mail

/s/ Hugh M. Ray, III

Hugh M. Ray, III

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Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery	COD Fee Insurance Fee
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	Int'l Alpha Country Code	\$
	Acceptance Emp. Initials	

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Delivery Attempt	Time	Employee Signature
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Calen Baucum

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Calen Baucom 1600 N Main Ave Monahans, TX 79756	
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1. Article Addressed to: Calen Baucom 1600 N Main Ave Monahans, TX 79756	B. Received by (Printed Name) _____ C. Date of Delivery _____ D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
PS Form 3811, July 2013	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes 7013 2250 0001 1229 9606 Domestic Return Receipt