

Receivership Management, Inc.

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

January 31, 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 Eleventh 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 Eleventh Report and Fee Notice for fees and expenses for the period December 1, 2012 – December 31, 2012.

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. 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.

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.

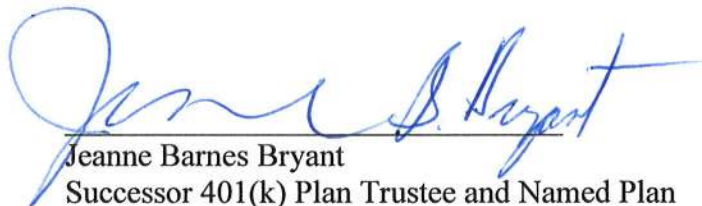
Attached hereto as **Collective Exhibit 2** are expense summaries for the period December 1, 2012 – December 31, 2012. Total expenses, as listed on Exhibit 2 include \$495.00 in Successor Trustee fees, \$887.50 in legal expenses, \$715.25 in contract labor expenses, and \$223.55 in other expenses (which 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, \$887.50 in legal expenses, \$715.25 in contract labor expenses, and \$223.55 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. | Berry & Tudor | \$887.50 |
| 3. | Receivership Management Inc. | \$938.80 |
| | \$715.25/Contract labor | |
| | \$223.55/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 12/01/12 THROUGH 12/31/12

Jeanne Barnes Bryant

DEC 2012 FEES	<u>495.00</u>
TOTAL FEES	<u><u>\$495.00</u></u>



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

Invoice for Professional Services

SOMMET GROUP LLC 401K PLAN		December 2012			
12/3/2012	JEANNE B BRYANT	QUESTION RE TESTING, E-MAIL RE BREAD AND COMPANY FROM ROB MOORE	0.2	\$150.00	\$30.00
12/4/2012	JEANNE B BRYANT	ADDITIONAL E-MAILS FROM ROB MOORE TO EMPLOYERS RE TESTING	0.2	\$150.00	\$30.00
12/6/2012	JEANNE B BRYANT	QUESTION RE REMAINING QUESTIONS ON TESTING	0.1	\$150.00	\$15.00
12/10/2012	JEANNE B BRYANT	QUESTION RE TESTING AND E-MAIL RE DECEMBER REPORT	0.2	\$150.00	\$30.00
12/12/2012	JEANNE B BRYANT	DISCUSSION WITH ROB MOORE RE TESTING LETTER, NO CHARGE BY ACUFF	0.2	\$150.00	\$30.00
12/13/2012	JEANNE B BRYANT	REVIEW INVOICES AND DRAFT REPORT, E-MAIL TO SARAH FORTON RE SAME, QUESTION TO ROB MOORE RE TESTING FOR REPORT	0.8	\$150.00	\$120.00
12/16/2012	JEANNE B BRYANT	QUESTION RE REPORT, E-MAIL RE LOAN PAYMENTS	0.2	\$150.00	\$30.00
12/18/2012	JEANNE B BRYANT	REVIEW AND SIGN REPORT	0.2	\$150.00	\$30.00
12/19/2012	JEANNE B BRYANT	REPORT FROM ROB MOORE RE VCP AFTER FINALIZING INFORMATION FROM ACUFF AND ASSOCIATES	0.2	\$150.00	\$30.00
12/20/2012	JEANNE B BRYANT	E-MAILS RE VCP ISSUES, DISCUSSION WITH ROB MOORE RE SAME, QUESTION TO SARAH FORTON RE RMDS	0.7	\$150.00	\$105.00
12/21/2012	JEANNE B BRYANT	E-MAIL RE WEBSITE POSTING	0.1	\$150.00	\$15.00
12/28/2012	JEANNE B BRYANT	QUESTION TO ROB MOORE RE VCP PROGRESS	0.2	\$150.00	\$30.00
Total					\$495.00

SUMMARY TIME SHEET-LEGAL
SERVICES PROVIDED FOR SOMMET GROUP 401K PLAN
FOR THE PERIOD 12/01/12 THROUGH 12/31/12

Berry & Tudor PC

DEC 2012 FEES	INV 18484	<u>887.50</u>
TOTAL FEES		<u><u>\$887.50</u></u>

BERRY & TUDOR, P.C.

A Professional Corporation

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

Telephone: (615) 726-1000

Fax: (615) 370-0077

FEIN: 62-1525112

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

December 28, 2012

Client #: 814

RE: Sommet Group

Invoice #: 18484

DATE	DESCRIPTION	HOURS	AMOUNT	
Dec-03-12	Conference call with R. Moore and S. Jones re: 2010 ADP/ACP testing issues.	0.60	150.00	BET
Dec-17-12	Email from R. Moore re: Kirkland Carpet ADP test; email from R. Moore re: Acuff's report on 2010 ADP/ACP testing; email to R. Moore re: VCP application.	0.50	125.00	BET
Dec-18-12	Emails from R. Moore and S. Jones re: 2010 ADP/ACP tests; phoned and emailed P. Friend (IRS) re: status of VCP application; review fax from P. Friend; emails from and to P. Friend and to R. Moore re: same.	0.75	187.50	BET
Dec-19-12	Telephone conferences with P. Friend (IRS) and R. Moore re: VCP application.	0.25	62.50	BET
Dec-20-12	Emails from and to R. Moore re: correction of mid-year cessation of safe harbor plans.	0.25	62.50	BET
Dec-27-12	Revise VCP application to incorporate additional charges discussed with IRS; email to P. Friend re: proposed plan amendment re: transferred participant loans; emails to and from R. Moore re: correction of mid-year cessation of safe harbor contributions.	1.20	300.00	BET
TOTAL FEES:		3.55	\$887.50	

DISBURSEMENTS

TOTAL DISBURSEMENTS:	\$0.00
TOTAL FEES & DISBURSEMENTS:	\$887.50
Previous Balance	\$3,809.40
Previous Payments	\$0.00

*posted
1/2-13*

PLEASE PAY:	\$4,696.90
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**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 12/01/12 THROUGH 12/31/12

Receivership Management, Inc.

DEC 2012 FEES	<u>715.25</u>	715.25
RMI EXPENSES	<u>223.55</u>	<u>223.55</u>
TOTAL FEES		<u><u>\$938.80</u></u>

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

Invoice for Professional Services

SOMMET GROUP LLC 401K PLAN				December 2012	
12/4/2012	SARAH D FORTON	DOWNLOAD BANK STATEMENTS, UPDATE INTEREST EARNED, SET UP ACCRUAL FOR CONTRACT LABOR EXPENSE	0.5	\$45.00	\$22.50
12/13/2012	ROBERT E MOORE J	RMD WORK 2.0	2	\$130.00	\$260.00
12/13/2012	SARAH D FORTON	CALL FROM PARTICIPANT RE: STATUS, WORK ON FEE FILING	1.5	\$45.00	\$67.50
12/14/2012	ROBERT E MOORE J	CALL TO BARBARA AT KIRKLAND CARPET RE: PLAN TESTING AND DEFERRALS BY HCE .10	0.1	\$130.00	\$13.00
12/15/2012	ROBERT E MOORE J	REVIEW AND RESPOND TO EMAIL FROM BARBARA AT KIRKLAND CARPET REPORTING NO DEFERRALS, FORWARD SAME TO S.JONES AND B.TUDOR FOR PROCESS TO REVISE VCP .10	0.1	\$130.00	\$13.00
12/17/2012	ROBERT E MOORE J	EMAIL TO LANA TARRANT RE: RMD FORM .10; UPDATE ACTIVITY REPORT .2; REVIEW LETTER FROM S.JONES FOR TESTING REPORT PURPOSES, ACKNOWLEDGE AND RESPOND TO COMMENTS FROM B.TUDOR .3;	0.6	\$130.00	\$78.00
12/18/2012	ROBERT E MOORE J	REVIEW EMAIL FROM B.TUDOR RE: FAX FROM IRS AGENT P.FRIEND .10	0.1	\$130.00	\$13.00
12/18/2012	SARAH D FORTON	WORK ON FEE FILING	0.5	\$45.00	\$22.50
12/19/2012	ROBERT E MOORE J	REVIEW UPDATE EMAIL FROM B.TUDOR RE: CONVERSATION WITH IRS AGENT P.FRIEND, MID YEAR SAFE HARBOR ISSUES REMAIN TO BE RESOLVED, RESPOND WITH CONCERNS .3; PREPARE FINAL PACKAGE OF RMD FORMS FOR SIGNATURE AND PROCESSING 1.25	1.55	\$130.00	\$201.50
12/20/2012	SARAH D FORTON	FAX RE: RMDs	0.25	\$45.00	\$11.25
12/27/2012	ROBERT E MOORE J	EMAIL TO AND FROM B.TUDOR RE: FINAL ISSUES WITH IRS .10	0.1	\$130.00	\$13.00

Tuesday, January 22, 2013

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SOMMET GROUP LLC 401K PLAN

December 2012

Total

\$715.25

RMI EXPENSE RECOVERABLE SOMMET 401 K

12/1/12 Through 12/31/12

Category Description	12/1/12- 12/31/12	OVERALL TOTAL
5300 EXPENSES		
RMI OH EXPENSE	-116.60	-116.60
RENT	-95.90	-95.90
COPIES	-4.20	-4.20
POSTAGE	-6.85	-6.85
TOTAL 5300 EXPENSES	-223.55	-223.55
OVERALL TOTAL	-223.55	-223.55