

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

_____X
In re: Chapter 11
Case No. 18-13359(shl)
Republic Metals Refining Corporation, et al.,
Debtor(s).
_____X

STATEMENT OF CLAIMED OWNERSHIP
BY ACTION FORKLIFT, INC.

Action Forklift Inc., (hereinafter “Action”), an equipment supplier of Debtor Republic Metals Corporation (hereinafter “Debtor”), hereby files this Statement of Claimed Ownership (the “Statement”), asserting ownership of equipment in the possession of Debtor, including Action’s equipment in possession of Debtor under certain Rental Agreements. Action respectfully shows the Court as follows:

1. Action and Debtor are parties to two certain Rental Agreements. One dated November 8, 2016 for the rental of a JLG 1930 ES Scissor Lift; and the second dated November 30, 2016 for the rental of a Mitsubishi FGC 25N Forklift (the “Rental Agreements”), true and correct copies of which are attached hereto as Exhibit “A”.
2. The Rental Agreements provides, amongst other things, that the Scissor Lift and the Fork Lift, owned by Action and rented to Debtor:
 - a. be insured by the Debtor; and
 - b. be maintained by the Debtor; and
 - c. be repaired by the Debtor; and
 - d. be used by the Debtor only at its business address at 12900 NW 38th Avenue, Opa-locka, Florida; and

- e. shall not be removed from that address without the written consent of Action; and
 - f. that the title to the equipment shall remain with Action; and
 - g. that if Action may demand the return of the equipment if its right title or interest is suspected of being compromised.
3. Action is filing this Statement out of an abundance of caution to ensure that its rights in its equipment are preserved.
4. Action does not by this Statement waive any other position or defense allowable under the Bankruptcy Code or otherwise.

Dated: Carmel, NY
January 25, 2019

By: /s/ Frank J. Corigliano
Frank J. Corigliano (fc2742)
Law Office of Francis J. O'Reilly
1961 Route 6
Carmel, New York 10512
(845) 225-5800