

# Receivership Management, Inc.

---

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

June 26, 2014

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

Isabel Colon, 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 Twenty-Eighth 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 Twenty-Eighth Report and Fee Notice for fees and expenses for the period May 1, 2014 – May 31, 2014.

## **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. On April 15, 2013, the IRS issued its compliance statement regarding acceptance of the proposed corrective action to the seven (7) failures. We have taken those corrective actions. The active participating employers have submitted their

termination documents. All employers have terminated their plans and participant distributions have been completed.

We completed the blackout period, which commenced on September 1, 2013 and ended on November 15, 2013. All participants who completed forms and established accounts with electronic funds transfer received distributions as directed by them. A total of \$371,894.10 was distributed in this way. All other participant accounts were transferred to a bank account established at Regions Bank for the Plan from which missing participant distributions and non-electronic funds transfers were completed by December 31, 2013.

Any undistributed accounts held by John Hancock on November 15, 2013 have been transferred to an account RMI established and have been processed as either missing participants or checks paid to any member who did not provide John Hancock with a bank account for payment. All 1099 reporting for those accounts that John Hancock distributed pursuant to a completed distribution form will be handled by John Hancock. All missing participant distribution 1099 reporting or as necessary for any members transferred and not paid by John Hancock have been completed by RMI.

We are currently finalizing all work in preparation for the final 5500 to be filed in October, 2014. However, we have recently received notice from the DOL, Employee Benefits Security Administration Office of Chief Accountant that the Form 5500 filed for Plan Year 2012 has been rejected due to a lack of an audit. Audits have not previously been required as it has been noted that there is insufficient payroll documentation available to conduct an audit and no audit would reveal any additional issues not already discovered through the investigative process at DOL/EBSA. We have requested assistance from the Atlanta DOL EBSA office as this office has been included in previous discussions leading to no audit being required on previously filed Forms 5500. As soon as a determination is received, you will be updated.

#### **ACCOUNTINGS REGARDING THE 401(k) PLAN**

The review and approval procedure as outlined remains as follows: The Successor Trustee will provide written notice (the "Fee Notice") of 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.

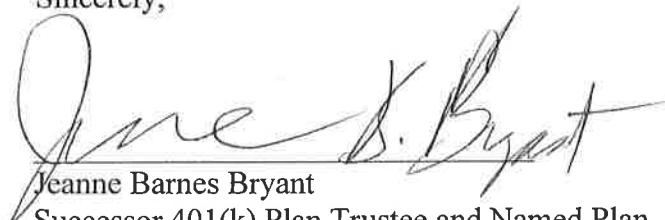
Attached hereto as **Collective Exhibit 2** are expense summaries for the period May 1, 2014 – May 31, 2014. Total expenses, as listed on Exhibit 2 include \$495.00 in Successor Trustee fees, \$276.75 in contract labor expenses, and \$129.21 in other expenses (which include identified charges for other fees, postage, copies, telephone, travel, etc.).

In the absence of any objection, reimbursement of \$495.00 in Successor Trustee fees, \$276.75 in contract labor expenses, and \$129.21 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         | \$495.00 |
| 2. | Receivership Management Inc. | \$405.96 |
|    | \$276.75/Contract labor      |          |
|    | \$129.21/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:

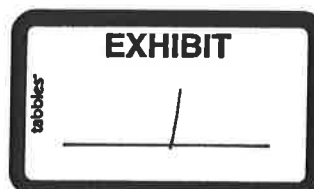
Jeanne Barnes Bryant	\$150 per hour
Rob Moore	\$130 per hour
Billy Spaulding	\$110 per hour
Sarah Forton	\$45 per hour
Information Tech Consultant	\$65 per hour

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 5/01/14 THROUGH 5/31/14**

Jeanne Barnes Bryant

MAY 2014 FEES	<u>495.00</u>
<b>TOTAL FEES</b>	<b><u><u>\$495.00</u></u></b>



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

Invoice for Professional Services

SOMMET GROUP LLC 401K PLAN		May 2014			
5/1/2014	Jeanne Barnes Bryant	REVIEW AND APPROVE REPORT FOR DOL	0.2	\$150.00	\$30.00
5/7/2014	Jeanne Barnes Bryant	QUESTION RE NEXT FILING	0.1	\$150.00	\$15.00
5/9/2014	Jeanne Barnes Bryant	QUESTION RE 5500 FILING	0.2	\$150.00	\$30.00
5/13/2014	Jeanne Barnes Bryant	E-MAIL RE MONTHLY REPORT, QUESTION RE SAME	0.4	\$150.00	\$60.00
5/16/2014	Jeanne Barnes Bryant	DRAFT REPORT, E-MAIL RE SAME	0.5	\$150.00	\$75.00
5/19/2014	Jeanne Barnes Bryant	E-MAIL RE REPORT FROM ROB MOORE, E-MAIL TO SARAH FORTON RE SAME	0.2	\$150.00	\$30.00
5/20/2014	Jeanne Barnes Bryant	REVIEW AND SIGN REPORT	0.2	\$150.00	\$30.00
5/28/2014	Jeanne Barnes Bryant	CALL RE CHECK, QUESTION TO ROB MOORE RE SAME, E-MAIL RE CALL	0.5	\$150.00	\$75.00
5/30/2014	Jeanne Barnes Bryant	MEETING WITH ROB MOORE AND BILLY SPAULDING RE FINAL WORK AND SCHEDULES FOR SAME	1	\$150.00	\$150.00
<b>Total</b>					<b>\$495.00</b>

**SUMMARY TIME SHEET-CONTRACT LABOR**  
SERVICES PROVIDED FOR SOMMET GROUP 401K PLAN  
FOR THE PERIOD 5/01/14 THROUGH 5/31/14

Receivership Management, Inc.

MAY 2014 FEES	276.75
RMI EXPENSES	<u>129.21</u>
<b>TOTAL FEES</b>	<b><u><u>\$405.96</u></u></b>

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

Invoice for Professional Services

SOMMET GROUP LLC 401K PLAN					May 2014
5/6/2014	Sarah D. Forton	WORK ON FILES	0.25	\$45.00	\$11.25
5/19/2014	Robert E. Moore, Jr.	REVIEW FEE AND ACTIVITY REPORT .10	0.1	\$130.00	\$13.00
5/19/2014	Sarah D. Forton	WORK ON FEE REPORT	1	\$45.00	\$45.00
5/20/2014	Sarah D. Forton	WORK ON FEE REPORT	1	\$45.00	\$45.00
5/30/2014	Robert E. Moore, Jr.	MEETING WITH J.BRYANT AND B.SPAULDING RE: FINAL TERMINATIONS, FINAL REPORTING, BANKRUPTCY FILING, DEPT. OF JUSTICE PROCEEDINGS AGAINST MR. WHITFIELD 1.25	1.25	\$130.00	\$162.50
<b>Total</b>					<b>\$276.75</b>



RMI EXPENSE RECOVERABLE SOMMET 401 K

5/1/14 Through 5/31/14

Category Description	5/1/14- 5/31/14	OVERALL TOTAL
5250 OH ADJ TO BILL		
5690-RMI OH EXPENSE	-75.90	-75.90
TOTAL 5250 OH ADJ TO BILL	-75.90	-75.90
5300 EXPENSES		
6060-RENT	-44.71	-44.71
6205-COPIES	-3.90	-3.90
6210-POSTAGE	-4.70	-4.70
TOTAL 5300 EXPENSES	-53.31	-53.31
OVERALL TOTAL	-129.21	-129.21