

HERMAN MICHAEL D
Form SC 13D/A
February 19, 2013

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

SCHEDULE 13D

Amendment No. 2

Under the Securities Exchange Act of 1934

Enservco Corporation

(Name of Issuer)

Common Stock, par value \$.005 per share

(Title of Class of Securities)

045295300

(CUSIP Number)

Michael D. Herman

Debra Herman

501 So. Cherry Street, Suite 320

Denver, CO 80246

303-333-3678

(Name, Address and Telephone Number of Person

Authorized to Receive Notices and Communications)

February 11, 2013

(Date of Event which Requires Filing of This Statement)

If the filing person has previously filed a statement on Schedule 13G to report the acquisition that is the subject of this Schedule 13D, and is filing this schedule because of Rule 13d-1(e), 13d-1(f) or 13d-1(g), check the following box ☐.

The information required on the remainder of this cover page shall not be deemed to be "filed" for the purpose of Section 18 of the Securities Exchange Act of 1934 or otherwise subject to the liabilities of that section of the Act but shall be subject to all other provisions of the Act.

1 NAME OF REPORTING PERSONS

Michael D. Herman

2 CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP

(a) ☐

(b) ☐

3 SEC USE ONLY

4 SOURCE OF FUNDS

OO

5 CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED PURSUANT TO ITEMS 2(d) or 2(e)

Item 2(d) ☐

Item 2(e) ☐

6 CITIZENSHIP OR PLACE OF ORGANIZATION

Nevada

Number of 7. Sole Voting Power: 9,555,660
Shares
Beneficially 8. Shared Voting Power: N/A
Owned by
Each 9. Sole Dispositive Power: 11,666,660
Reporting
Person With: 10. Shared Dispositive Power: N/A

Beneficially 8. Shared Voting Power: N/

Each 9. Sole Dispositive Power: 2,501,924

Person With: 10. Shared Dispositive Power: N/A

11 AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON

18,200,320

12 CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES CERTAIN SHARES

[]

13 PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)

53.6%

14 TYPE OF REPORTING PERSON

IN

1 NAME OF REPORTING PERSONS

Debra Herman

2 CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP

(a) ☐

(b) ☐

3 SEC USE ONLY

4 SOURCE OF FUNDS

OO

5 CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED PURSUANT TO ITEMS 2(d) or 2(e)

Item 2(d) ☐

Item 2(e)[__]

6 CITIZENSHIP OR PLACE OF ORGANIZATION

Nevada

Number of 7. Sole Voting Power: 6,533,660
Shares
Beneficially 8. Shared Voting Power: N/A
Owned by
Each 9. Sole Dispositive Power: 6,533,660
Reporting
Person With: 10. Shared Dispositive Power: N/A

Beneficially 8. Shared Voting Power: N/

Each 9. Sole Dispositive Power: 2,501,924

Person With: 10. Shared Dispositive Power: N/A

11 AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON

18,200,320

12 CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES CERTAIN SHARES

[]

13 PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)

53.6%

14 TYPE OF REPORTING PERSON

IN

ITEM 1. SECURITY AND ISSUE

This statement relates to the common stock, \$0.005 par value, of Enservco Corporation, formerly known as Aspen Exploration Corporation. The principal executive offices of Enservco Corporation are presently located at 501 So. Cherry Street, Suite 320, Denver, CO 80246. Telephone: 303-333-3678.

ITEM 2. IDENTITY AND BACKGROUND

(a) This statement is filed by Michael D. Herman and Debra Herman, husband and wife.

(b) Business address: 501 So. Cherry Street, Suite 320, Denver, CO 80246.

Oil and gas industry professional. Mr. Herman's primary employment is as an officer, director and control person of (c) Dillco Fluid Services, Inc. and its subsidiary and related entities. Dillco Fluid Services, Inc.'s principal address is currently 501 So. Cherry Street, Suite 320, Denver, CO 80246. Mrs. Herman is not employed outside of the home.

(d) During the last five (5) years, neither Mr. nor Mrs. Herman has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors).

During the last five (5) years, neither Mr. nor Mrs. Herman has been a party to a civil proceeding of a judicial or (e) administrative body of competent jurisdiction as a result of which such person was or is subject to a judgment, decree or final order enjoining final violations of, or prohibiting or mandating activities subject to federal or state securities laws or finding any violation with respect to such laws

(f) Citizenship: Mr. and Mrs. Herman are each a citizen of the United States.

ITEM 3. SOURCE AND AMOUNT OF FUNDS OR OTHER CONSIDERATION

On February 11, 2013, Mr. Herman sold 1,200,000 shares of the Company's restricted common stock for \$0.35 per share to Cross River Partners L.P.

ITEM 4. PURPOSE OF THE TRANSACTION

Cross River Partners L.P. was seeking to acquire additional shares of Enservco, and Mr. Herman desired to liquidate a portion of his holdings in part to meet the payment requirements on a personal line of credit.

At the present time, neither Mr. nor Mrs. Herman has plans or proposals which relate to or would result in those items listed in Item 4 of Schedule 13D under the Securities Exchange Act of 1934, or any action similar to those enumerated therein.

ITEM 5. INTEREST IN SECURITIES OF THE ISSUER

Mr. and Mrs. Herman have sole voting and dispositive power over 18,200,320 common shares of Enservco Corporation, which represents approximately 53.6% of the total number of common shares currently outstanding. No other person has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, the shares of common stock described herein, except as described in Item 6. below.

On November 2, 2012, Mr. Herman entered into a Subscription Agreement with Enservco Corporation. Pursuant to this agreement, his debt was converted into equity, resulting in Mr. Herman acquiring an additional 4,222,000 shares of the Company's common stock and a warrant to purchase up to 2,111,000 shares of common stock at a price of \$0.55 per share, exercisable through November 30, 2017. The consideration for the shares and warrants was \$1,477,700.

On February 11, 2013, Mr. Herman sold 1,200,000 shares of the Company's common stock for \$0.35 per share to Cross River Partners L.P., an existing shareholder of the Company's common stock and warrants.

ITEM 6. CONTRACTS, ARRANGEMENTS, UNDERSTANDINGS OR RELATIONSHIPS WITH RESPECT TO THE SECURITIES OF THE ISSUER.

Mr. Herman has, from the inception of Enservco's banking relationship with its prior lender(including prior to the July 27, 2010 merger transaction), until a November 2012 refinancing by Enservco of its obligations with PNC Bank, N.A., been an unlimited guarantor of Enservco's and its predecessors' obligations to its prior lender. As a result of the

refinancing, Mr. Herman's obligation to guarantee Enservco's banking indebtedness was reduced, but still exists.

Starting February 1, 2012, pursuant to consent by the board dated February 10, 2012, Enservco agreed to pay Mr. Herman a continuing guarantee fee of \$150,000 per year; such payment would continue for so long as Mr. Herman is liable as guarantor of Enservco debt.. This annual payment is not viewed as a base salary; it is deemed a fee paid to Mr. Herman for risks associated with the personal guarantees given on behalf of Enservco for various debt agreements held by Enservco.

SIGNATURE

February 15, 2013

/s/ Michael D. Herman
By: Michael D. Herman

February 15, 2013

/s/ Debra Herman
By: Debra Herman