

DOCKET NO: HHD X03 CV-08-4036150 S	:	SUPERIOR COURT
	:	
STATE OF CONNECTICUT	:	COMPLEX LITIGATION
	:	DOCKET
	:	
v.	:	AT HARTFORD
	:	
THE F&S OIL COMPANY, INC.	:	
CARLSON FUEL OF MERIDEN, INC.	:	
CARLSON FUEL OIL, LLC, VILLAGE	:	
OIL, INC., U.S. FUELS, LLC, AND	:	
BOSSE GRAZIANO OIL COMPANY	:	DECEMBER <u>5</u> , 2008

**MOTION OF THE RECEIVER AND DAY PITNEY LLP FOR FURTHER  
ADVANCEMENT OF PROFESSIONAL FEES UNDER PENDING FEE APPLICATIONS**

Carlton E. Helming, CPA and the firm of Helming & Company, P.C. (collectively, the "Receiver"), court-appointed Receiver of F&S Oil Company, Inc. (the "Company") and its subsidiaries, affiliates and related entities including The F & S Oil Company, Inc., Carlson Fuel of Meriden, Inc., Carlson Fuel Oil, LLC, Village Oil, Inc., U.S. Fuels, LLC, and Bosse Graziano Oil Company (collectively, the "Subsidiaries") and the Receiver's Court appointed counsel, Day Pitney LLP ("Receiver's Counsel"), hereby move the Court for a further advancement of the professional fees and expenses of the Receiver and the Receiver's Counsel pursuant to the Receiver's First Application the First Application Of Day Pitney LLP For Interim Compensation For Services Rendered And Reimbursement Of Expenses As Counsel To The Court Appointed Receiver and in support thereof, respectfully represents as follows:

1. On July 8, 2008, the "First Application For Interim Compensation For Services Rendered And Reimbursement Of Expenses To The Court Appointed Receiver, Carlton E. Helming and Helming & Company, P.C. For The Period Of March 14, 2008 Through May 31, 2008" (the "First Application of the Receiver") was filed with this Court.

2. The First Application of the Receiver sought reasonable and necessary compensation for services in the amount of \$411,573.45 and actual, reasonable and necessary expenses in the amount of \$3,470.00.

3. On July 17, 2008, the Receiver was paid \$193,721.49, which the Receiver allocated as \$190,251.49 to fees and \$3,470.00 to expenses.

4. On July 8, 2008, the "First Application Of Day Pitney LLP For Interim Compensation For Services Rendered And Reimbursement Of Expenses As Counsel To The Court Appointed Receiver, Carlton E. Helming and Helming & Company, P.C. For The Period Of March 16, 2008 Through May 31, 2008" (the "First Application of Day Pitney") was filed with this Court.

5. The First Application of Day Pitney sought reasonable and necessary compensation for legal services in the amount of \$479,130.00, and actual, reasonable and necessary expense reimbursement of \$18,645.69.

6. On July, 17, 2008, Day Pitney was paid \$193,721.49, which Day Pitney allocated as \$175,075.80 to fees and \$18,645.69 to expenses.

7. The Receiver hereby moves the court for a further advancement of professional fees and expenses and the amount of \$217,851.96.

8. Day Pitney hereby moves the court for a further advancement of professional fees and expenses in the amount of \$304,054.20.

9. In accordance with the holdings in Hartford Federal Sav. & Loan Asso. v. Tucker, 196 Conn. 172 (Conn. 1985); Hartford Federal Sav. & Loan Asso. v. Tucker, 192 Conn. 1 (Conn. 1984); and Hartford Nat'l Bank & Trust Co. v. Tucker, 195 Conn. 218 (Conn. 1985); the professional fees and expenses of the Receiver and the Receiver's Counsel are at the discretion of the court and may be surcharged against the creditors on whose behalf the Receiver and the Receiver's Counsel are working to recovery monetary value.

WHEREFORE, the Receiver and the Receiver's Counsel respectfully move the Court for the further advancement of professional fees and expenses in accordance with the Consent Order and discretion of the Court.

RECEIVER,  
CARLTON E. HELMING, CPA and the  
firm of HELMING & COMPANY, P.C.

By Douglas R. Van Valkenburg  
James J. Tancredi  
Joshua W. Cohen  
Douglas R. Van Valkenburg  
For Day Pitney LLP  
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Hartford, CT 06103-3499  
Telephone: (860) 275-0100  
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Juris No. 14229  
Its Attorneys

**CERTIFICATION**

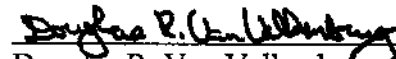
This is to certify that a copy of the foregoing Motion of the Receiver and Day Pitney LLP for Further Advancement of Professional Fees Under Pending Fee Applications was mailed on this date, via first class mail, postage prepaid, to the following:

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Douglas R. Van Valkenburg

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CARLSON FUEL OF MERIDEN, INC.	:	
CARLSON FUEL OIL, LLC, VILLAGE	:	
OIL, INC., U.S. FUELS, LLC, AND	:	
BOSSE GRAZIANO OIL COMPANY	:	

**ORDER ON FURTHER ADVANCEMENT OF PROFESSIONAL FEES AND EXPENSES  
TO THE RECEIVER AND RECEIVER'S COUNSEL**

Upon consideration of the Motion For The Further Advance Of Professional Fees (the "Motion"), filed by Carlton E. Helming, CPA and the Firm of Helming & Company, P.C. (collectively, the "Receiver"), and Receiver's Counsel, Day Pitney LLP, pursuant to which Motion the Receiver and Receiver's Counsel seek further advancement of professional fees and expenses, after due notice and a hearing on \_\_\_\_\_, 2008 at \_\_\_\_AM/PM, and it appearing to the Court, after hearing the parties, that just cause exists to grant the Motion, it is hereby;

ORDERED, that the Motion is granted; and it is further

ORDERED, that the Receiver shall be advanced \$ \_\_\_\_\_ in satisfaction of professional fees and expenses; and it is further

ORDERED, that the Receiver's Counsel shall be advanced \$ \_\_\_\_\_ in satisfaction of professional fees and expenses incurred; and it is further

ORDERED, that this Court shall retain jurisdiction to hear all fee and expenses applications through the conclusion of the Receivership.

Dated at Hartford, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Hon. Grant H. Miller  
Judge, Superior Court of the State of Connecticut