

AFFIDAVIT OF MIKE McMASTER

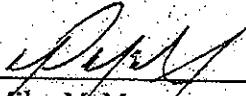
I, Mike McMaster, being duly sworn and over the age of twenty-one (21) state the following based on facts and information personally known to me:

1. I am the Branch Manager for Battery Systems in Colorado Springs, Colorado.
2. I was the main contact throughout this transaction with Curtis Scheib ("Scheib") of Eco Depot, USA LLC. The beginning of this took place during the summer of 2015; exact day of the quote request is unknown. Scheib called for pricing and availability on quantity, 24, of both the Surrettes S-1450 and S-1660. At the current time, there were (24) of the S-1660 available; but I let Scheib know they were first come first serve, otherwise there'd be a lengthy lead time if we didn't allocate them for his order. The lead time for the S-1450 was approximately 3-5 weeks.
3. I didn't hear back from Scheib for approximately two days, but when he did call back, he wanted to order the S-1660. When I called to allocate them, I was told they had been allocated to another branch, just previously and would have to wait until the next order (6-8 weeks ETA). I called Scheib back to let him know we had missed out on what was available. He was noticeably upset, but told me he'd call me back to let me know which way to proceed. He called me back same day and told me to go ahead and order the S-1450 because the lead time for the S-1660 was too long for his customer.
4. Once the batteries arrived, we arranged delivery with Scheib. We delivered the batteries on June 19, 2015 (signed proof of delivery is attached hereto). There was no mention to us by Scheib during the delivery that these were the incorrect batteries, as I was the only one in the shop to take any calls. He did call me after the delivery had been received and our driver had left the premises, to let me know he had broken a battery terminal during installation and claimed it was a defective battery. I explained to him that this does not fall under the category of "defective battery," but would work to find a temporary fix until we could get a new one to replace that battery. During this time we communicated multiple different occasions, until it was decided that he would use a 2 volt battery we had on hand that had been

tapped out due to a broken terminal from a previous job. This would be a brief solution, so he could limp the system by, until the new replacement battery was available. I told Scheib, even though this wasn't a warrantable situation, we would free replace the new battery once it showed up, to keep him and his customer happy. I sent my other driver who was in town, to take this one battery, which was a Surette, S-1860, to Scheib at the job site, so he could get the customer up and running, same day.

5. The new replacement battery arrived in early July and Scheib came to our location on July 6, 2015 to pick this battery up, along with batteries for another job. That proof of pick up is also attached. It was under our assumption that this battery was going to replace the "loaner" battery we had given him to complete the system with uniform batteries, as the loaner was a bit larger in capacity than what was installed. Having a battery of different capacity can affect the rate of charge on the whole system.
6. As an incentive to our dealers, we typically offer to purchase the old battery cores back. What they do with the money received is at their discretion. Once the cores were received on June 19, 2015 we weighed them and paid what the scrap value was at the time. The weight on the cores returned was 2,241 lbs. and at the time, we were paying \$0.25/lb. The check number issued was 015842 to Eco Depot, in the amount of \$560.25 is attached. The receipt/pick up memo is also attached. The check was mailed USPS. Included is our information from the bank showing the check was processed by Mr. Scheib.
7. After all transactions had been completed on our end, it was revealed to me by our accounting department on the afternoon of July 6, 2015, after he had picked up the order, that check number 7317 he had written on the 19<sup>th</sup> for \$7,634.34, was rejected due to insufficient funds. I reached out to Scheib the next morning via email (thread included). He responded on July 28, 2015 and stated he would send in partial payment, but couldn't submit the full payment due to a check written to him, that had bounced. A copy of that email is attached. We did receive payment for \$3,000.00 and eventually went on to agree to a payment plan; however, this balance has not been resolved and we have since lost all communication with Mr. Scheib, in efforts to collect.

Dated this 31<sup>st</sup> day of December 2015 in Colorado Springs, Colorado.

  
\_\_\_\_\_  
Mike McMaster

# Customer Receipt and Delivery Confirmation

Battery Systems Inc.  
 Branch: 169 Colorado Springs  
 PO Box 841121  
 Los Angeles, CA 90084-1121  
 US



Invoice Number  
3171481  
 Invoice Date Page  
6/19/2015 07:04:59 1 of 1  
 ORDER NUMBER  
1185876

**Bill To:**  
 ECO DEPOT USA LLC  
 PO BOX 773  
 SALIDA, CO 81201  
 US  
 970-948-2747  
 Attn: Accounts Payable  
 Customer ID: 1012612

**Ship To:**  
 ECO DEPOT USA LLC  
 PO BOX 773  
 SALIDA, CO 81201  
 US  
 Ordered By: Mr. CURTIS SCHEIB

PO Number		Terms Description		Net Due Date	
Curtis		COD		6/19/2015	
Order Date	Pick Ticket No	Primary Salesrep Name		Taker	
6/16/2015 10:42:46	2189309	Brian, Champlin		MMCMaster	
Quantities			Item ID	UOM	
Ordered	Shipped	Remaining	Disp.	Item Description	Unit Size
<b>Carrier:</b>			<b>Tracking #:</b>		
24	24	0		S-1450 2V, 1124AHR	EA 1.0
39	39	0		QC203309-001 4/0 UL PV CABLE 1 foot cables for quantity 25; 14 feet ONLY CUT with 4 ends and 4 heat shrink to with it.	EA 1.0
54	54	0		QC4840-001F 4/0 3/8" HD CRIMPABLE	EA 1.0
27	27	0		QC5662-001R 3/4IN DW HT SHK RED 1.5IN IPC	EA 1.0
27	27	0		QC5662-001B 3/4IN DW HT SHK BLK 1.5IN IPC	EA 1.0

Total Lines: 5  
 Total Pieces: 171  
 Total Weight: 0

CORES RETD.	A	B	C	D	E	F	M	U
----------------	---	---	---	---	---	---	---	---

Date: \_\_\_\_\_ Delivery Received By: X Driver:

**WARRANTY VOID ON BROKEN BATTERIES ■ PRORATED WARRANTY**

**WARNING - POISON/DANGER CAUSES SEVERE BURNS ■ KEEP OUT OF REACH OF CHILDREN**  
 Batteries produce explosive gases ■ Keep sparks, flames, cigarettes away  
 Ventilate when charging or using in enclosed space ■ Always shield eyes when working near batteries  
 Batteries Wet Filled with Acid Corrosive, Class 8 ■ I.D.#UN2794, PG111, Emergency # (800) 424-9300 CHEMTREC  
**CUSTOMER IS RESPONSIBLE TO PROPERLY PACK AND SECURE LOAD FOR SAFE TRANSPORT**

HAZARDOUS MATERIAL LICENSE #156172 Batteries Disposed of at RSR, 720 S 7th Ave., City of Industry, CA 91764, EPA #CADX6233966

# Customer Receipt and Delivery Confirmation

Battery Systems Inc.  
 Branch: 169 Colorado Springs  
 PO Box 841121  
 Los Angeles, CA 90084-1121  
 US



Invoice Number	
3186543	
Invoice Date	Page
7/6/2015 11:10:04	1 of 1
ORDER NUMBER	
1185859	

**Bill To:**  
 ECO DEPOT USA LLC  
 PO BOX 773  
 SALIDA, CO 81201  
 US  
 970-948-2747

**Ship To:**  
 ECO DEPOT USA LLC  
 PO BOX 773  
 SALIDA, CO 81201  
 US

Attn: Accounts Payable

Ordered By: Mr. CURTIS SCHEIB

Customer ID: 1012612

PO Number		Terms Description		Net Due Date	
Curtis-1		COD		7/6/2015	
Order Date	Pick Ticket No	Primary Salesrep Name		Taker	
6/16/2015 10:17:07	2205813	Brian. Champlin		MMCMaster	
Quantities			Item ID		UOM
Ordered	Shipped	Remaining	Disp.	Item Description	Unit Size
<b>Carrier:</b>			<b>Tracking #:</b>		
8	8	0		S-550 6V, 550AH-100HR	EA 1.0
1	1	0		S-1450 2V, 1124AHR. Free replacement, reference invoice# 3171481, faulty terminal.	EA 1.0

Total Lines: 2  
 Total Pieces: 9  
 Total Weight: 0

CORES RETD.	A	B	C	D	E	F	M	U
-------------	---	---	---	---	---	---	---	---

Date: \_\_\_\_\_ Delivery Received By:  Driver: 

### WARRANTY VOID ON BROKEN BATTERIES ■ PRORATED WARRANTY

**WARNING: POISON/DANGER CAUSES SEVERE BURNS ■ KEEP OUT OF REACH OF CHILDREN**  
 Batteries produce explosive gases ■ Keep sparks, flames, etc. away  
 Terminals when charging or during enclosed space ■ Always, shield eyes when working near batteries  
 Batteries Wet Filled with Acid Corrosive Class 3 ■ I.D.# 1274 PGIII ■ Emergency 800-424-9000 CHEMTREC  
 CUSTOMER IS RESPONSIBLE TO PROPERLY PACK AND SECURE LOAD FOR SAFE TRANSPORT

HAZARDOUS MATERIAL LICENSE #136172 Batteries Disposed of at RSR, 720 S 7th Ave., City of Industry, CA 91764, EPA #CAD066233966



12322 Monarch St.  
Garden Grove, CA 92841

785926

### PICK UP MEMO

DATE 6/19/15

TO: Eco Depot  
Po Box 773  
Salida, CO 81201

QTY	DESCRIPTION
2,241	lbs @ #0.25/lb = # 560.25
	P/E # 560.25
	paid w/ check # 015842
	mailed USPS
	<p>HAZARDOUS MATERIAL LICENSE #131148</p> <p>Batteries Disposed of at RSR, 720 S. 7th Ave., City of Industry, CA 91764, EPA #CAG066233966 or Exide, 2700 S. Indiano, Los Angeles, CA 90023, EPA #CAD097854541</p> <p><b>BATTERIES, WET, FILLED WITH ACID CLASS 8 • I.D. NO. UN2794, PG111</b> <b>EMERGENCY PHONE NUMBER (800) 424-9300 CHEMTREC</b></p>

RECEIVED BY



# Stops - Images - Search®

Image Front:

THE RED THERMO SECURED "SF" LOGO IN THE LOWER CORNER OF THIS CHECK MUST FADE TEMPORARILY WHEN WARMED BY TOUCH OR FRICTION. SEE BACK FOR ADDITIONAL FEATURES.

BATTERY SYSTEMS INC.  
12322 MONARCH STREET  
GARDEN GROVE, CA 92641-2909

DATE 6/19/15 015842  
11-24/1210

PAY TO THE ORDER OF Eco Depot \$ 560.25

five hundred sixty dollars and 25/100 DOLLARS

MEMO 785926

Wells Fargo Bank, N.A.

⑆015842⑆ ⑆121000248⑆ 4129315131⑆

Image Back:

THIS CHECK IS VOID IF ANY OF THE FOLLOWING CONDITIONS APPLY:  
- CHECK NUMBER AND DATE NOT PRINTED  
- CHECK NUMBER AND DATE NOT PRINTED IN THE UPPER RIGHT CORNER  
- CHECK NUMBER AND DATE NOT PRINTED IN THE LOWER LEFT CORNER  
- CHECK NUMBER AND DATE NOT PRINTED IN THE LOWER RIGHT CORNER  
- CHECK NUMBER AND DATE NOT PRINTED IN THE UPPER LEFT CORNER  
- CHECK NUMBER AND DATE NOT PRINTED IN THE MIDDLE OF THE CHECK  
- CHECK NUMBER AND DATE NOT PRINTED IN THE LOWER MIDDLE OF THE CHECK  
- CHECK NUMBER AND DATE NOT PRINTED IN THE UPPER MIDDLE OF THE CHECK  
- CHECK NUMBER AND DATE NOT PRINTED IN THE CENTER OF THE CHECK

302178153-88881-1-97/18/2015-10:21:24

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

ENDORSEMENT AREA:  
How your bank may use this area:  
018070907  
[Signature]

**Item Details**

Amount: 560.25  
Check #: 15842  
Posting Date: 07/13/2015  
As of Date: 07/13/2015

Account Number/Account Name: 4129315131/BATTERSYSTE  
Routing Number: 12100248  
Description: CHECK PAID  
Item Sequence Number: 8617416314

Additional Item Details: 0000021 +000000028084727  
CHECK

# BATTERY SYSTEMS

"The Single Source Solution"

CHECK 7317  
DATED 06/29/15  
\$7634.34

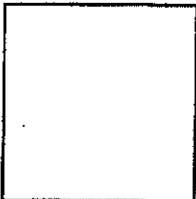
INVOICE 3171481

REPLACEMENT INVOICE 3187488  
\$20 FEE INVOICE 3187489

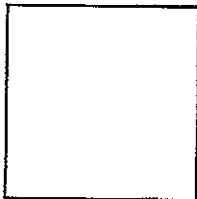
BALANCE DUE ASAP \$7654.34

Thank you.

## ACCOUNTING



Branch 30/HOME OFFICE: 12322 MONARCH STREET, GARDEN GROVE, CA 92841  
[www.BatterySystems.net](http://www.BatterySystems.net)



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



**Mike McMaster**

---

**From:** Curtis Scheib <ecomanager@ecodepotusa.com>  
**Sent:** Tuesday, July 28, 2015 12:43 PM  
**To:** 'Mike McMaster'  
**Subject:** RE: NSF CUSTOMER: 1012612 ECO DEPOT USA LLC

Mike,

I am sending a check today for part of what I owe. I have not been able to get payment for the large check wrote to me that bounced which started all this. I will have some other funds coming soon that I can use to finish paying it off.

Thanks  
Curtis Scheib  
CEO  
Solarado Energy  
Eco Depot USA  
P. O. Box 773  
Salida CO  
81201

719-539-6000  
970-948-2747

[www.solaradoenergy.com](http://www.solaradoenergy.com)  
[www.ecodepotusa.com](http://www.ecodepotusa.com)

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**From:** Mike McMaster [<mailto:mmcmaster@batterysystems.net>]  
**Sent:** Tuesday, July 07, 2015 8:27 AM  
**To:** Curtis EcoDepot  
**Subject:** FW: NSF CUSTOMER: 1012612 ECO DEPOT USA LLC  
**Importance:** High

Good morning Curtis,

Would you be able to send in payment on this? It appears the check was refused for non-sufficient funds. Thanks for taking some time to address this.

Thank you,

Mike McMaster  
Branch Manager  
Battery Systems – Colorado Springs  
Phone: 719-387-4399  
Fax: 719-574-6380  
Cell: 719-963-3225

# Exhibit 2



**INDUSTRIAL BATTERY SERVICE, INC.**  
 6856 YORK STREET  
 DENVER, COLORADO 80229

Date	Invoice #
2/20/2014	28442

**PAID**  
02/20/2014

Bill To
Karen Dudnikov P O Box 87 Hartsel, Co. 80449

Ship To

P.O. Number	Terms	Due Date	Rep	Ship	Via	Work Order
Verbal Karen	COD	2/20/2014		2/20/2014	IBS	EB1478
Quantity	Item Code	Description			Price Each	Amount
4	NIB	New Industrial Battery- CR-390 6V Crown			252.96	1,011.84T
4	SBC-CORE	Spent battery credit-core			33.75	135.00T
		Curtis Scheib wull pick up				
		Sales Tax			2.90%	33.26
<b>INDUSTRIAL BATTERY SERVICE</b> 6856 YORK ST DENVER CO 80229 303-298-0522 <b>SALE</b>				REF#: 00000002 12.3653 CVC: N Manual CNP **/		<b>AMOUNT \$1,180.10</b>
TID: PV081 Device ID: 0903 Batch #: 2 Trans #: 002 02/20/14 AVS: Y ORDER#: 28442 MASTERCARD *****3142				APPROVED THANK YOU PLEASE COME AGAIN CUSTOMER COPY		
<b>Total</b>					\$1,180.10	

Phone #	Fax #	E-mail	Web Site
303-298-0522	303-298-0539	Tiffany@industrialbatteryservice.com	www.industrialbatteryservice.com

Exhibit 3

C:\Tabberone\Documentation\docs\Solar\EcoDepot\transcript\_MessageFromCurtis\_20150910.html - HTMLpad [UNREGISTERED] May-09-16 12:50

voice mail 9/10/15

Hey Karen, Mike

Curtis here. I got all your, [sigh] nice messages you left.

Um, yeah, look I called the battery company and I guess they never, you know, I just happened you know other stuff

and, uh, my apologies for not following up on that. But apparently instead of sending me a check they credited some

other job which I went back and verified, so, anyway um it was like \$560 so I don't know if you guys coming into Salida

um I can get that to you and give you your 4 batteries back if that's what you want. Or whatever.

Um, shoot me an email and let me know.

end of message

New Reply Delete Arc

Karen Dudnikov



Search Solar

RE: nothing yet - 0545PM

Folders

Inbox 2

eBayAboutMePage

CloseOutsSales

computer stuff

Casino Offers

Estate

ebayland game

Essary

Jenn

Junk

Drafts 2

Sent

Deleted

AA-Cup of Joe

eBayCase

aaa\_gunsales

GoodLawyer

ArmsList

AAA\_yahogroup

AdoptASoldier

Compliments

ComputerIssues

Andi

Book

GHValley

GregBeck

Karens Stuff

Karens Info



Curtis Scheib 4/16/15

To: 'Karen Dudnikov'

Karen and Mike,

Here is the costs for the different batteries available.

The Rolls S-1450 is a 2 volt with 1124 Amp hours of stor:  
377.00 per battery.

The Rolls S-1660 is 2 volt but has 1284 Amp hours at 41:  
battery.

The labor and new cables will be the same costs for either

Cables will costs 25.00 each for a total of around 650.00

Labor will be around 795.00 to switch them out

The core costs are running around 27.00 per battery.

It will be just under a 1,000 more to go with the larger batt  
bank.

Of course these numbers include shipping and tax so look  
and let me know which battery type you want so I can rese  
them.

Thanks

Curtis Scheib

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Salida CO

81201

719-539-6000

970-948-2747

[www.solaradoenergy.com](http://www.solaradoenergy.com)

[www.ecodepotusa.com](http://www.ecodepotusa.com)

---

**From:** Karen Dudnikov [mailto:tabberone@hotmail.com]

**Sent:** Wednesday, July 29, 2015 8:23 AM

**To:** Curtis Scheib

**Subject:** core refunds

Been about 6 weeks, no core refund from the company or you.

Also what did you find out about the higher voltage battery.

Karen & Mike

---

## **RE: core refunds - 2 months now**

Karen Dudnikov

8/22/15

To: Curtis Scheib

From: **Karen Dudnikov** (tabberone@hotmail.com) You moved this message to its current location.

Sent: Sat 8/22/15 3:30 PM

To: Curtis Scheib (ecomanager@ecodepotusa.com)

Still owed by the company and also by you. This is an unreasonable delay. You were going to check into this a month ago.

Karen

Karen Dudnikov  
Mike Meadors  
PO Box 87  
Hartsel, CO 80449

---

From: ecoman@ecodepotusa.com  
To: tabberone@hotmail.com  
Subject: RE: core refunds  
Date: Wed, 29 Jul 2015 12:09:50 -0600

Karen,

I will check into it.

Thanks

Curtis Scheib

CEO

Solarado Energy

Eco Depot USA

P. O. Box 773

Salida CO

81201

719-539-6000

970-948-2747

[www.solaradoenergy.com](http://www.solaradoenergy.com)

[www.ecodepotusa.com](http://www.ecodepotusa.com)

970-948-2747

[www.solaradoenergy.com](http://www.solaradoenergy.com)

[www.ecodepotusa.com](http://www.ecodepotusa.com)

---

**From:** Karen Dudnikov [mailto:tabberone@hotmail.com]

**Sent:** Wednesday, April 15, 2015 5:47 PM

**To:** Curtis Scheib

**Subject:** RE: nothing yet - 0545PM

Just letting you know haven't received anything yet

Karen

---

## **RE: core refunds**

Curtis Scheib

7/29/15

To: 'Karen Dudnikov'

From: **Curtis Scheib** (ecomanager@ecodepotusa.com) You moved this message to its current location.

Sent: Wed 7/29/15 12:09 PM

To: 'Karen Dudnikov' (tabberone@hotmail.com)

Karen,

I will check into it.

Thanks

Curtis Scheib

CEO

Solarado Energy

Eco Depot USA

P. O. Box 773

---

**From:** Karen Dudnikov [mailto:tabberone@hotmail.com]  
**Sent:** Wednesday, July 29, 2015 8:23 AM  
**To:** Curtis Scheib  
**Subject:** core refunds

Been about 6 weeks, no core refund from the company or you.

Also what did you find out about the higher voltage battery.

Karen & Mike

---

## core refund

Karen Dudnikov  
9/02/15

To: Curtis Scheib

**From:** **Karen Dudnikov** (tabberone@hotmail.com) You moved this message to its current location.

**Sent:** Wed 9/02/15 7:09 PM

**To:** Curtis Scheib (ecomanager@ecodepotusa.com)

It's now been over 2 months. The battery company owes us for 20 cores, you owe us for 4. Ignoring us is not the route to take.

And we're still waiting for an answer about that other battery in our bank.

We worked with you when the wrong batteries got delivered, we want our money.

Karen and Mike

---



# Exhibit 5

From: **Curtis Scheib** (ecomanager@ecodepotusa.com) You moved this message to its current location.

Sent: Thu 4/16/15 11:23 AM

To: 'Karen Dudnikov' (tabberone@hotmail.com)

Karen and Mike,

Here is the costs for the different batteries available.

The Rolls S-1450 is a 2 volt with 1124 Amp hours of storage at 377.00 per battery.

The Rolls S-1660 is 2 volt but has 1284 Amp hours at 417.00 per battery.

The labor and new cables will be the same costs for either set.

Cables will costs 25.00 each for a total of around 650.00

Labor will be around 795.00 to switch them out

The core costs are running around 27.00 per battery.

It will be just under a 1,000 more to go with the larger battery bank.

Of course these numbers include shipping and tax so look it over and let me know which battery type you want so I can reserve them.

Thanks

Curtis Scheib

CEO

Solarado Energy

Eco Depot USA

P. O. Box 773

Salida CO

81201

719-539-6000



# Solarado Energy

Plug into the sun!

719-539-6000

P.O. Box 773

Salida CO

81201

Karen , Mike Dudnikov  
Hartsel CO

April 18th, 2015

## Battery Replacement

Qty	System Component Description	
24	Rolls Surrett S-1660 2 volt batteries (7 year warranty) (Made in USA)	
25	New battery cables (Made in USA)	
1	Labor to install all items above	
	<b>System Cost prior to Incentives</b>	<b>\$11,453</b>
	<b>Estimated Federal Tax Credit (30%)</b>	<b>3,435</b>
	<b>Final Costs</b>	<b>8,017</b>

## Payment Schedule:

Deposit; 50% (\$5,726.50) due at Contract signing, 25% (\$2,863.25) is due upon material delivery by Solarado Energy, (\$2,863.25) is due upon completion and final inspection

## Notes:

Customer will assist in completing paperwork for any and all permits and rebates. Solarado Energy Contract is to be signed by all parties and Deposit is paid prior to ordering or installing of any equipment.

Customer is responsible for the amount listed above in yellow.

Unseen and unusual costs incurred during installation may be billed as an extra on the final bill.

Solarado is not responsible for drywall repair, painting, underground sprinkler repair or landscaping repair unless duly noted in final contract.

This bid does include any potential use tax. If such taxes are required, then an additional charge may be assessed on the final bill. 2.9% Colorado state sales tax is exempt for renewable energy equipment.

Warranty is valid only for systems that are paid in full.

If Customer elects to cancel the project after submitting the Deposit but before delivery of materials to the site, a restocking fee may be charged.

This contract is valid for 30 days or until signed and dated by client and Solarado Energy.

---

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_

Solarado Energy Representative \_\_\_\_\_ Date \_\_\_\_\_