

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In Re:

SUFFOLK READY MIX, LLC.,

Debtor.

Chapter 11

Case No. 09-75473-reg

**SUPPLEMENTAL  
AFFIDAVIT**

-----X

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

ANTHONY T. PERSICO, being duly sworn, deposes and says under penalties of perjury:

1. I am the President of SUFFOLK READY MIX, LLC., the debtor and debtor-in-possession in this chapter 11 bankruptcy case (the “Debtor”) and I am personally familiar with the facts and circumstances set forth herein.

2. This Affidavit is respectfully submitted in further support of the Debtor’s Application authorizing the Debtor to use certain cash on hand and accounts receivable generated in the ordinary course of the Debtor’s business or otherwise (the “Cash Collateral”) in which Financial Federal Credit, Inc. (“FFCI”) asserts a security interest.

3. In particular, this Affidavit shall establish that by virtue of the filing of a certain UCC-1 Financing Statement by FFCI, it holds a properly perfected blanket security interest in the Cash Collateral. See Exhibit “A”. FFCI is the only creditor which holds an interest in the Cash Collateral, and any other secured creditor simply holds a security interest in a certain vehicle or equipment, and not Cash

Collateral.

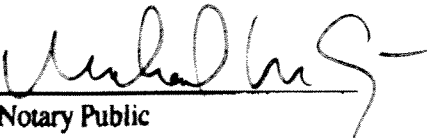
4. In this regard, annexed hereto as Exhibit "B" is a copy of a New York State Department of State Uniform Commercial Code Filing Data Report (the "UCC Search"). As set forth therein, as of July 28, 2009, fourteen filing histories were returned against the Debtor, although many of these histories are not presently effective.

5. As can be readily ascertained from the UCC Search, a number of financing statements have either lapsed, or have been terminated by the respective secured creditors.

6. By virtue of the foregoing, I respectfully submit that all of the relief requested in the Application be granted in all respects, together with such other, further and different relief as this Court deems just and proper.

  
\_\_\_\_\_  
ANTHONY T. PERSICO

Sworn to before me this 28<sup>th</sup>  
day of July, 2009

  
\_\_\_\_\_  
Notary Public

MICHAEL G. MCAULIFFE  
Notary Public, State of New York  
No. 02MC5062957  
Qualified in Nassau County  
Commission Expires July 15, 2010

# **EXHIBIT A**



101153

2009 FEB -3 AM 9:00

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]  
 (201) 801-0300

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

FINANCIAL FEDERAL CREDIT INC.  
 300 FRANK W. BURR BLVD. SUITE 50  
 TEANECK NJ 07666

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME  
 SUFFOLK READY MIX, LLC

OR 1b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

1c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY  
 131 OLD NORTHPORT ROAD KINGS PARK NY 11754 USA

ADD'L INFO RE ORGANIZATION DEBTOR 1e. TYPE OF ORGANIZATION 1f. JURISDICTION OF ORGANIZATION  
 LLC NEW YORK

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR 2b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

2c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

ADD'L INFO RE ORGANIZATION DEBTOR 2e. TYPE OF ORGANIZATION 2f. JURISDICTION OF ORGANIZATION

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME  
 FINANCIAL FEDERAL CREDIT INC.

OR 3b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

3c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY  
 300 FRANK W. BURR BLVD. SUITE 50 TEANECK NJ 07666 USA

4. This FINANCING STATEMENT covers the following collateral:

All assets now owned or hereafter acquired, including without limitation all property described below or on any schedule hereto, together with all attachments, accessions and accessories thereto, and all proceeds thereof.

5. ALTERNATIVE DESIGNATION [if applicable] LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAILOR SELLER/BUYER AG. LIEN NON-UCC FILING

6. [This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable)] 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (ADDITIONAL FEE) (optional) All Debtors Debtor 1 Debtor 2

8. OPTIONAL FILER REFERENCE DATA

SOS New York 07-57459 Ina P

FILING NUMBER: 200902030062858

SCHEDULE "A"

This schedule is attached to and becomes part of a certain UCC Financing Statement wherein the Secured Party is Financial Federal Credit Inc. and the Debtor(s) is/are Suffolk Ready Mix, LLC.

<u>QUANTITY</u>	<u>YEAR</u>	<u>MODEL</u>	<u>DESCRIPTION OF COLLATERAL</u>	<u>SERIAL NUMBER</u>
One (1)	2005		Advance Front End Mixer	5DG8AC4T250010248
One (1)	2005		Advance Front End Mixer	5DG8AC4T850010285
One (1)	2005	379	Peterbilt Tractor	1XP5DB0X35N860552
One (1)	2005		East Tri-Axle Dump Trailer	1E1D1N38X5RH35390
One (1)	1996		Advance 4-Axle Mixer	1A9TAC4S9T0007366
One (1)	1996		Advance 4-Axle Mixer	1A9TAC4S2T0007368
One (1)	2001		Advance Mixer	5DG8AC4T810008319
One (1)	1999		Advance Mixer	1A9TAC4S0X0007343
One (1)	1999		Advance Mixer	1A9TAC4S7X0007064
One (1)	1999		Advance Mixer	1A9TAC4S1X0007206

Including all attachments, accessions and accessories to, and all proceeds of, all of the foregoing, including without limitation all insurance proceeds and all rental proceeds, accounts and chattel paper arising out of or related to the sale, lease, rental or other disposition thereof.

101153

2009 FEB -3 AM 9:00

# **EXHIBIT B**

**New York State Department of State  
Uniform Commercial Code  
Filing Data Report**

Please note that this record report has been generated by an independent searcher, using the Department of State's Uniform Commercial Code On-Line Database. This report lists filing records on file as of July 24, 2009, 11:59 PM. However, the information contained in this report is NOT an official record of the Department of State and may contain filings filed after this date.

**Name of Debtor Organizaton Searched:**

**CONTAINS SUFFOLK READY MIX LLC \*All Filings**

Your name selection(s) has returned 14 filing histories.

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1. Debtors:	SUFFOLK READY MIX, LLC	131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754-0000, USA			
Secured Party Names:	EDUARDO CORREIA	484 TEDDY PLACE, W.BABYLON, NY 11704-0000, USA			
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>
260106	12/10/1998	12/10/2003	Financing Statement	1	NA *
2. Debtors:	SUFFOLK READY MIX	131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754-0000, USA			
Secured Party Names:	JOSEPH DILEMME SOUTH SHORE READY MIX	116 E. HAWTHORNE AVENUE, VALLEY STREAM, NY 11580-0000, USA			
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>
064133	04/01/1999	04/01/2004	Financing Statement	1	NA *
3. Debtors:	SUFFOLK READY MIX, LLC	131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754-0000, USA			
	SUFFOLK READY MIX, LLC	131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754, USA			
Secured Party Names:	ASSOCIATES COMMERCIAL CORPORATION	P.O. BOX 168647, IRVING, TX 75016-0000, USA			
	GENERAL ELECTRIC CAPITAL CORPORATION	PO BOX 140849, IRVING, TX 75014-0849, USA			
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>
100879	05/24/2001	05/24/2006	Financing Statement	1	NA *
200604055325005	04/05/2006	05/24/2006	Assignment	1	View
200604055325017	04/05/2006	05/24/2006	Financing Statement Amendment	1	View
200604055325029	04/05/2006	05/24/2011	Continuation	1	View
<b>Debtors:</b>	131 OLD NORTH PORT ROAD, KINGS PARK, NY				

4.	<b>SUFFOLK READY MIX, LLC</b>	<b>11754-0000, USA</b>				
Secured Party Names:	<b>CITICAPITAL COMMERCIAL CORPORATION</b>	<b>290 BROAD HOLLOW ROAD, MELVILLE, NY 11747-0000, USA</b>				
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>	
212805	11/01/2001	11/01/2006	Financing Statement	1	NA *	
5. Debtors:	<b>SUFFOLK READY MIX, LLC</b>	<b>131 OLD NORTHPORT RD, KINGS PARK, AL 11754-0000, USA</b>				
Secured Party Names:	<b>DIAMOND LEASE U.S.A., INC</b>	<b>350 FIFTH AVE EMPIRE STATE BLDG, SUITE 616, NEW YORK, NY 10118-0000, USA</b>				
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>	
242544	10/25/2002	10/25/2007	Financing Statement	1	NA *	
200708155795051	08/15/2007	10/25/2012	Continuation	1	View	
200801285078626	01/28/2008	10/25/2012	Termination	1	NA *	
6. Debtors:	<b>SUFFOLK READY MIX, LLC</b>	<b>131 OLD NORTHPORT RD, KING PARK, NY 11754, USA</b>				
Secured Party Names:	<b>FIRST NIAGARA FUNDING, INC.</b>	<b>6950 S. TRANSIT ROAD, LOCKPORT, NY 14094, USA</b>				
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>	
200311245537471	11/24/2003	11/24/2008	Financing Statement	1	View	
200710236027514	10/23/2007	11/24/2008	Termination	1	View	
7. Debtors:	<b>SUFFOLK READY MIX LLC</b>	<b>131 OLD NORTHPORT ROAD, KINGS PARK, NY 11743, USA</b>				
	<b>PERSICO, ANTHONY T.</b>	<b>18 KETAY DRIVE NORTH, EAST NORTHPORT, NY 11731, USA</b>				
Secured Party Names:	<b>LOPES, ANTONIO O.</b>	<b>2508 ENGLEWOOD STREET, EAST MEADOW, NY 11554, USA</b>				
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>	
200403250308707	03/25/2004	03/25/2009	Financing Statement	2	View	
8. Debtors:	<b>SUFFOLK READY MIX LLC</b>	<b>131 OLD NORTHPORT ROAD, KINGS PARK, NY 11743, USA</b>				
	<b>PERSICO, ANTHONY T.</b>	<b>18 KETAY DRIVE NORTH, EAST NORTHPORT, NY 11731, USA</b>				
Secured Party Names:	<b>LOPES, ANTONIO O.</b>	<b>2508 ENGLEWOOD STREET, EAST MEADOW, NY 11554, USA</b>				
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>	
200404150387792	04/15/2004	04/15/2009	Financing Statement	2	View	
9. Debtors:	<b>SUFFOLK READY MIX, LLC</b>	<b>131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754, USA</b>				
Secured Party Names:	<b>ALL POINTS CAPITAL CORP.</b>	<b>275 BROADHOLLOW ROAD, MELVILLE, NY 11747, USA</b>				
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>	
200404190397169	04/19/2004	04/19/2009	Financing Statement	2	View	
10. Debtors:	<b>SUFFOLK READY MIX, LLC</b>	<b>131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754, USA</b>				
Secured Party Names:	<b>FINANCIAL FEDERAL CREDIT INC.</b>	<b>300 FRANK W. BURR BOULEVARD, TEANECK, NJ 07666, USA</b>				
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>	
200410051008058	10/05/2004	10/05/2009	Financing Statement	2	View	

200907210423573	07/21/2009	10/05/2014	Continuation	1	View
<b>11. Debtors: SUFFOLK READY MIX, LLC 131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754, USA</b> <b>Secured Party Names: FINANCIAL FEDERAL CREDIT INC. 300 FRANK W. BURR BOULEVARD, TEANECK, NJ 07666, USA</b>					
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>
200411261204620	11/26/2004	11/26/2009	Financing Statement	2	View
<b>12. Debtors: SUFFOLK READY MIX, LLC 131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754, USA</b> <b>Secured Party Names: FINANCIAL FEDERAL CREDIT INC. 300 FRANK W. BURR BLVD., TEANECK, NJ 07666, USA</b>					
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>
200511101204871	11/10/2005	11/10/2010	Financing Statement	2	View
<b>13. Debtors: SUFFOLK READY MIX, LLC 131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754, USA</b> <b>Secured Party Names: CATERPILLAR FINANCIAL SERVICES CORPORATION 2120 WEST END AVE, NASHVILLE, TN 372030986, USA</b>					
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>
200601265092135	01/26/2006	01/26/2011	Financing Statement	1	View
<b>14. Debtors: SUFFOLK READY MIX, LLC 131 OLD NORTHPORT ROAD, KINGS PARK, NY 11754, USA</b> <b>Secured Party Names: FINANCIAL FEDERAL CREDIT INC. 300 FRANK W. BURR BLVD. SUITE 50, TEANECK, NJ 07666, USA</b>					
<b>File no.</b>	<b>File Date</b>	<b>Lapse Date</b>	<b>Filing Type</b>	<b>Pages</b>	<b>Image</b>
200902030062858	02/03/2009	02/03/2014	Financing Statement	2	View

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\* Images marked NA are not available on this webpage.

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