

J. Robert Forshey
State Bar No. 07264200
Dylan T.F. Ross
State Bar No. 24104435
FORSHEY & PROSTOK, LLP
777 Main Street, Suite 1550
Fort Worth, Texas 76102
(817) 877-8855 Telephone
(817) 877-4151 Facsimile
bforshey@forsheyprostok.com
dross@forsheyprostok.com

Attorney for Lonestar Prop 50, LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	Chapter 11
	§	
Vista Proppants and Logistics, LLC, et al. ¹	§	Case No. 20-42002-elm11
	§	
	§	Jointly Administered
Debtors.	§	
	§	

LONESTAR PROP 50, LLC'S OBJECTION TO NOTICE OF CURE PROCEDURES

TO THE HONORABLE EDWARD LEE MORRIS, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Lonestar Prop 50, LLC ("Lonestar Prop 50"), and files its Objection to
Notice of Cure Procedures [Docket No. 407] ("Cure Notice").

1. Lonestar Prop 50, as the lessor, and Lonestar Prospects, Ltd. ("Lonestar Prospects"), as the lessee, are parties to a Silica Sand Lease and Mining Agreement ("Mining Agreement"). The Mining Agreement is subject to four (4) amendments as follows:

a. A First Amendment to Silica Sand Lease and Mining Agreement effective as of
October 18, 2016;

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: Vista Proppants and Logistics, LLC (7817) ("Vista OpCo"); VPROP Operating, LLC (0269) ("VPROP"); Lonestar Prospects Management, L.L.C. (8451) ("Lonestar Management"); MAALT Specialized Bulk, LLC (2001) ("Bulk"); Denetz Logistics, LLC (8177) ("Denetz"); Lonestar Prospects, Ltd. (4483) ("Lonestar Ltd."); and MAALT, LP (5198) ("MAALT"). The location of the Debtors' service address is 4413 Carey Street, Fort Worth, TX 76119-4219.



- b. A Second Amendment to Silica Sand Lease and Mining Agreement effective as of March 1, 2019;
- c. A Third Amendment to Royalty Agreement effective as of May 8, 2019; and
- d. A Fourth Amendment to Silica Sand Lease and Mining Agreement effective as of April 1, 2020.

2. The Mining Agreement and the amendments thereto are listed as an executory contract to be assumed on page 11 of 13 of the Cure Notice. The cure amount is reflected at \$32,145.

3. Lonestar Prop 50 objects to this cure amount. Lonestar Prospects has not been paid the pre-petition royalty due to Lonestar Prop 50 pursuant to the Mining Agreement for April and May, and the portion of the month of June between June 1 and the petition date. In addition, Lonestar Prospects will owe payments to Lonestar Prop 50 for the royalty on sand extracted pursuant to the Mining Agreement from and after July 1, 2020.

4. These payments are calculated based upon the volume of sand extracted from the facility by Lonestar Prospects. Section 3(h) of the Mining Agreement provides that each royalty check "shall be accompanied by an unaudited royalty report showing in reasonable detail the tonnages of sand extracted from the Leased Property during the applicable month and sold (or used, if applicable) by Lessee to which the Royalty payment pertains." Without any information regarding the volume of sand extracted by Lonestar Prospects, Lonestar Prop 50 has no way to determine the accuracy of this cure amount.

PRAYER

ACCORDINGLY, Lonestar Prop 50 hereby objects to the cure amount as set forth in the Notice, and for such other and further relief which it may be entitled.

Dated: August 21, 2020.

Respectfully submitted,

/s/ J. Robert Forshey

J. Robert Forshey
State Bar No. 07264200

Dylan T.F. Ross
State Bar No. 24104435
FORSHEY & PROSTOK LLP
777 Main St., Suite 1550
Fort Worth, TX 76102
Telephone: (817) 877-8855
Facsimile: (817) 877-4151
bforshey@forsheyprostok.com
dross@forsheyprostok.com

Attorneys for Lonestar Prop 50, LLC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via ECF electronic notice on August 21, 2020 and will be served upon the parties on the attached service list via United States Mail, first class postage prepaid on August 21, 2020.

/s/ J. Robert Forshey
J. Robert Forshey

L:\BFORSHEY\Lonestar Prop 50, LLC (CrR-Vista Proppants) #6118\Pleadings-20-42002-elm11 (Lead case)\Objection to Notice of Cure Procedures by Debtors 8.20.20.docx

**Lonestar Prop 50
Service List
Lonestar #6118**

Vista Proppants and Logistics, LLC
Attn: Kristin Smith
4413 Carey St.
Fort Worth, TX 76119

Vista Proppants and Logistics, LLC
c/o Matthew Thomas Ferris
Haynes and Boone, LLP
2323 Victory Ave., Suite 700
Dallas, TX 75219

Fort Worth & Western RR Company
United Electric Cooperative Services
c/o Randy Meigs
McDonald Sanders, PC
777 Main St., Suite 2700
Fort Worth, TX 76102

Mission Rail Industrial Park, LLC
Attn: Rick Smart
1806 S. 16th St.
La Porte, TX 77571

MP Systems Co., LLC
Attn: David Corley, President
11407 Strang Line Rd.
Lexesa, KS 66215

NDS Leasing
Attn: Tasjah Davis
111 Old Eagle School Rd.
Wayne, PA 19087

Twin Eagle Sand Logistics, LLC
c/o Bob B. Bruner
Norton Rose Fulbright US LLP
1301 McKinney, Suite 5100
Houston, TX 77010

NRJ Energy Lodging Concepts
Attn: Nicole Alcantara
1516 D. St.
Floresville, TX 78114

Office of the Attorney General
Bankruptcy & Collections Div.
PO Box 12548
Austin, TX 78711

Office of the Attorney General
Ken Paxton
300 W. 15th St.
Austin, TX 78701

Office of the U. S. Attorney
Erin Nealy Cox/Bankruptcy Div.
Burnett Plaza, Suite 1700
801 Cherry St., Unit 4
Fort Worth, TX 76102

Office of the U.S. Trustee
Erin Schmidt
1100 Commerce St., Rm. 976
Dallas, TX 75242

O'Rourke Petroleum
Attn: Angela Dalcour
223 McCarty St.
Houston, TX 77029

Sand Hill Land & Cattle, LLC
c/o Larry Chek
Palmer Lehman Sandberg, PLLC
8350 N. Central Expy., Suite 1111
Dallas, TX 75206

Paul Alcocer
39 W 22nd
San Angelo, TX 76903

Penske Truck Leasing Co., LP
Attn: Marc Althen
2675 Morgantown
Reading, PA 19607

Laura J. Monroe
Perdue Brandon, et al.
PO Box 817
Lubbock, TX 79408

Pinnacle Bank
1700 E. Broad St.
Mansfield, TX 76063

Pinnacle Bank
1521 N. Cooper, Suite 100
Arlington, TX 76011

Pinnacle Bank
PO Box 676
Keene, TX 76059

Piper Jaffray & Co.
Attn: Denise Hammond, Gen. Counsel
800 Nicollet Mall
Suite 900, J12NLE
Minneapolis, MN 55402

PlainsCapital Bank
5010 University Ave.
Lubbock, TX 79413

PlainsCapital Bank
777 Taylor St., Suite 102
Fort Worth, TX 76102

PlainsCapital Bank
801 Houston St.
Fort Worth, TX 76102

Prime Alliance Bank, Inc.
1868 South 500 West
Woods Cross, UT 84087

Purvis Industries Inc.
Attn: Cameron Barker
10500 N. Stemmons
Dallas, TX 75220

RDO Equipment Co.
700 7th St. South
 Fargo, ND 58103

~~R-Tex Services~~
~~Attn: Jerry Richardson~~
~~8124 County Rd. 1016Z~~
~~Joshua, TX 76058~~

Saferack LLC
Attn: Jason Merschat
219 Safety Ave.
Andrews, SC 29510

Sand Hill Land & cattle LLC
Attn: Ike Thomas
110 Crockett
Granbury, TX 76048

Sandbox Logistics, LLC
Attn: Daniel Miers
24275 Katy Freeway, suite 600
Katy, TX 77494

Schlumberger Technology Corp.
Attn: Donald Burell, Credit Mgr.
3600 Briarpark Dr.
Houston, TX 77042

Securities & Exchange Commission
Regional Director
801 Cherry St., Suite 1900 Unit 18
Fort Worth, TX 76102

Securities & Exchange Commission
Regional Director
Brookfield Place
200 Vesey St., Suite 400
New York, NY 10281

Securities & Exchange Commission
Secretary of the Treasury
100 F St. NE
Washington, DC 20549

Ares Capital Corp.
c/o Dennis Twomey/Julia Roth
Sidley Austin LLP
One South Dearborn St.
Chicago, IL 60603

Ares Capital Corp.
c/o Herschel T. Hamner III
Sidley Austin LLP
1000 Louisiana St., Suite 5900
Houston, TX 77002

Ares Capital Corp.
c/o Juliana Hoffman/Charles Persons
Sidley Austin LLP
2021 McKinney Ave., Suite 2000
Dallas, TX 74201

Sikes, RJ
Attn: Jeff Hansen
8251 St. Johns
Waxahachie, TX 75167

MP Systems Company, LLC
c/o Larry Levick/Michelle Shriro
Singer & Levick, PC
16200 Addison Rd., Suite 140
Addison, TX 75001

Solaris Oilfield Technologies Inc.
Attn: Kyle Ramachandran
9811 Katy Freeway, Suite 900
Houston, TX 77024

Southern Tire Mart
Attn: Josh Brown
800 Highway 98
Columbia, MS 39429

Southwestern Pneumatic Inc.
Attn: Mark Waddell
3251 VV Jones Rd.
Venus, TX 76084

Supervision
Attn: Tom Eggenberger
2750 Blue Water Rd., Suite 200
Eagan, MN 75320

Texas and NM Railway Inc.
Attn: Todd Trammell
315 W 3rd St.
Pittsburg, KS 66762

Texas Comptroller of Public Accounts
Bankruptcy Section
Lyndon B. Johnson Bldg.
111 East 17th St.
Austin, TX 78774

Texas Comptroller of Public Accounts
Office of Attorney General
Bankruptcy-Collection
PO Box 13528
Austin, TX 78711

Texas Industrial Security, Inc.
Attn: Kathy McReynolds
101 Summit Ave., Suite 404
Fort Worth, TX 76102

Texas Workforce Commission
TEC Bldg. – Bankruptcy
101 East 15th St.
Austin, TX 78778

The Andersons
Attn: Sean Hankinson, VP Sales
1947 Briarfield Blvd.
Maumee, OH 43537

Hogg Ranch, LLC
c/o Chad Smith
The Law office of Chad Smith, PC
8008 Slide Rd., Suite 33
Lubbock, TX 79424

TMT Solutions
Attn: Mike Marx
4041 FM 1978
San Marcos, TX 78666

Warren Power & Machinery, Inc.
c/o Shane M. Bebout
Todd Barron Thomason, et al.
3800 E. 42nd St., Suite 409
Odessa, TX 79762

Trinity Industries Leasing Co.
Attn: Scott Ewing, Assoc. Gen Counsel
2525 N. Stemmons Fwy.
Dallas, TX 75207

Twin Eagle Sand Logistics, LLC
c/o Andy Branaugh
8847 West Sam Houston Pkwy N
Houston, TX 77040

U.S. Environmental Protective Agency
Office of General Counsel
1200 Pennsylvania Ave NW 2310A
Washington, DC 20460

Unifirst Holdings, Inc.
Attn: Steven Sintros
68 Jonspin Rd.
Wilmington, MA 01887

U. S. Dept. of Justice
U.S. Attorney General
950 Pennsylvania Ave. NW
Washington, DC 20530

U.S. Dept of Justice
U.S. Attorney General
1100 Commerce St., 3rd Floor
Dallas, TX 75242

U.S. Dept. of Labor
Office of the Solicitor
Legal Counsel N2700
200 Constitution Ave NW
Washington, DC 20210

U.S. Dept. of Treasury
General Counsel
1500 Pennsylvania Ave. NW
Washington, DC 20220

Verizon Wireless
Attn: Joan Bowyer
600 Hidden Ridge
Irving, TX 75038

Warren Cat Rental
Attn: Kevin Matthews
3601 N. Garnett Rd.
Tulsa, OK 74116

Warren Power & Machinery, Inc.
10325 Younger Rd.
PO Box 60662
Midland, TX 79711

Webbank
215 State St., Suite 1000
Salt Lake City, UT 84111

Wells Fargo Bank, NA
300 Tri-State International, Suite 400
Lincolnshire, IL 60069

Wells Fargo Bank, NA
800 Walnut St., F0005-044
Des Moines, IA 50309

Wells Fargo Equipment Finance
Attn: Scott Collier
600 S. 4th St.
Minneapolis, MN 55415

Western Inn and Suites
Attn: Ray Davis
210 N. Van Buren St.
Enid, OK 73703

Wheeler Brothers Grain Co. Inc.
Attn: Todd Lafferty
500 West Main St.
Watonga, OK 73772

Wheeler Brothers Grain Co. Inc.
Attn: Todd Lafferty
PO Box 29
Watonga, OK 73772

Ford Motor Credit Company LLC
c/o Stephen Wilcox
Wilcox Law PLLC
PO Box 201849
Arlington, TX 76006

Wilson Manufacturing & Design
Attn: Raymond Miller
1011 E. Main St.
Cecilia, KY 42724

Schlumberger Ltd, et al.
c/o Brandon Duke/Katherine Preston
Winston & Strawn LLP
800 Capitol St., Suite 2400
Houston, TX 77002

Schlumberger Ltd., et al.
c/o Carrie Hardman
Winston & Strawn LLP
200 Park Ave.
New York, NY 10166

Woodhaven National Bank
1700 E Broad St.
Mansfield, TX 76063

WTX Profit Sharing
Attn: Brian McConn
912 Woodland St.
Houston, TX 77009

Patricia Williams Prewitt
Law Office of Patricia Williams Prewitt
10953 Vista Lake Court
Navasota, Texas 77868

David A. Walton
Bell Nunnally & Martin LLP
2323 Ross Avenue, Suite 1900
Dallas, Texas 75201

Gregg D. Lundberg
Lundberg Law, PLLC
501 N 8th Street
Midlothian, Texas 76065

Susan B. Hersh
SUSAN B. HERSH, P.C.
12770 Coit Road, Suite 1100
Dallas, TX 75251

William Thomas McLain
REAGAN McLAIN & HATCH, LLP
6510 Abrams Road, Suite 300
Dallas, Texas 75231

1st Source Bank
Construction Equipment Division
P.O. Box 783
South Bend, IN 46624

Ares Capital Corporation
245 Park Avenue, 44th Floor
New York, NY 10167

~~Baker Botts, L.L.P.~~
~~c/o Omar J. Alaniz~~
~~2001 Ross Avenue, Suite 900~~
~~Dallas, Texas 75201~~

Banc of America Leasing & Capital, LLC
135 S. Lasalle Street
Chicago, IL 60603

BNSF Railway Company
Attn: Suzanne Wellen
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Bonds Ellis Eppich Schafer Jones LLP
Joshua N. Eppich & J. Robertson
Clarke
420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102

Caterpillar Financial Commercial
Account Corporation
2120 West End Ave.
Nashville, TN 37203

Caterpillar Financial Services Corporation
2120 West End Ave.
Nashville, TN 37203

Continental Bank
15 W. South Temple, Suite 420
Salt Lake City, UT 84101

Corporation Service Company
PO Box 2576
Springfield, IL 62708

De Lage Landen Financial Services, Inc.
1111 Old Eagle School Road
Wayne, PA 19087

DLA Piper LLP (US)
c/o Andrew Zollinger
1900 North Pearl Street, Suite 2200
Dallas, Texas 75201

DLA Piper LLP (US)
c/o Richard A. Chesley & Oksana Koltko
Rosaluk
444 West Lake Street, Suite 900
Chicago, IL 60606-0089

Environmental Protection Agency Region 6
Attn: General Counsel
1201 Elm Street, Suite 500
Dallas, Texas 75270

First Western Bank & Trust
100 Prairie Center Drive
Eden Prairie, MN 55344

Foley & Lardner LLP
c/o Holland N. O'Neil & Thomas C. Scannell
2021 McKinney Avenue, Suite 1600
Dallas, Texas 75201

H & E Equipment Services, Inc.
7500 Pecue Lane
Baton Rouge, LA 70809

Harris, Finley Bogle, P.C.
c/o Paul D. Bradford
777 Main Street, Suite 1800
Fort Worth, Texas 76102

Haynes and Boone, LLP
c/o Stephen Pezanosky, Ian T. Peck & David L. Staab
301 Commerce Street, Suite 2600
Fort Worth, Texas 76102

Hicks Law Group, PLLC
c/o Kevin S. Wiley, Jr. & Rebecca A. Hicks
325 N. St. Paul St.
Dallas, Texas 75201

HooverSlovacek LLP
c/o Melissa A. Haselden
5051 Westheimer, Suite 1200
Galleria Tower II
Houston, Texas 77056

Internal Revenue Service
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
Centralized Insolvency Operation
2970 Market St.
Philadelphia, PA 19101-7346

Internal Revenue Service
PO Box 145595
MC 8420G
Cincinnati, OH 45250-5595

Jackson Walker L.L.P.
c/o Kenneth Stohner, Jr. & Vienna F. Anaya
2323 Ross Avenue, Suite 600
Dallas, Texas 75201

KCC
c/o Angela M. Nguyen
222 N. Pacific Coast Hwy., Ste. 300
El Segundo, CA 90245

Kelley Drye & Warren LLP
c/o Eric R. Wilson & Kristin S. Elliott
101 Park Avenue
New York, NY 10178

Kilpatrick Townsend & Stockton LLP
c/o Patrick J. Carew, Esq.
2001 Ross Avenue, Suite 4400
Dallas, Texas 75201

Kilpatrick Townsend & Stockton LLP
c/o Todd C. Meyers, Esq., David M. Posner, Esq. & Kelly E. Moynihan, Esq.
The Grace Building
1114 Avenue of the Americas
New York, NY 10036-7703

Langley & Banack Inc.
c/o David S. Gragg & Natalie F. Wilson
Trinity Plaza II, Suite 700
745 East Mulberry
San Antonio, Texas 78212-3166

Linebarger Goggan Blair & Sampson, LLP
c/o Don Stecker
112 E. Pecan Street, Suite 2200
San Antonio, Texas 78205

Linebarger Goggan Blair & Sampson, LLP
c/o Laurie A. Spindler
2777 N. Stemmons Freeway, Ste.
San Antonio, Texas 78205

Lonestar Prop 50, LLC
1500 N.W. Loop 567
Granbury, Texas 76048

Mansfield Community Bank
1700 East Broad St.
Mansfield, Texas 76063

Watco Companies
Quilling Selander Lownds Winslett & Moser PC
Christopher Moser & Timothy York
2001 Bryan Street, Suite 1800
Dallas, TX 75201

Caterpillar Financial Services Corp.
Ray Quinney & Nebeker PC
David H Leigh
36 South State Street, suite 1400
Salt Lake City, UT 84111

Chico Land Management LLC
Tye C. Hancock
Thompson & Knight LLP
811 Main Street, Suite 2500
Houston, TX 77002

Union Pacific Railroad Company
Tonya W. Conley & Lila L Howe
1400 Douglas Street, STOP 1580
Omaha, NE 68179

Chico Land Management LLC
Steven J. Levitt
Thompson & Knight LLP
One Arts Plaza
1722 Routh Street, Suite 1500
Dallas, Texas 75201

Lundberg Law, PLLC
Attn: Gregg D. Lundberg
501 N. 8th Street
Midlothian, TX 76065

Reagan McLain & Hatch, LLP
Attn: William Thomas McLain
6510 Abrams Road, Suite 300
Dallas, Texas 75231

Susan B. Hersh, P.C.
12770 Coit Road, Suite 1100
Dallas, Texas 75251

Bank of America Leasing & Capital
135 S. Lasalle Street
Chicago, IL 60603

Omar J. Alaniz
Jay L. Krystinik
REED SMITH LLP
2850 N. Harwood Street, Suite 1500
Dallas, Texas 75201

Ares Capital Corporation
Attn: General Counsel
245 Park Avenue, 44th Floor
New York, NY 10167

Attorney General of the United States
10th and Constitution Ave. NW
Main Justice Bldg., Room 5111
Washington, DC 20530s

Ray Quinney & Nebeker PC
David H. Leigh
36 South State Street, Suite 1400
Salt Lake City, UT 84111

Vista Proppants and Logistics, LLC
Kristin Smith
4413 Carey St.
Fort Worth, Texas 76119

Eric R. Wilson
Kristin S. Elliott
Kelley Drye & Warrant LLP
101 Park Avenue
New York, NY 10178

Unites States Attorney
Donna Webb
Assistant United States Attorney
1100 Commerce St., Suite 300
Dallas, Texas 75242

Pecos County
Linebarger, Groggan Blair & Sampson,
LLP
Don Stecker
112 E. Pecan Street, Suite 2200
San Antonio, Texas 78205

****Updated as of 8.12.20- started at Ares**