

Receivership Management, Inc.

783 Old Hickory Blvd., Suite 255 Brentwood, TN 37027 (615) 370-0051 Fax (615) 373-4336

February 25, 2013

Ms. Eva Lemeh, Chapter 7 Trustee
Sommet Group LLC
4300 Kings Lane
Nashville, TN 37218

Isabel Colon, Acting Regional Director
Employee Benefits Security Administration
U.S. Department of Labor
61 Forsyth Street SW
Suite 7B54 - SNAFC
Atlanta, GA 30303

Robert M. Lewis
Counsel
U.S. Department of Labor
Office of the Solicitor, Atlanta Regional Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street, Room 7T10
Atlanta, GA 30303

**RE: Sommet Group LLC 401(K) Plan
Successor Trustee's Twelfth Report and Fee Notice**

Dear Ms. Lemeh, Ms. Colon and Mr. Lewis:

Pursuant to the Appointment and Engagement Documents entered by Samuel K. Crocker, Chapter 7 Trustee dated October 20, 2010, the Successor Trustee and Named Plan Administrator of the Sommet Group LLC 401(K) Plan (the "Plan") submits this Twelfth Report and Fee Notice for fees and expenses for the period January 1, 2013 – January 31, 2013.

ACTIVITY REPORT

On October 12, 2011 a Voluntary Compliance Program application was submitted to the Internal Revenue Service advising as to seven (7) failures and the proposed methods of correction. Since that time, an IRS agent was appointed and she has responded with additional questions regarding the proposed corrections. ERISA counsel hired by the Successor Trustee has responded to all the questions and suggested

corrections on August 17, 2012. The Successor Trustee requested since all the testing information had been provided through 2009 and that since 2010 was an incomplete year, there was no need for additional testing. The IRS did not agree, and letters have been sent to the remaining employees to provide the necessary information to perform the testing. Five of eight employers have responded to that request and the data they provided was supplied to Acuff and Associates to complete the testing. Counsel has responded to the IRS to advise of that process and any necessary testing has been completed. There is one outstanding issue on a Safe Harbor question involving one employer that is under review. If that issue can be resolved with the IRS, the plan can proceed to termination. The Successor Trustee has requested counsel to check with the IRS to determine if there has been acceptance of the plan so that the VCP can be finalized. We are prepared for termination of this plan as soon as we can proceed, assuming the IRS accepts the proposed solution to the remaining questions. On February 15, 2013 we received an acknowledgement from the IRS that our position and information had been received and a response from the IRS will be made by the end of the month.

ACCOUNTINGS REGARDING THE 401(k) PLAN

The Successor Trustee reported an earlier procedure which anticipated monthly deductions in the exact amounts authorized and not objected to. John Hancock reported that its systems were not able to comply with this request. Therefore a modification was instituted to accommodate the Hancock systems. A set 3% of plan assets will be deducted monthly and paid quarterly to the Successor Trustee. The Successor Trustee will then accumulate these fees in an account for Plan expenses. Approved expenses will then be paid from this account as funds become available. The review and approval procedure as outlined remains as follows: The Successor Trustee will provide written notice (the "Fee Notice") of such compensation, fees or expenses, by filing the Fee Notice with the Chapter 7 Bankruptcy Trustee, and by serving a copy to the U.S. Department of Labor, Employee Benefits Security Administration, Atlanta Regional Office, Atlanta, Georgia. If, within fifteen (15) days after filing of a Fee Notice with the Chapter 7 Trustee, no objection to the Fee Notice or payment by the Plan of the compensation, fees or expenses described therein is filed with the Successor Trustee, such compensation, fees or expenses shall be deemed reasonable expenses of the Plan and shall be paid by the Plan without further action or approval.

Attached hereto as **Exhibit 1** is a schedule of the hourly rates for the Successor Trustee and the hourly rates of any staff of Receivership Management, Inc. that might be used to carry out the terms of the Appointment.

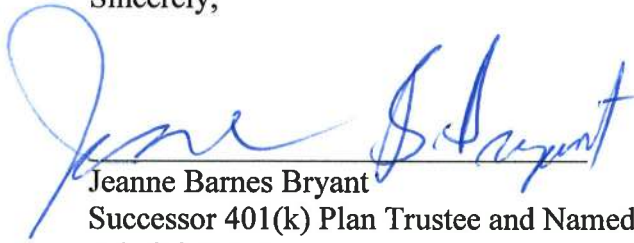
Attached hereto as **Collective Exhibit 2** are expense summaries for the period January 1, 2013 – January 31, 2013. Total expenses, as listed on Exhibit 2 include \$675.00 in Successor Trustee fees, \$1,055.00 in legal expenses, \$472.50 in contract labor expenses, and \$220.22 in other expenses (which include identified charges for other fees, postage, copies, telephone, travel, etc.).

In the absence of any objection, reimbursement of \$675.00 in Successor Trustee fees, \$1,055.00 in legal expenses, \$472.50 in contract labor expenses, and \$220.22 for other expenses will be paid from the Plan in accordance with the Appointment. The exact amounts and the parties to be paid are listed below:

- | | | |
|----|------------------------------|------------|
| 1. | Jeanne Barnes Bryant | \$675.00 |
| 2. | Berry & Tudor | \$1,055.00 |
| 3. | Receivership Management Inc. | \$692.72 |
| | \$472.50/Contract labor | |
| | \$220.22/Other expenses | |

If no objection is filed with the Successor Trustee within fifteen (15) days after the filing of the Fee Notice with Ms. LeMeh, the Successor Trustee will proceed to authorize payments due counsel and any other parties listed.

Sincerely,



Jeanne Barnes Bryant
Successor 401(k) Plan Trustee and Named Plan
Administrator
Sommet Group LLC 401(K) Plan
783 Old Hickory Blvd., Ste 255
Brentwood, TN 37027
Telephone: 615-370-0051
Fax: 615-373-4336

Receivership Management, Inc.

783 Old Hickory Blvd., Suite 255 Brentwood, TN 37027 (615) 370-0051 Fax (615) 373-4336

Effective July 1, 2008

Fee Schedule for Receivership Management, Inc:

Jeanne Barnes Bryant	\$150 per hour
Rob Moore	\$130 per hour
Billy Spaulding	\$110 per hour
Sarah Forton	\$45 per hour
Information Tech Consultant	\$65 per hour

Overhead charges are allocated pro-rata based upon the number of hours billed to a receivership. Currently overhead is billed at \$11.00 per hour. Overhead includes expenses of a general nature which cannot be charged to a specific receivership. Examples include depreciation on equipment, insurance, etc.

Rent is allocated to a receivership based on a physical presence (ie. Files, records, and other documentation) at the RMI location and the time spent on that receivership. It is by its nature an estimate and is normally set at the beginning of each quarter and remains constant during that quarter. The allocation is reviewed each month and if there is a material change in either the physical presence occupied or time spent on the receivership, the rent allocation is adjusted to reflect current conditions.

Office Expenses which can be specifically identified to a receivership (eg. telephone, postage, copies etc.) are charged to the receivership as incurred.

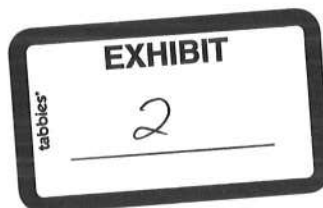
Travel: Per Diem-\$39.00 for meals and incidentals (first and last day of travel 75% of per diem amount allowed). Per Diem paid only if overnight travel is required. Transportation: By private car: 50 cents per mile; By common carrier: Actual ticket cost at coach. Lodging: Actual amount charged.



SUMMARY TIME SHEET-SUCCESSOR TRUSTEE
SERVICES PROVIDED FOR SOMMET GROUP 401K PLAN
FOR THE PERIOD 1/01/13 THROUGH 1/31/13

Jeanne Barnes Bryant

JAN 2013 FEES	<u>675.00</u>
TOTAL FEES	<u><u>\$675.00</u></u>



Receivership Management, Inc.
P. O. Box 2307
Brentwood, TN 37024

Invoice for Professional Services

SOMMET GROUP LLC 401K PLAN

January 2013

Date	Service Description	Hours	Rate	Total
1/2/2013	QUESTION RE VCP, QUESTION RE TUDOR LETTER	0.2	\$150.00	\$30.00
1/3/2013	QUESTION RE REPORT	0.1	\$150.00	\$15.00
1/4/2013	CALLS FROM MEMBERS	0.5	\$150.00	\$75.00
1/7/2013	UPDATE FROM ROB MOORE RE VCP LETTER BACK TO IRS	0.2	\$150.00	\$30.00
1/8/2013	CALL RE PROGRESS ON VCP	0.1	\$150.00	\$15.00
1/9/2013	CALLS FROM MEMBERS	0.3	\$150.00	\$45.00
1/10/2013	E-MAILS FROM ROB MOORE RE RESPONSE ON LAST TWO EMPLOYERS RE VCP	0.3	\$150.00	\$45.00
1/15/2013	QUESTION FROM SARAH FORTON RE STATUS, QUESTION TO ROB MOORE RE SAME	0.2	\$150.00	\$30.00
1/16/2013	DISCUSSION WITH ROB MOORE RE PROBLEM WITH SAFE HARBOR ON REMAINING COMPANY	0.3	\$150.00	\$45.00
1/17/2013	QUESTION RE REPORT	0.2	\$150.00	\$30.00
1/18/2013	DRAFT CURRENT REPORT, QUESTIONS RE SAME, E-MAIL TO ROB MOORE RE REPORT	1	\$150.00	\$150.00
1/22/2013	E-MAIL FROM SARAH FORTON RE REPORT, REVIEW SAME	0.2	\$150.00	\$30.00
1/23/2013	QUESTION TO ROB MOORE RE REPORT, CALL FROM TRUSTEE	0.2	\$150.00	\$30.00
1/30/2013	REPORT FROM ROB MOORE RE FINAL ISSUE FOR IRS	0.2	\$150.00	\$30.00
1/31/2013	E-MAIL FROM ROB MOORE RE DECEMBER REPORT, E-MAIL TO SARAH FORTON RE SAME, REVIEW AND SIGN DECEMBER REPORT	0.5	\$150.00	\$75.00

SOMMET GROUP LLC 401K PLAN

January 2013

Total

\$675.00

SUMMARY TIME SHEET-LEGAL
SERVICES PROVIDED FOR SOMMET GROUP 401K PLAN
FOR THE PERIOD 1/01/13 THROUGH 1/31/13

Berry & Tudor PC

JAN 2013 FEES	INV 18523	<u>1,055.00</u>
TOTAL FEES		<u><u>\$1,055.00</u></u>

BERRY & TUDOR, P.C.

A Professional Corporation

5123 Virginia Way
Suite B-23
Brentwood, Tennessee 37027-7598

Telephone: (615) 726-1000

FEIN: 62-1525112

Fax: (615) 370-0077

Ms. Jeanne Barnes Bryant
c/o Receivership Management, Inc.
783 Old Hickory Blvd., Suite 255
Brentwood, TN 37027

February 1, 2013

Client #: 814

RE: Sommet Group

Invoice #: 18523

DATE	DESCRIPTION	HOURS	AMOUNT	
Jan-07-13	Telephone conference with R. Moore re: correction of mid-year termination of safe harbor 401(k) contributions.	0.40	100.00	BET
Jan-09-13	Email from R. Moore re: mid-year cessation of safe harbor plan contributions (2010) (Walich-Kemp and Millennium Water).	0.10	25.00	BET
Jan-10-13	Research re: EPCRS correction method for failure to provide safe harbor 401(k) notice.	0.30	75.00	BET
Jan-11-13	Email to R. Moore re: correction of safe harbor 401(k) plan failures.	0.25	62.50	BET
Jan-14-13	Emails from and to R. Moore re: Millennium Water's mid-year cessation of 401(k) safe harbor plan (2010); review explanation re: contributions to successor 401(k) plan in 2010.	0.30	75.00	BET
Jan-15-13	Prepare letter to IRS re: new information on mid-year cessation of safe harbor plan in 2010; email to R. Moore re: same.	0.80	200.00	BET
Jan-17-13	Email from P. Friend re: impact of successor 401(k) plan on mid-year safe harbor plan cessation; email to R. Moore re: same; telephone conference with R. Moore re: same.	0.50	125.00	BET
Jan-22-13	Prepare draft declaration (Walich-Kemp) re: safe	0.75	187.50	BET

RECEIVED
FEB 05 2013

harbor plan cessation in 2010; email to R. Moore re: same.

Jan-29-13 Telephone conference with R. Moore re: Walich-Kemp declaration. 0.00 BET

Jan-30-13 Letter to P. Friend re: mid-year cessation of safe harbor contributions (continued); review fax from R. Moore re: Bagwell Declaration; telephone conferences with R. Moore re: same. 0.80 200.00 BET

TOTAL FEES: 0.80 \$1,050.00

DISBURSEMENTS

Facsimiles 5.00

TOTAL DISBURSEMENTS: \$5.00

TOTAL FEES & DISBURSEMENTS: \$1,055.00

Previous Balance \$4,696.90

Previous Payments \$0.00

*Posted
OK
2-2-13*

PLEASE PAY:	\$5,751.90
--------------------	-------------------

**PAYMENT DUE WITHIN 30 DAYS OF STATEMENT. THANK YOU.
PLEASE MAKE CHECKS PAYABLE TO BERRY & TUDOR, P.C.**

cc: Rob Moore via email

SUMMARY TIME SHEET-CONTRACT LABOR
SERVICES PROVIDED FOR SOMMET GROUP 401K PLAN
FOR THE PERIOD 1/01/13 THROUGH 1/31/13

Receivership Management, Inc.

JAN 2013 FEES	<u>472.50</u>	472.50
RMI EXPENSES	<u>220.22</u>	<u>220.22</u>
TOTAL FEES		<u><u>\$692.72</u></u>

Receivership Management, Inc.
P. O. Box 2307
Brentwood, TN 37024

Invoice for Professional Services

SOMMET GROUP LLC 401K PLAN

January 2013

Date	Service Provider	Description of Service	Hours	Rate	Total
1/7/2013	Robert E. Moore, Jr.	CALL WITH B.TUDOR RE: RESPONSE ON VCP APPLICATION AND RESPONSE .75	0.75	\$130.00	\$97.50
1/9/2013	Robert E. Moore, Jr.	CALL WITH D.BAGWELL AT WALICK KEMP RE: SAFE HARBOR ACTIONS IN 2010 .2; DRAFT EMAIL TO B.TUDOR RE: SAME .10; RESEARCH CONTACT INFORMATION ON MILLENNIUM WATER ALLIANCE, CALL WITH RAFAEL CALLEJAS RE: SAFE HARBOR ACTIONS IN 2010, EMAIL TO R. CALLEJAS REQUESTING INFORMATION, .6 EMAIL UPDATE TO J.BRYANT AND B.TUDOR RE: SAME .2	1.1	\$130.00	\$143.00
1/10/2013	Billy B. Spaulding	RECONCILE BANK ACCT	0.2	\$110.00	\$22.00
1/11/2013	Robert E. Moore, Jr.	RECEIVE INFORMATION ON MILLENNIUM WATER ALLIANCE .10	0.1	\$130.00	\$13.00
1/14/2013	Robert E. Moore, Jr.	CALL WITH D.BAGWELL AT WALICK KEMP TO CONFIRM SUCCESSOR PLAN, FORWARD INFORMATION AND MILLENNIUM WATER ALLIANCE TO B.TUDOR .25	0.25	\$130.00	\$32.50
1/16/2013	Robert E. Moore, Jr.	CALL WITH DEANNA BAGWELL RE: ADDITIONAL INFORMATION NEEDED RE: SUCCESSOR PLAN AND SAFE HARBOR .2; CALL TO B.TUDOR RE: SAME .10	0.3	\$130.00	\$39.00
1/17/2013	Sarah D. Forton	WORK ON FILES, RETURN MAIL	0.5	\$45.00	\$22.50
1/22/2013	Sarah D. Forton	WORK ON FEE FILING	1	\$45.00	\$45.00
1/25/2013	Sarah D. Forton	CALLS FROM PARTICIPANTS RE: STATUS	0.5	\$45.00	\$22.50
1/30/2013	Robert E. Moore, Jr.	REVIEW AND REVISE REPORT TO E.LEMEH .10	0.1	\$130.00	\$13.00
1/31/2013	Sarah D. Forton	WORK ON FEE FILING	0.5	\$45.00	\$22.50

Tuesday, February 19, 2013

SOMMET GROUP LLC 401K PLAN

January 2013

Total

\$472.50

RMI EXPENSE RECOVERABLE SOMMET 401 K

1/1/13 Through 1/31/13

Category Description	1/1/13- 1/31/13	OVERALL TOTAL
5250 OH ADJ TO BILL		
RMI OH EXPENSE	-107.80	-107.80
TOTAL 5250 OH ADJ TO BILL	-107.80	-107.80
5300 EXPENSES		
RENT	-107.32	-107.32
COPIES	-5.10	-5.10
TOTAL 5300 EXPENSES	-112.42	-112.42
OVERALL TOTAL	-220.22	-220.22