

11-02-2000

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To the Honorable Commissioner of Patents and
Please record the attached original documents c



Date: October 16, 2000
Attorney Docket No.: 9178-1

101503443

1. Name of conveying party(ies):

Doninger Metal Products Corp.

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies):

Ran-Paige Company, Inc.
840 Penn Street
Sellersburg, Indiana 47172

10-18-00

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other: Modification to Plan Prior to Confirmation

Execution Date: January 31, 1996

Additional name(s) & address(es) attached? Yes No

4. United States Patent No. 5,284,218 to Rusher, Jr.

If this document is being filed together with a new application, the execution date of the application is:

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

J. Michael Strickland
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh NC 27627

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$40.00
 Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: 50-0220

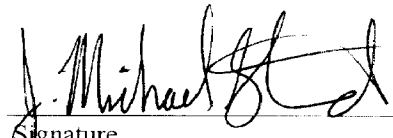
DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

J. Michael Strickland Reg. 47,115

Name of Person Signing


Signature

10/16/00
Date

Total number of pages including cover sheet, attachments and document: 5

JAN 31 1996

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

**PEGGY B. DEANS, CLERK
U. S. BANKRUPTCY COURT
EASTERN DISTRICT OF N. C.**

IN RE:

CHAPTER 11

DONINGER METAL PRODUCTS CORP.

CASE NO. 95-00743-5-ATS

ADDRESS: Jeffrey Way
Youngsville, NC 27596

TAX ID NO.: 11-1892443

MODIFICATION TO PLAN PRIOR TO CONFIRMATION

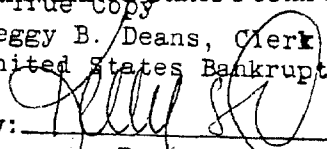
NOW COMES Doninger Metal Products Corp., Chapter 11 Debtor-In-Possession in the above-referenced case ("Debtor"), and hereby modifies its Plan of Reorganization filed on November 30, 1995 ("Plan") pursuant to 11 U.S.C. 1127(a) prior to Confirmation as follows:

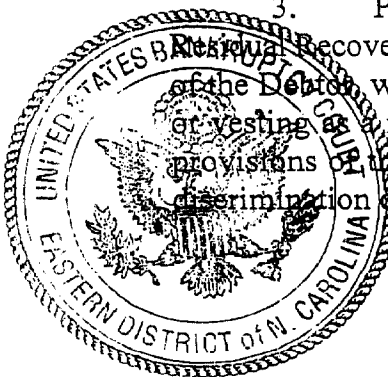
1. Paragraph 8.2 is deleted in its entirety and in its place is inserted the following:

"8.2 Releases of Released Parties. As of the Effective Date, each of the Released Parties are hereby released from any and all claims asserted or that can be asserted against such Released Party that arise out of such Released Party's relationship with or work performed for the Debtor on or prior to the Effective Date, other than and excepting claims which constitute (i) claims that arise from obligations created under or in connection with the Plan; (ii) rights pursuant to this Plan or any agreement provided for or contemplated in this Plan; (iii) any and all claims or causes of action that have or may in the future be asserted by Chubb & Son, Inc. arising out of the facts underlying its claim against the Debtor; and (iv) claims that arise out of fraudulent or deliberate misrepresentations, or omissions, of material facts to creditors in connection with the Chapter 11 case.

2. Paragraph 8.3 is modified by deleting "or" immediately prior to "(ii)" in the second to last line, by deleting the period at the end of the paragraph, and by adding at the end of the paragraph "; and (iii) claims that arise out of fraudulent or deliberate misrepresentations, or omissions, of material facts to creditors in connection with the Chapter 11 case."

3. Paragraph 1.6(a) is modified by deletion in its entirety of "(vii)" relating to the Debtor's Recovery against the United States Postal Service, and inserting in its place "(vii) any right of the Debtor, whether presently determined or, subsequent to the Confirmation Date, determined or vesting as a result of any litigation against the United States Postal Service continued by the provisions of this Plan, to the award of any government contract, which award results from any discrimination of the United States Postal Service against the Debtor-In-Possession;".

Peggy B. Deans, Clerk
United States Bankruptcy Court
By: 
Deputy Clerk



4. Paragraph 1.6(b) is modified by deletion in "(iii)" of the words "the first \$150,000 of", and by deletion after "Contract No. 05990-92-B-0840" of ", as defined in and subject to the provisions of paragraph 6.3(b)".

5. Paragraph 1.6(b)(iv) is modified by deleting the words "or ½ of the Residual Recovery".

6. Paragraph 6.1(d) is modified by deleting the words "first \$150,000 of", and after "Contract No. 05990-92-B-0840" deleting "plus ½ of the Residual Recovery".

7. Paragraph 6.3(b) is modified by: (i) deleting the third sentence of that paragraph which begins on the fifth line of that paragraph; and (ii) in the fourth sentence of that paragraph which begins on the seventh line of that paragraph, deleting the words "first \$150,000 of the" are deleted, and the words "plus all or ½ of the Residual Recovery, as applicable" are also deleted.

8. Paragraph 6.3(b)(1) is modified in the third line thereof by deleting the words "the first \$150,000 recovery calculation of Disposition Proceeds" and inserting in place thereof "the Committee Election set out below".

9. Paragraph 6.3(b)(2) is modified by adding in the next to last line after "Debtor" and before "its counsel" the word "and", and by deleting that part of the sentence following "its counsel of record".

10. Paragraph 6.3 is modified by deleting subsections "(3)" and "(4)" in their entirety.

11. Paragraph 6.3 is modified by the addition of a new subsection (3) as follows:

"(3) any litigation of the United States Postal Service Damage Claim or any other cause of action litigated against the United States Postal Service shall be subject to oversight by the Oversight Committee. The Committee Election shall also encompass and allow the commencement of litigation against the United States Postal Service for damages arising from discrimination against the Debtor-In-Possession in the award of government contract work."

12. Paragraph 6.3(a) is modified by adding at the end of that paragraph the following:

"The preference actions shall be overseen by a committee consisting of N. Hunter Wyche, the present counsel for the Unsecured Committee, and Douglas Ghidina, the present Unsecured Committee representative appearing as attorney for Tenax Corporation, said Committee hereinafter referred to as the "Oversight Committee". Debtor's present attorney of record shall: consult with the Oversight Committee regarding the settlement of any recovery action, and attain its prior approval of any

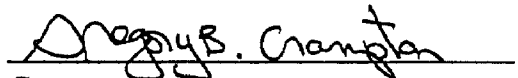
such settlement; and (ii) shall provide appropriate status updates to the Oversight Committee regarding the preference litigation. Both Wyche and Ghidina shall be compensated for their services on the Oversight Committee at their regular hourly rates as Cost of Administration expenses in the same manner as counsel for the Debtor.

13. Paragraph 6.4 is modified by the addition at the end of that paragraph of the following:

“Counsel for Debtor shall pay-over to the Disbursing Agent the Disposition Proceeds as defined in Paragraph 1.31, less a reasonable holdback for attorney fees and expenses relating to the conduct of the preference or postal service litigation and consummation of the Plan of Reorganization. The Disbursing Agent shall make distributions to Class 10 Unsecured Creditors of Disposition Proceeds received by him as often as practicable, determined in his discretion.”

14. Paragraph 1.31 is modified by deleting in “(iv)” the words “first \$150,000 of”, and also by deleting the words “plus ½ of the Residual Recovery as defined in and subject to the terms of paragraph 6.3(b)”.

This the 31st day of January, 1996.


Gregory B. Crampton
State Bar #991
Attorney for Debtor-In-Possession
NICHOLLS & CRAMPTON, P.A.
Post Office Box 18237
Raleigh, North Carolina 27619
Telephone: (919) 781-1311


CERTIFICATE OF SERVICE

It is hereby certified that the foregoing MODIFICATION TO PLAN PRIOR TO CONFIRMATION was served this day by placing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service in a postage prepaid envelope and properly addressed to the following:

N. Hunter Wyche, Jr.
Attorney for Unsecured Creditors Committee
Wyche & Story
Suite 130
225 Hillsborough St.
P.O. Drawer 1389
Raleigh, NC 27602

Holmes P. Harden
Attorney for Ran-Paige Company
Maupin, Taylor, Ellis & Adams, P.A.
3200 Beechleaf Court
5th Floor
PO Drawer 19764
Raleigh, NC 27619-9764

This the 3/5th day of January, 1996.


Melanie D. Creech, CLA
Legal Assistant

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