

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

REGULAR MAIL: BMC GROUP, INC. ATTN: AGFEED USA, LLC CLAIMS PROCESSING PO Box 3020 CHANHASSEN, MN 55317-3020  
MESSENGER/OVERNIGHT DELIVERY BMC GROUP, INC. ATTN: AGFEED USA, LLC CLAIMS PROCESSING 18675 LAKE DRIVE EAST CHANHASSEN, MN 55317

PROOF OF CLAIM / REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE

Name of Debtor: **AG FEED INDUSTRIES**

Case Number: **13-11761 (BLS)**

Name of Creditor (the person or other entity to whom the debtor owes money or property): **ANITA Schmidt & Thomas Schmidt**

COURT USE ONLY

Name and address where notices should be sent: **ANITA & Thomas Schmidt 8403 Mildred Rd MACHESNEY PARK II 61115 Telephone number: 815-218-5731 email: NEATOM@SBCGLOBAL.NET**

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):

Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach a copy of statement giving particulars.

Telephone number: \_\_\_\_\_ email: \_\_\_\_\_

RECEIVED

1. Amount of Claim as of Date Case Filed: **\$ 7,377.74**

NOV 07 2013

BMC GROUP

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.  
If all or part of the claim qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9), complete item 6.

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.

1a. Amount of Administrative Claim (see Definitions) solely with respect to AgFeed USA, LLC or any other Debtor (excluding Debtor AgFeed Industries, Inc.) arising from the period from July 15, 2013, through September 12, 2013: \$ \_\_\_\_\_ (See instruction #1a)

2. Basis for Claim: **VIOLATION OF FEDERAL SECURITIES LAWS MISREPRESENTATION OF MATERIAL WHICH HAD AFFECT ARTIFICIALLY INFLATING MARKET PRICE**

3. Last four digits of any number by which creditor identifies debtor: **2168 ?**

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:  Real Estate  Motor Vehicle  Other Describe: \_\_\_\_\_

Basis for perfection: \_\_\_\_\_

Value of Property: \$ \_\_\_\_\_

Amount of Secured Claim: \$ \_\_\_\_\_

Annual Interest Rate \_\_\_\_\_ %  Fixed or  Variable (when case was filed)

Amount of 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.

Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).

Wages, salaries, or commissions (up to \$12,475\*) 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).

Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).

Amount entitled to priority: \_\_\_\_\_

Up to \$2,775\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).

Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).

Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(\_\_\_\_)

\$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustm

6. Amount of Claim that qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9): \_\_\_\_\_ (See instruction #6)



7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim (See instruction #7)

8. 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, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). 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. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (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:

9. Signature: (See instruction #9)

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. (See Bankruptcy Rule 3004.)
- I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

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

Print Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address and telephone number (if different from notice address above): \_\_\_\_\_

*Anita Schmidt* 10/31/13  
 (Signature) (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 debtor's full name, and the bankruptcy 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.

AgFeed USA, LLC	13-11761
AgFeed Industries, Inc.	13-11762
Genetics Land, LLC	13-11776
Genetics Operating, LLC	13-11769
Heritage Farms, LLC	13-11767
Heritage Land, LLC	13-11768
M2P2 AF JV, LLC	13-11774
M2P2 Facilities, LLC	13-11770
M2P2 General Operations, LLC	13-11772
MGM, LLC	13-11771
Midwest Finishing, LLC	13-11775
New Colony Farms, LLC	13-11766
New Colony Land Company, LLC	13-11773
New York Finishing, LLC	13-11764
Pork Technologies, LC	13-11765
TS Finishing, LLC	13-11763

If your claim is against multiple Debtors, complete a separate form for each Debtor.

**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, 5, and 6. Check the box if interest or other charges are included in the claim.

**1a. Amount of Administrative Claim arising after Date Case Filed:**

State the total amount owed pursuant to section 503(b), *excluding* any amounts owed under section 503(b)(9), on account of claims arising from the period

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optical 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. Amount of Claim that qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9):**

State the value of any goods received by the debtor within 20 days before the date of commencement in which the goods have been sold to the debtor in the ordinary course of the debtor's business.

**7. 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.

**8. 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 and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. 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.

**9. 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

from July 15, 2013, through the September 12, 2013 (the "Closing Date"), solely with respect to AgFeed USA, LLC and any other Debtor (excluding Debtor AgFeed Industries, Inc.).

**2. Basis for Claim:**  
State the type of debt or how it was incurred. Examples include goods sold, money loaned, services provided, 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 any 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.

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 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, 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**

**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 Debtors' claims agent, BMC Group, Inc., at the applicable following address:

**REGULAR MAIL:**  
BMC GROUP, INC.  
ATTN: AGFEED USA, LLC CLAIMS PROCESSING  
PO BOX 3020  
CHANHASSEN, MN 55317-3020

**MESSENGER/OVERNIGHT DELIVERY**  
BMC GROUP, INC.  
ATTN: AGFEED USA, LLC CLAIMS PROCESSING  
18675 LAKE DRIVE EAST  
CHANHASSEN, MN 55317

**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's 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.

**Administrative Claim**  
An administrative claim is a claim of the type described in sections 503 and 507 of title 11 of the United States Code. Among other things, these sections provide that certain types of claims are entitled to administrative expense priority, including, without limitation: (i) the action, necessary costs and expenses of preserving the estate, including wages, salaries, or commissions for services rendered after the commencement of the bankruptcy case; (ii) certain taxes and penalties related thereto; (iii) compensation and reimbursement of certain officers; (iv) the actual, necessary expenses incurred by (a) certain creditors, (b) a creditor, an indenture trustee, an equity security holder, or a committee representing any such entities, in making a substantial contribution to a debtor's chapter 11 case, (c) a custodian, and (v) compensation for services rendered by an indenture trustee. Claims alleged to be entitled to an administrative expense pursuant to 11 U.S.C. § 503(b)(9) should be listed in item 6 of the form, but not in item 1a.

**Administrative Claim Under 11 U.S.C. § 503(b)(9)**  
Claims that are based upon facts or circumstances arising or occurring after the date of the Bankruptcy filing and that qualify as an administrative expense under section 503(b)(9) (excluding 503(b)(9) of the Bankruptcy Code).

**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.

**INFORMATION**

**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(c), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

**ING DIRECT**

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**My Positions**

Total Account Value: **\$1,725.01** | Total Investment Balance: **\$1,725.00** | Cash Balance: **\$0.01**

Account: 0002046709 - INT | Top Holdings Chart | Deposit Money

Stock & ETF Positions		Market Value*		Cost / Share	Cost Basis	Gain or Loss*	Trade	
Symbol	Description	Quote	Day Change	Quantity	Market Value	Cost / Share	Cost Basis	
FEED	AGFEED INDUSTRIES INC COM	\$0.6900	+0.04 (6.15%)	2,500.0000	\$1,725.00	\$3.84	\$9,102.74	-\$7,377.74 (81.05%)

Stock & ETF Totals: **\$1,725.00**  
 Total Investment Balance: **\$1,725.00**  
 Total Gain or Loss: **-\$7,377.74 (81.05%)**

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\* Market value is calculated based on delayed quote data.  
 \* Your adjusted cost basis and gain/loss reflect the close of the previous market day. Gain & loss calculations use adjusted cost basis provided by Wilshire Investor Financial Services Inc. This data is provided as a service and is not a reflection of your tax reporting liabilities. Please visit the Tax Center for more information on your taxable gains or losses.

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### Transaction History

Account: 0002848709 - JNT  
 Date Range (Year to Date): 01/01/2011 to 10/27/2011  
 Show: All Transactions  
 Symbol: FEED  
 Price: VIEW

Date	Action	Description	Symbol	Quantity	Price	Amount
2/11/2011	BUY	ORDER POSTING	FEED	2,500,000	\$2.40	-\$8,000.00
1/10/2011	SELL	ORDER POSTING	FEED	-2,500,000	\$2.78	\$6,952.00

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Download your account transactions to a file that can be imported into Microsoft Money, Microsoft Excel, or Quicken®.

To create the file, select your personal financial software and click Download. Note: Only transactions displayed on the Transaction History page will be downloaded.

Select:

DOWNLOAD

Learn how to download your transactions via Direct-Connect from Microsoft Money or Quicken.

### Transaction History

Account: 0002848709 - JNT  
 Date Range (Year 2010): 01/01/2010 to 12/31/2010  
 Show: All Transactions  
 Symbol: FEED  
 Price: FEED  
 Amount: VIEW

Date	Action	Description	Symbol	Quantity	Price	Amount
11/10/2010	BUY	ORDER POSTING	FEED	500.0000	\$2.50	-\$1,250.00
10/25/2010	BUY	ORDER POSTING	FEED	646.0000	\$3.00	-\$1,937.85
9/21/2010	BUY	ORDER POSTING	FEED	1,364.0000	\$3.00	-\$4,112.57
9/21/2010	SELL	ORDER POSTING	FEED	-1,432.0000	\$2.89	\$4,128.53
9/11/2010	BUY	ORDER POSTING	FEED	28.0000	\$3.02	-\$111.31
9/5/2010	BUY	ORDER POSTING	FEED	610.0000	\$3.88	-\$2,376.75

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New! Create a ShareBuilder access code to use with your Personal Financial Management tools (Quicken, Mint, etc.). [Learn more](#)

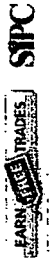
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- Select -

### DOWNLOAD

Learn how to download your transactions via Direct-Connect from Microsoft Money or Quicken.



Transaction History

Account: 0002948700 - JNT Date Range (Year 2009) 01/01/2009 to 12/31/2009 Show All Transactions  
 Symbol FEED VIEW

Date	Action	Description	Symbol	Quantity	Price	Amount
7/8/2009	BUY	ORDER POSTING	FEED	314.0000	\$5.25	-\$1,658.45
7/2/2009	BUY	ORDER POSTING	FEED	100.0000	\$5.80	-\$580.95
5/27/2009	BUY	ORDER POSTING	FEED	290.0000	\$6.00	-\$1,680.95
4/16/2009	BUY	ORDER POSTING	FEED	100.0000	\$3.35	-\$349.95

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New! Create a Sharebuilder access code to use with your Personal Financial Management tools (Quicken, Mint, etc).  
[Learn more](#)

Download Account Activity

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Select

DOWNLOAD

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 Securities products are: Not FDIC insured - Not bank guaranteed - May lose value

Plaintiffs Certification of Investment of  
Advanced Battery Technologies, Inc. [NASDAQ: ABAT]

I, Paul Kessler, on behalf of Bristol Investment Fund, Ltd, hereby certify that the following is true and correct to the best of my knowledge, information and belief:

- I have reviewed the Complaint in this action and authorize the filing of this Certification.
- If chosen, I am willing to serve as a representative party on behalf of the class (the "Class") as defined in the Complaint, including providing testimony at deposition and trial (if necessary). I am willing to participate on an executive committee of shareholders.
- Plaintiff's transactions in Advanced Battery Technologies, Inc. [NASDAQ: ABAT] securities, which are the subject of this action are as follows:

# SHARES PURCHASED	DATE PURCHASED	PRICE PER SHARE	UNPAID BROKER'S COMMISSION	PAID BROKER'S COMMISSION	PER SHARE SOLD PRICE
100	4/16/09	3.35			
280	5/27/09	6.86			
100	7/2/09	5.00			
314	7/16/09	5.25			
610	5/5/10	3.88			
28	5/11/10	3.62			

(continue on blank piece of paper, if necessary) **CONTINUED**

- I did not purchase these securities at the direction of my counsel, or in order to participate in a lawsuit under the Securities Exchange Act of 1934.
- During the three-year period preceding the date of this Certification, I have sought to serve as a representative on behalf of one class action arising under the Securities Exchange Act of 1934.
- I will not accept any payment if chosen to serve as a representative party on behalf of the Class beyond my pro rata share of an award to the Class, or as otherwise ordered and approved by the Court.

Signed under penalty of perjury, this \_\_\_\_\_ day of April, 2011.

6353 W. Sunset Blvd., Suite 4006

Hollywood, CA 90028

[pkessler@bristolcompanies.net](mailto:pkessler@bristolcompanies.net) or  
[amv@bristolcompanies.net](mailto:amv@bristolcompanies.net)

\_\_\_\_\_  
 Signature  
 Paul Kessler

Name (please print)  
 Telephone: (323) 960-3800  
 Cell: (310) 907-6637

Return to:  
 William B. Federman  
 FEDERMAN & SHERWOOD  
 10205 North Pennsylvania Avenue  
 Oklahoma City, OK 73120  
 (405) 235-1560/Fax (405) 239-2112  
 Email: [wbf@federmanlaw.com](mailto:wbf@federmanlaw.com)  
 Website: [www.federmanlaw.com](http://www.federmanlaw.com)

*ANITA SCHMIDT  
 8403 Mildred Rd  
 MACHESNEY PARK, TX  
 6115*



**Plaintiffs Certification of Investment of  
Advanced Battery Technologies, Inc. [NASDAQ: ABAT]**

I, Paul Kessler, on behalf of Bristol Investment Fund, Ltd, hereby certify that the following is true and correct to the best of my knowledge, information and belief:

- I have reviewed the Complaint in this action and authorize the filing of this Certification.
- If chosen, I am willing to serve as a representative party on behalf of the class (the "Class") as defined in the Complaint, including providing testimony at deposition and trial (if necessary). I am willing to participate on an executive committee of shareholders.
- Plaintiff's transactions in Advanced Battery Technologies, Inc. [NASDAQ: ABAT] securities, which are the subject of this action are as follows:

# SHARES PURCHASED	DATE PURCHASED	PRICE PER SHARE	ISSUANCE OF SHARES SOLD	DATE SOLD	PER SHARE SOLD
<del>4498</del>			1432	5/12/10	2.89
1354	5/12/10	3.03			
1846	10/25/10	3.00			
500	11/10/10		2500	1/19/11	276
2500	2/11/11	240			

(continue on blank piece of paper, if necessary)

- I did not purchase these securities at the direction of my counsel, or in order to participate in a lawsuit under the Securities Exchange Act of 1934.
- During the three-year period preceding the date of this Certification, I have sought to serve as a representative on behalf of one class action arising under the Securities Exchange Act of 1934.
- I will not accept any payment if chosen to serve as a representative party on behalf of the Class beyond my pro rata share of an award to the Class, or as otherwise ordered and approved by the Court.

Signed under penalty of perjury, this \_\_\_\_\_ day of April, 2011.

\_\_\_\_\_  
Signature  
Paul Kessler  
Name (please print)  
Telephone: (323) 960-3800  
Cell: (310) 907-6637  
6353 W. Sunset Blvd., Suite 4006  
Hollywood, CA 90028  
pkessler@bristolcompanies.net or  
amy@bristolcompanies.net

Return to:  
William B. Federman  
FEDERMAN & SHERWOOD  
10205 North Pennsylvania Avenue  
Oklahoma City, OK 73120  
(405) 235-1560/Fax (405) 239-2112  
Email: wbf@federmanlaw.com  
Website: www.federmanlaw.com

*Anita Schmidt  
8403 Mildred Rd  
Machesney Park, IL  
60115*

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

AgFeed USA, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 13-11761 (BLS)

Jointly Administered

NOTICE OF BAR DATES FOR FILING OF PROOFS OF CLAIM

**TO ALL CREDITORS AND INTEREST HOLDERS WITH CLAIMS AGAINST THE ENTITIES LISTED BELOW:**

On July 15, 2013 (the "Petition Date"), AgFeed USA, LLC ("AgFeed USA") and its above-captioned affiliated debtors and debtors in possession (collectively, the "Debtors") filed voluntary petitions for relief (the "Chapter 11 Cases") under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code"). The Debtors, their addresses, case numbers, and EIN, and other names used by the Debtors within the last eight years are as follows:

DEBTORS	ADDRESS	OTHER NAMES (Used by the Debtors in the last 8 years)	CASE NO.	EIN NO.
AgFeed USA, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010	M2 P2, LLC	13-11761	xx-xxx-8748
AgFeed Industries, Inc.	100 Bluegrass Commons Blvd Suite 310 Hendersonville, Tennessee 37075		13-11762	xx-xxx-7168
Genetics Land, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010	First BTS, LLC	13-11776	xx-xxx-1921
Genetics Operating, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010	BMI Group, LLC	13-11769	xx-xxx-1921
Heritage Farms, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010	SBT Production, LLC	13-11767	xx-xxx-8141
Heritage Land, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010	SBT Land, LLC	13-11768	xx-xxx-8129
M2P2 AF JV, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11774	xx-xxx-8748
M2P2 Facilities, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11770	xx-xxx-8748
M2P2 General Operations, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11772	xx-xxx-8748
MGM, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11771	xx-xxx-8748

<sup>1</sup> The Debtors and the last four digits of their federal tax identification number are: AgFeed USA, LLC (8748); AgFeed Industries, Inc. (7168); TS Finishing, LLC (8748); New York Finishing, LLC (8748); Pork Technologies, LC (2076); New Colony Farms, LLC (9246); Heritage Farms, LLC (8141); Heritage Land, LLC (8129); Genetics Operating, LLC (1921); M2P2 Facilities, LLC (8748); MGM, LLC (8748); M2P2 General Operations, LLC (8748); New Colony Land Company, LLC(5834); M2P2 AF JV, LLC (8748); Midwest Finishing, LLC (8748); and Genetics Land, LLC (1921). The location of the corporate headquarters for AgFeed Industries, Inc. is 100 Bluegrass Commons Blvd., Suite 310, Hendersonville, Tennessee 37075. The location of the corporate headquarters for the remaining Debtors is 510 South 17th Street, Suite 104, Ames, Iowa 50010.

DEBTORS	ADDRESS	OTHER NAMES (Used by the Debtors in the last 8 years)	CASE NO.	EIN NO.
Midwest Finishing, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11775	xx-xxx-8748
New Colony Farms, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11766	xx-xxx-9246
New Colony Land Company, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11773	xx-xxx-5834
New York Finishing, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11764	xx-xxx-8748
Pork Technologies, LC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11765	xx-xxx-2076
TS Finishing, LLC	510 South 17th Street Suite 104 Ames, Iowa 50010		13-11763	xx-xxx-8748

On September 27, 2013, the United States Bankruptcy Court for the District of Delaware (the "Court") entered an order in the Chapter 11 Cases (the "Bar Date Order") establishing certain claims bar dates in the Chapter 11 Cases. By the Bar Date Order, the Court established **November 12, 2013, at 4:00 p.m. (Prevailing Eastern Time)**, as the claims bar date (the "General Bar Date") and **January 13, 2014, at 4:00 p.m. (Prevailing Eastern Time)** as the Governmental Units claims bar date (the "Governmental Bar Date"). Except as described below, the Bar Date Order requires all Entities, other than Governmental Units, that have or assert any Pre-Petition Claims and/or AgFeed USA Post-Petition Claims arising prior to September 12, 2013 (the "Closing Date") against the Debtors (including claims arising under section 503(b)(9) of the Bankruptcy Code) to file proofs of claim (each a "Proof of Claim," or collectively, "Proofs of Claim") with BMC Group, Inc. ("BMC"), the claims, noticing, and balloting agent in these cases, so that their Proofs of Claim are received by BMC **on or before 4:00 p.m. (Prevailing Eastern Time) on the General Bar Date**. In addition, the Bar Date Order requires that all Governmental Units file Proofs of Claim with BMC so that their Proofs of Claim are received by BMC **on or before 4:00 p.m. (Prevailing Eastern Time) on the Governmental Bar Date**.

For your convenience, enclosed with this notice is a proof of claim form (the "Proof of Claim Form") that identifies on its face the amount, nature, and classification of your Claim(s), if any, listed in the Debtors' schedules of assets and liabilities or statements of financial affairs filed in these cases (collectively, the "Schedules").

#### **KEY DEFINITIONS**

As used in this notice, the term "Entity" has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes all persons (individuals, partnerships, and corporations), estates, trusts, and the United States Trustee for the District of Delaware.

As used in this notice, the term "Governmental Unit" has the meaning given to it in section 101(27) of the Bankruptcy Code and includes the United States, states, commonwealths, districts, territories, municipalities, foreign states, or departments, agencies, or instrumentalities of the foregoing.

As used in this notice, the term "Claim" shall mean, as to or against the Debtors and in accordance with section 101(5) of the Bankruptcy Code: (a) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured. Moreover, "Claim," as used herein, shall also refer to any administrative expense claims arising prior to the Closing Date filed pursuant to section 503(b) of the Bankruptcy Code.

As used in this notice, the term "Pre-Petition Claim" shall mean any alleged claim against the Debtors arising prior to July 15, 2013, including any alleged administrative priority claim arising under section 503(b)(9) of the Bankruptcy Code for goods provided prior to the Petition Date.

As used in this notice, the term "Post-Petition Claim" shall mean any alleged administrative expense claim accruing against AgFeed USA or any other Debtor (excluding Debtor AgFeed Industries, Inc.) post-petition through and including the Closing Date.

### **WHO MUST FILE A PROOF OF CLAIM AND THE APPLICABLE BAR DATES**

#### **The Bar Dates**

The Bar Date Order establishes the following bar dates for filing Proofs of Claim in these cases (collectively, the "Bar Dates"):

**The General Bar Date.** Pursuant to the Bar Date Order, all Entities, other than Governmental Units, holding Claims against any of the Debtors (whether secured, administrative expense, unsecured priority, or unsecured nonpriority) that arose prior to or on July 15, 2013, are required to file Proofs of Claim by the General Bar Date, November 12, 2013, at 4:00 p.m. (Prevailing Eastern Time). Moreover, all Entities, other than Governmental Units, holding Claims against AgFeed USA or any other Debtor (excluding Debtor AgFeed Industries, Inc.) that arose subsequent to July 15, 2013, but prior to the Closing Date are required to file Proofs of Claim pursuant to section 503(b) of the Bankruptcy Code by the General Bar Date.

**The Governmental Bar Date.** Pursuant to the Bar Date Order, Governmental Units holding Claims against the Debtors that arose prior to or on July 15, 2013, are required to file Proofs of Claim by the Governmental Bar Date, January 13, 2014, at 4:00 p.m. (Prevailing Eastern Time).

**The Rejection Bar Date.** Any Entity whose Claims arise out of the Court-approved rejection of an executory contract or unexpired lease, in accordance with section 365 of the Bankruptcy Code and pursuant to an order entered prior to the confirmation of a chapter 11 plan in the Chapter 11 Cases (a "Rejection Damages Claim"), must file a Proof of Claim on or before the later of: (i) the General Bar Date, (ii) 4:00 p.m. (Prevailing Eastern Time) on the date that is thirty (30) days after entry of an order approving the rejection of an executory contract or unexpired lease pursuant to which the Entity asserting the Rejection Damages Claim is a party, or (iii) such other date as the Court may fix. The later of these dates is referred to in this notice as the "Rejection Bar Date."

#### **Entities That Must File Proofs of Claims by the General Bar Date**

Subject to terms described above for holders of Claims subject to the Rejection Bar Date, the following Entities must file Proofs of Claim on or before the General Bar Date:

- (a) any Entity whose Pre-Petition Claim against the Debtors is not listed in the Debtors' Schedules or whose Pre-Petition Claim is listed in the Schedules but is listed as disputed, contingent, or unliquidated and that desires to participate in these Chapter 11 Cases or share in any distribution in these Chapter 11 Cases;
- (b) any Entity that believes that its Pre-Petition Claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its Claim allowed in a classification or amount other than that identified in the Schedules;
- (c) any Entity, other than a Governmental Unit, that asserts an administrative expense claim against the Debtors (excluding Debtor AgFeed Industries, Inc.) pursuant to section 503(b) of the Bankruptcy Code for goods or services provided after the Petition Date but prior to the Closing Date; and
- (d) any Entity that believes it has a Pre-Petition Claim arising under section 503(b)(9) of the Bankruptcy Code for goods provided prior to the Petition Date.

#### **Entities Not Required to File Proofs of Claim by the General Bar Date**

The Bar Date Order further provides that the following Entities need not file Proofs of Claim by the General Bar Date:

- (a) any Entity that has already properly filed a Proof of Claim against one or more of the Debtors with either BMC or the Clerk of the Court for the United States Bankruptcy Court for the District of Delaware;
- (b) any Entity (i) whose Claim is listed in the Schedules or any amendments thereto; (ii) whose Claim is not described therein as "disputed," "contingent," or "unliquidated;" and (iii) who does not dispute the amount or classification of its Claim as set forth in the Schedules;

- (c) professionals retained by the Debtors, the official committee of unsecured creditors, or the official committee of equity security holders pursuant to orders of this Court, including BMC, who assert administrative Claims for payment of fees and expenses subject to the Court's approval pursuant to sections 330, 331(a), and 503(b) of the Bankruptcy Code;
- (d) current officers and directors of the Debtors who assert Claims for indemnification and/or contribution arising as a result of such officers' or directors' pre-petition or post-petition services to the Debtors;
- (e) any Debtor asserting a Claim against another Debtor;
- (f) any Entity whose Claim against the Debtors has been allowed by an order of the Court entered on or before the applicable Bar Date;
- (g) any Entity whose Claim has been paid by the Debtors;
- (h) any Entity holding a Claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930;
- (i) any direct or indirect non-debtor subsidiary or affiliate of the Debtors;
- (j) any Entity that holds an interest in the Debtors, whose interest is based exclusively upon the ownership of common or preferred stock, membership interests, partnership interests, or warrants or rights to purchase, sell or subscribe to such a security or interest; provided, however, that interest holders that wish to assert Claims (as opposed to ownership interests) against the Debtors that arise out of or relate to the ownership or purchase of an interest, including Claims arising out of or relating to the sale, issuance, or distribution of the interest, must file Proofs of Claim on or before the applicable Bar Date, unless another exception identified herein applies; and
- (k) Farm Credit Services of America, FLCA and Farm Credit Services of America, PCA (collectively, "Farm Credit") as lenders under that certain Credit Agreement of AgFeed USA and the other borrowers party thereto, dated as of June 6, 2006, as amended, supplemented, or otherwise modified (the "Credit Agreement"), but only to the extent that the Claims of Farm Credit arise under the Credit Agreement.

**Filing Proofs of Claim Against Multiple Debtors; Requirement to Identify Debtor; and Entitlement to Administrative Expense Status**

Any Entity asserting Claims against more than one Debtor must file a separate Proof of Claim with respect to each such Debtor. In addition, any Entity filing a Proof of Claim must identify on its Proof of Claim Form the particular Debtor against which its Claim is asserted, and whether all or a portion of such claim is entitled to administrative expense status pursuant to section 503(b) of the Bankruptcy Code.

**CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM**

Any Entity that is required to file a Proof of Claim, but fails to do so by the applicable Bar Date described in this notice, absent a subsequent order of the Court, shall not be treated as a creditor with respect to such Claim for the purposes of voting on or distribution under any chapter 11 plan proposed and/or confirmed in these Chapter 11 Cases.

**If it is unclear from the Schedules whether your Claim is disputed, contingent, or unliquidated as to amount or your Claim is improperly listed or classified, you must file a Proof of Claim on or before the applicable Bar Date.** Any Entity that relies on the information in the Schedules bears responsibility for determining that its Claim is accurately listed therein.

**RESERVATION OF RIGHTS**

The Debtors reserve the right to (a) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification, or otherwise; and (b) subsequently designate any Claim as disputed, contingent, or unliquidated. Nothing contained in this notice shall preclude the Debtors from objecting to any Claim, whether scheduled or filed, on any grounds.

**PROCEDURE FOR FILING PROOFS OF CLAIM**

Original Proofs of Claim must be sent by mail, overnight courier, or messenger so as to be received no later than 4:00 p.m. (Prevailing Eastern Time) on the applicable Bar Date. If a Proof of Claim is sent by first class

mail, the mailing address is: BMC Group, Inc., Attn: AgFeed USA, LLC Claims Processing, PO Box 3020, Chanhassen, MN 55317-3020. If a Proof of Claim is sent by overnight mail, overnight courier, or hand delivery, the address is: BMC Group, Inc., Attn: AgFeed USA, LLC Claims Processing, 18675 Lake Drive East, Chanhassen, MN 55317. **Any Proof of Claim submitted by facsimile or e-mail will not be accepted and will not be deemed filed until the Proof of Claim is submitted by one of the methods described in the foregoing sentence.** Proofs of Claim will be deemed filed only when actually received by BMC. If you wish to receive acknowledgement of BMC's receipt of your Proof of Claim, you must also submit by the applicable Bar Date and concurrently with submitting your original Proof of Claim, (a) a copy of your original Proof of Claim and (b) a self-addressed, stamped return envelope.

Proofs of Claim must include all documentation required by Bankruptcy Rules 3001(c) and 3001(d), including an original or a copy of any written document that forms the basis of the Claim or, for secured Claims, evidence that the alleged security interest has been perfected. However, upon the advance express written consent of the Debtors, a claimant's Proof of Claim may be filed without the documents required by Bankruptcy Rules 3001(c) and 3001(d); provided, however, that any claimant that receives such a written consent will be required to transmit these documents in support of its Claim to BMC, the Debtors or other parties in interest within ten (10) days after the date of a written request for such documents.

#### **ADDITIONAL INFORMATION**

You may be listed as the holder of a Claim against the Debtors in the Schedules. If you hold or assert a Claim that is not listed in the Schedules, if you disagree with the amount or priority of your Claim as listed in the Schedules, or if your Claim is listed in the Schedules as contingent, unliquidated, or disputed, you **must** file a Proof of Claim. Copies of the Schedules and the Bar Date Order are available for inspection during regular business hours at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of Delaware, 3<sup>rd</sup> Floor, 824 Market Street, Wilmington, Delaware 19801. In addition, copies of the Debtors' Schedules and Bar Date Order may be obtained for free on BMC's website (<http://bmcgroup.com/restructuring/geninfo.aspx?ClientID=323>); for a fee at the Bankruptcy Court's website (<http://www.deb.uscourts.gov/>) by following the directions for accessing the ECF system on such website; or for a charge through Delaware Document Retrieval, 2 East 7<sup>th</sup> Street, 2<sup>nd</sup> Floor, Wilmington, Delaware 19801.

Questions concerning the contents of this notice and requests for Proofs of Claim should be directed to BMC at (888) 909-0100 between the hours of 8:00 a.m. and 6:00 p.m. (Prevailing Eastern Time), Monday through Friday. **Please note that BMC's staff is not permitted to give legal advice. You should consult your own attorney for assistance regarding any other inquiries, such as questions concerning the completion or filing of a Proof of Claim.**

Dated: Wilmington, Delaware  
September 27, 2013

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Donald J. Bowman, Jr.

Robert S. Brady (No. 2847)

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BMC Group, Inc  
ATTN: AGFEED USA, LLC CLAIMS PROCESSING  
18675 LAKE DRIVE EAST  
CHANHASSEN, MN 55317

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NOV 07 2013

BMC GROUP

