

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
(Eastern Division)**

In re:

MODERN CONTINENTAL
CONSTRUCTION CO., INC.,

Debtor.

Chapter 11

Case No. 08-14558

**NOTICE OF APPEARANCE AND REQUEST
FOR NOTICE AND SERVICE OF PAPERS**

PLEASE TAKE NOTICE that the undersigned hereby enters an appearance on behalf of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Underwriters, Inc., and Fidelity and Guaranty Insurance Company (collectively, the “Lender”), a creditor and/or party in interest in the above case, and, pursuant to 11 U.S.C. §§ 342(a) and 1109(b), Federal Rules of Bankruptcy Procedure 2002, 9007, and 9010(b) and the Local Rules of this Court, hereby requests that all notices given or required to be given and all papers served or required to be served be served on the following:

Bruce S. Barnett, Esq.
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PLEASE TAKE FURTHER NOTICE that the foregoing request includes, in accordance with MLBR 9010-3(c), not only the notices and papers referred to in the Bankruptcy Code provisions and Bankruptcy Rules specified above, but also includes,

without limitation, all notices and/or orders relating to any application, motion, petition, pleading, request, complaint, or demand, whether transmitted or conveyed by mail, delivery, telephone, telecopy, or otherwise, which may in any way affect or seek to affect any right or interest of the Lender.

PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Bankruptcy Procedure 3017, the foregoing request includes any disclosure statement and/or plan of reorganization filed in this case.

PLEASE TAKE FURTHER NOTICE that the filing of this pleading is intended to constitute only a special appearance to the extent that a general appearance would constitute a waiver of any right. The filing of this pleading is not intended to be, nor shall it be deemed, a consent to or waiver of the right to challenge the jurisdiction of the United States Bankruptcy Court to adjudicate any matter, including, without limitation, any non-core matter, which right is hereby expressly reserved. Furthermore, the filing of this pleading is not intended to be, nor shall it be deemed, a consent to or waiver of any right to a jury trial, should such right be available at any time during the course of this proceeding, which right is hereby expressly reserved.

Respectfully submitted,

/s/ Bruce S. Barnett

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UNITED STATES FIDELITY AND
GUARANTY COMPANY, FIDELITY AND
GUARANTY INSURANCE UNDERWRITERS,
INC., AND FIDELITY AND GUARANTY
INSURANCE COMPANY**

Dated: July 1, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July 2008, a copy of the foregoing *Notice of Appearance and Request for Notice and Service of Papers* was served on the individuals on the attached service list by ECF or first-class U.S. Mail, postage prepaid, as indicated.

/s/ Bruce S. Barnett

Bruce S. Barnett

SERVICE LIST
In re Modern Continental Construction Co.
Case No. 08-14558-WCH

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In re Modern Continental Construction Co.

Case No. 08-14558-WCH

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