

<b>UNITED STATES BANKRUPTCY COURT</b>		<b>District of Delaware</b>	<b>PROOF OF CLAIM</b>
Name of Debtor: ALC of Arizona, LLC		Case Number: 11-13857-MFW	
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Christian Dichter & Sluga, P.C.			
Name and address where notices should be sent: % Dessaules Law Group 2700 N. Central Ave., Ste. 1250 Phoenix, AZ 85004		<b>RECEIVED</b>  <b>FEB 21 2012</b>  <b>BMC GROUP</b>	<b>COURT USE ONLY</b>
Telephone number: 602-274-5400      email: dwigley@dessauleslaw.com			<input type="checkbox"/> Check this box if this claim amends a previously filed claim.  Court Claim Number: _____ (If known)  Filed on: _____
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.	
Telephone number: _____      email: _____			
1. Amount of Claim as of Date Case Filed:      \$ <u>112,165.62</u>			
If all or part of the claim is secured, complete item 4.			
If all or part of the claim is entitled to priority, complete item 5.			
<input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: <u>Judgment (See Rider)</u> (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account as: <u>Troutt, William</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____	
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:		Basis for perfection: _____	
Value of Property: \$ _____		Amount of Secured Claim: \$ _____	
Annual Interest Rate _____% <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____	
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.			
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).	Amount entitled to priority: \$ _____
<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).	
*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.			
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)			



**7. Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

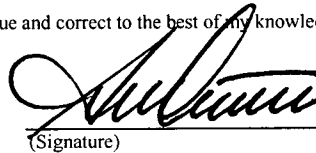
**8. Signature:** (See instruction #8)

Check the appropriate box.

- I am the creditor.     I am the creditor's authorized agent.     I am the trustee, or the debtor, or their authorized agent.     I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)  
(Attach copy of power of attorney, if any.)    (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Stephen M. Dichter  
Title: Partner  
Company: Christian Dichter + Sluga, P.C.  
Address and telephone number (if different from notice address above):  
2700 N. Central Ave., Ste. 1200  
Phoenix, AZ 85004  
Telephone number: 602-792-1700

  
(Signature)

2/17/12  
(Date)

email: sdichter@hcdslaw.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

**Items to be completed in Proof of Claim form**

**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).**

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

**7. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

**8. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

## INFORMATION

**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

**Claim**

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. § 506 (a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. § 507 (a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim.

However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

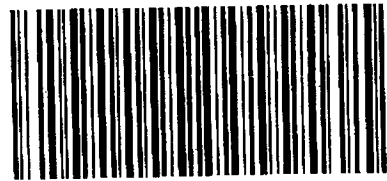
**Mail to:**

United States Bankruptcy Court  
Attn: Claims  
824 Market Street, 3rd Floor  
Wilmington, DE 19801

**Rider to Christian Dichter & Sluga, P.C.'s Proof of Claim**  
***In re ALC of Arizona, LLC***  
**Case No. 2:11-bk-13857-MFW**

- Christian Dichter & Sluga, P.C.'s ("CDS") proof of claim in the above captioned matter arises out of a default judgment against garnishee ALC of Arizona, LLC ("Debtor") in Superior Court of Arizona, County of Maricopa (case no. CV2008-024423) (the "Judgment"). A copy of the Judgment is attached here as Exhibit A.
- The Judgment is in favor of the entity named "Harper Christian Dichter & Sluga, P.C." That entity recently changed its name to Christian Dichter & Sluga, P.C., and as such, this proof of claim is being filed in that entity's name. A notice regarding the name change was filed in the Superior Court of Arizona, County of Maricopa, case no. CV2008-024423.
- CDS also has a judgment against defendants William D. Troutt and others in the principal sum of \$89,184.13, plus interests and costs of collection. In its efforts to collect that judgment, CDS, caused the Superior Court of Arizona, County of Maricopa (the "Superior Court"), in case no. CV2008-024423, to issue a Writ of Garnishment directed at Debtor requiring it to, among other things, answer questions relating to its employment of and earnings owed to William D. Troutt so that CDS could cause any such earnings to be garnished in partial or complete satisfaction of the underlying judgment. That Writ of Garnishment was issued by the Superior Court on October 28, 2010 and personally served on Debtor's statutory agent on November 3, 2010. Debtor never answered the Writ of Garnishment. On November 30, 2010, CDS filed a Petition for Order to Show Cause against Debtor regarding Debtor's failure to answer the Writ of Garnishment. On December 7, 2010, the Court issued the Order to Show Cause, ordering Debtor to appear on January 19, 2011 at a hearing and explain Debtor's failure to answer the Writ of Garnishment. On December 15, 2010, CDS personally served the Petition and Order to Show Cause on Debtor's statutory agent. Debtor failed to appear at the January 19, 2011 hearing and the Superior Court entered the Judgment forming the basis of this proof of claim against Debtor in the principal amount of \$108,100.02.
- Pursuant to A.R.S. § 44-1201, among other things, "interest on any judgment shall be at the lesser of ten per cent per annum or at a rate per annum that is equal to one per cent plus the prime rate as published by the board of governors of the federal reserve system in statistical release H.15." The applicable rate of interest for the Judgment is 4.25%.
- 323 days have passed since the Judgment was entered on January 19, 2011 and the Debtor's filing for Chapter 11 on December 8, 2011. Using the statutory judgment interest rate of 4.25%, the Judgment has accrued interest totaling \$4,065.60, which, when added to the \$108,100.02 principal amount of the Judgment, gives CDS a total claim against Debtor in the amount of **\$112,165.62**.

- CDS reserves the right to amend and supplement this claim at any time in any respect, including, but not limited to, for purposes of fixing, increasing, or amending in any respect the amounts referred to herein, asserting administrative or priority status for all or any of the amount claimed herein, and adding or amending documents and other information and further describing the claim.
- This claim is not intended to be, and shall not be construed as an election of remedies, a waiver of any defaults, or a waiver or limitation of any rights, remedies, claims, or interests of CDS.
- The claim is made without prejudice to CDS's rights under the Bankruptcy Code or otherwise, including, but not limited to, any and all rights of setoff and recoupment. CDS expressly preserves all of its rights and claims against Debtor and its related parties.



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1/19/11 FILED 209 PM  
MICHAEL K. JEANES, Clerk  
By H. Wise  
K. Wise/Deputy

1 Jonathan A. Dessaulles, State Bar No. 019439  
Douglas C. Wigley, State Bar No. 027223  
2 Erica J. Shoaf, State Bar No. 028159  
3 **DESSAULES LAW GROUP**  
2700 North Central Avenue, Suite 1250  
Phoenix, Arizona 85004  
4 Tel. 602.274.5400  
Fax 602.274.5401  
5 jdessaulles@dessauleslaw.com  
dwigley@dessauleslaw.com  
6 eshoaf@dessauleslaw.com

COPY FOR CERTIFICATION

CERTIFIED COPY

7 *Attorneys for Plaintiff/Judgment-Creditor*

8 IN THE SUPERIOR COURT OF ARIZONA  
9 COUNTY OF MARICOPA

DESSAULES LAW GROUP  
2700 N. Central Avenue, Suite 1250  
Phoenix, AZ 85004  
Tel. 602.274.5400 Fax. 602.274.5401

10 HARPER, CHRISTIAN, DICHTER &  
SLUGA, P.C., an Arizona professional  
11 corporation,

No. CV2008-024423

12 Plaintiff/Judgment-Creditor,

**DEFAULT JUDGMENT  
AGAINST GARNISHEE**

13 vs.

(Earnings)

14 WILLIAM D. TROUTT, an Arizona  
resident; ARLIN TROUTT and CATHY  
15 TROUTT, husband and wife and Arizona  
residents,

16 Defendants/Judgment-Debtors.

17  
18 ALC OF ARIZONA, LLC dba AMERICAN  
LASER CENTER,

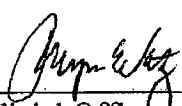
19 Garnishee.  
20

21 The record in this matter reflects that: (i) Plaintiff has a judgment against Defendants  
22 William Troutt, Arlin Troutt, and Cathy Troutt in the total sum of \$108,100.02; (ii) that  
23 Garnishee ALC of Arizona, LLC dba American Laser Center ("Garnishee") was served with a  
24 Writ of Garnishment; (iii) that Garnishee failed to file an answer to the Writ of Garnishment;  
25 and, (iv) that Garnishee was served with a Petition for Order to Show Cause Regarding  
26 Garnishee's Default and an Order to Show Cause requiring Garnishee to appear on January 19,

1 2011 at 2:00 p.m. Garnishee has failed to file an answer, and failed to appear. For the foregoing  
2 reasons and good cause appearing pursuant to A.R.S. § 12-1598.13(H),

3 IT IS ORDERED awarding judgment to Plaintiff Harper Christian Dichter & Sluga, P.C.  
4 and against Garnishee ALC of Arizona, LLC dba American Laser Center, in the total amount of  
5 \$108,100.02.

6 DATED this 19<sup>th</sup> day of January 2011.

7  
8   
9 \_\_\_\_\_  
Judicial Officer

10 **COMMISSIONER BENJAMIN VATZ**

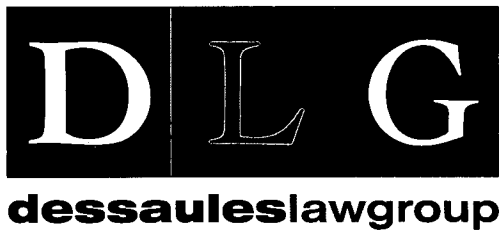
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The foregoing instrument is a full, true and correct copy  
of the original on file in this office.

2 Attest JAN 19 2011 20  
MICHAEL K. JEANES, Clerk of the Superior Court of the  
State of Arizona, in and for the County of Maricopa.  
By S. Hack Deputy





**Hilary L. Peters**  
Direct Line: 602.274.5400 ext. 104  
hpeters@dessauleslaw.com

February 17, 2012

**VIA FIRST CLASS MAIL**

BMC Group, Inc.  
Attn: CLA Hold LLC, formerly ALC Holdings LLC Claims Processing  
P.O. Box 3020  
Chanhassan, MN 55317-3020

**Re: Proof of Claim against *ALC of Arizona, LLC*,  
Case No. 11-13857**

To Whom It May Concern:

I enclose the original and three copies of the proof of claim referenced above. Please file the Proof of Claim and return a conformed copy to our office in the self-addressed stamped envelope.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Peters', with a long horizontal flourish extending to the right.

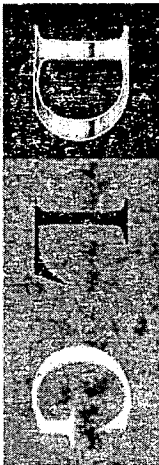
Hilary L. Peters  
Legal Assistant to  
Douglas C. Wigley, Esq.

Enclosures

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2700 North Central Avenue, Suite 1250 • Phoenix, Arizona • 85004  
Phone: 602.274.5400 • Facsimile: 602.274.5401

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



**dessaulslawgroup**

2700 North Central Avenue, Suite 1850  
Phoenix, Arizona 85004

**RECEIVED**  
**FEB 21 2012**  
**BMC GROUP**

**BMC Group, Inc.**

**Attn: CLA Hold LLC,**

**Formerly ALC Holdings LLC**

**Claims Processing**

**P.O. Box 3020**

**Chanhassan, MN 55317-3020**



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