

UNITED STATES BANKRUPTCY COURT		District of Delaware	PROOF OF CLAIM
Name of Debtor: New Colony Farms, LLC		Case Number: 13-11766	<p style="text-align: center;">COURT USE ONLY</p> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____ <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. <div style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="text-align: center; font-weight: bold; font-size: 1.5em; margin-top: 10px;">SEP 20 2013</div> <div style="text-align: center; font-weight: bold; font-size: 1.5em; margin-top: 10px;">BMC GROUP</div>
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): Poyner Spruill LLP			
Name and address where notices should be sent: c/o Lisa P. Sumner Poyner Spruill LLP PO Box 1801, Raleigh, NC 27602-1801		Telephone number: (919) 783-6400 email: lsumner@poynerspruill.com	
Name and address where payment should be sent (if different from above):		Telephone number: _____ email: _____	
1. Amount of Claim as of Date Case Filed: \$ <u>4,583.86</u>		<div style="text-align: center; font-weight: bold; font-size: 1.5em;">SEP 20 2013</div> <div style="text-align: center; font-weight: bold; font-size: 1.5em; margin-top: 10px;">BMC GROUP</div>	
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 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>services performed</u> (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: 2 3 1 0	3a. Debtor may have scheduled account as: _____ (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 adj.			
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.
- (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.)

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: Lisa P. Sumner
 Title: Attorney at Law
 Company: Poyner Spruill LLP
 Address and telephone number (if different from notice address above):


 (Signature)

09/17/2013
 (Date)

Telephone number: _____ email: _____

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.

Poyner Spruill^{LLP}
ATTORNEYS AT LAW

301 S. Fayetteville Street, Ste 1900
Raleigh, North Carolina 27601
(919) 783-6400

Please Remit To
P.O. Box 1801
Raleigh, NC 27602-1801

July 12, 2013

Invoice # 1080117

New Colony Farms, LLC
Joseph H. Huston
Stevens & Lee, P.C.
1105 North Market Street, Suite 700
Wilmington, DE 19801

RE: Tanglewood Farms, Inc. of Elizabeth City Adversary
Proceeding

Fees for Professional Services Through 06/30/13	3,781.00
Expense Advances Through 06/30/13	85.08
	<hr/>
Amount Due For This Invoice	\$ 3,866.08

----- SERVICES SUMMARY -----

Partner

DD	David Dreifus	5.90 hrs @	470.00 per hour	2,773.00
LPS	Lisa P. Sumner	2.40 hrs @	420.00 per hour	1,008.00
		Total Fees		3,781.00
		Total Fees and Expenses		\$ 3,866.08

INVOICE PAYABLE UPON RECEIPT

07/12/13

Re: Tanglewood Farms, Inc. of Elizabeth City Adversary Proceeding

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Fees</u>
06/06/13	LPS	Correspondence to trustee regarding settlement offer and scheduling order.	0.1	\$ 42.00
06/12/13	DD	Conference with Lisa Sumner re case.	0.5	235.00
06/12/13	LPS	Meet with David Dreifus to discuss defenses and next steps for discovery and motion for summary judgment.	1.0	420.00
06/13/13	DD	Review file.	0.3	141.00
06/13/13	LPS	Provide research materials and client records to Mr. Dreifus.	0.3	126.00
06/14/13	DD	Review file.	1.6	752.00
06/17/13	DD	Review file for summary judgment preparation.	1.4	658.00
06/18/13	DD	Conference with Lisa Sumner. E-mail to Andrew Forbes.	1.0	470.00
06/18/13	LPS	Draft correspondence to Mr. Forbes regarding settlement negotiations. Advise Mr. Dreifus regarding setting of contract price.	0.4	168.00
06/19/13	DD	Conference call with Andrew Forbes, Mike Borchering and Lisa Sumner to discuss summary judgment and settlement issues.	1.1	517.00
06/19/13	LPS	Telephone conference with New Colony and Mr. Dreifus regarding settlement negotiations, defenses and motion for summary judgment.	0.5	210.00
06/25/13	LPS	Telephone conference with Nick Brown regarding settlement negotiations and discovery.	0.1	42.00
		Total Hours		8.30
		Total Fees		\$ 3,781.00

07/12/13

Expense Advances

<u>Date</u>	<u>Description</u>	<u>Amount</u>
06/30/13	Administrative Expenses	<u>85.08</u>
Total Disbursements		\$ 85.08

Total This Invoice \$ 3,866.08

Poyner Spruill^{LLP}
ATTORNEYS AT LAW

301 S. Fayetteville Street, Ste 1900
Raleigh, North Carolina 27601
(919) 783-6400

Please Remit To
P.O. Box 1801
Raleigh, NC 27602-1801

September 6, 2013

Invoice # 1082846

New Colony Farms, LLC
Joseph H. Huston
Stevens & Lee, P.C.
1105 North Market Street, Suite 700
Wilmington, DE 19801

RE: Tanglewood Farms, Inc. of Elizabeth City Adversary
Proceeding

Fees for Professional Services Through 08/31/13	696.00
Expense Advances Through 08/31/13	21.78
	<hr/>
Amount Due For This Invoice	\$ 717.78

----- SERVICES SUMMARY -----

Partner

LPS Lisa P. Sumner 1.40 hrs @ 420.00 per hour 588.00

Paralegal

LRT Lori R. Trast 0.60 hrs @ 180.00 per hour 108.00

Total Fees 696.00

Total Fees and Expenses \$ 717.78

INVOICE PAYABLE UPON RECEIPT

09/06/13

Re: Tanglewood Farms, Inc. of Elizabeth City Adversary Proceeding

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>	<u>Fees</u>
07/08/13	LRT	Docket deadlines in the Bankruptcy file. □	0.1	\$ 18.00
07/10/13	LPS	Confer with Mr. Dreifus regarding response from client on settlement.	0.1	42.00
07/10/13	LRT	Docket deadlines in the Bankruptcy file. □	0.1	18.00
07/12/13	LPS	Review new appellate court opinion regarding application of safe harbor defense to fraudulent transfer claim.	0.2	84.00
07/12/13	LRT	LEXIS research on the case of In re Derivium Capital LLC.	0.2	36.00
07/15/13	LPS	Review bankruptcy filings by AgFeed and New Colony. Correspondence with Mr. Huston and with stalking horse bidder's law firm regarding same. Draft correspondence to plaintiff's counsel regarding stay of AP. Draft Notice of Automatic Stay to file in AP.	1.1	462.00
07/15/13	LRT	File the Notice of Automatic Stay/Stayed Proceeding with the Bankruptcy Court because New Colony Farms filed Bankruptcy.	0.2	36.00
		Total Hours		2.00
		Total Fees		\$ 696.00

Expense Advances

<u>Date</u>	<u>Description</u>	<u>Amount</u>
07/12/13	Research Expenses VENDOR: Lexis-Nexis INVOICE#: 0120130809 DATE: 7/31/2013	1.28
08/31/13	TRAST LORI Administrative Expenses	20.50

09/06/13

Expense Advances

<u>Date</u>	<u>Description</u>	<u>Amount</u>
	Total Disbursements	\$ 21.78

Total This Invoice \$ 717.78

Poyner Spruill^{LLP}

September 17, 2013

Lori L. Trast
Paralegal
D: 919.783.1147
F: 919.783.1075
ltrast@poynerspruill.com

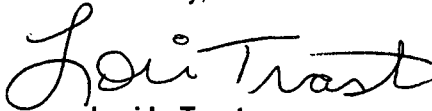
BMC Group, Inc.
Attn: AgFeed USA, LLC Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

RE: Proof of Claim filing in 13-11766

Dear Sir or Madam:

Please find enclosed an original and one copy of the Proof of Claim in the New Colony Farms, LLC Bankruptcy. Please file the original and return a stamped filed copy to me in the enclosed self-addressed stamped envelope. If you have any questions, please do not hesitate to contact me at the number above.

Sincerely,



Lori L. Trast
Paralegal

Enclosures



FIRST-CLASS

FIRST-CLASS

FIRST-CLASS

FIRST-CLASS

FIRST-CLASS

Poyner Spruill^{LLP}

P.O. Box 1801
Raleigh, NC 27602-1801

RALEIGH / CHARLOTTE / ROCKY MOUNT / SOUTHERN PINES

Master
09/17/2013
US POSTAGE



ZIP 27601
011D11625911

FIRST-CLASS MAIL

\$01.52⁰

RECEIVED

SEP 20 2013

BMC GROUP

First Class Mail

Poyner Spruill^{LLP}

RALEIGH / CHARLOTTE / ROCKY MOUNT / SOUTHERN PINES

P.O. Box 1801
Raleigh, NC 27602-1801

BMC Group, Inc.
Attn: AgFeed USA, LLC Claims Processing
PO Box 3020
Chanhausen, MN 55317-3020

FIRST-CLASS

FIRST-CLASS

