

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**PROOF OF CLAIM**



In re  
**ALLEGIANCE TELECOM, INC , et al ,**

Case Number  
**03-13057 (RDD)**  
Jointly Administered

**FILED**  
**USBC SOUTHERN DISTRICT OF NEW YORK**  
**ALLEGIANCE TELECOM, INC**  
**03-13057 (RRD)**  
**1284**  
**REC'D NOV 11 2003**  
If you have already properly filed a proof of claim with the Bankruptcy Court, you do not need to file again.

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  
 Check box if you have never received any notices from the bankruptcy court in this case.  
 Check box if this address differs from the address on the envelope sent to you by the court.

**Name of Creditor and Address**  
 03899999007815  
First Industrial LP  
BRUCE R WYATT ATTY PC  
BRUCE R WYATT  
1725 GAYLORD ST  
#210  
DENVER CO 80206  
**Creditor Telephone Number (303) 329-9700**

CREDITOR TAX ID #  
**36-4485734**

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR  
**12217**

Check here  replaces or amends a previously filed claim dated \_\_\_\_\_ if this claim

**1 BASIS FOR CLAIM**  
 Goods sold       Personal injury/wrongful death       Retiree benefits as defined in 11 U.S.C. § 1114(a)  
 Services performed       Taxes       Wages, salaries, and compensation (Fill out below)  
 Money loaned       Other (describe briefly below) Real property lease expenses for 2002  
 Your social security number \_\_\_\_\_  
 Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

**2 DATE DEBT WAS INCURRED** \_\_\_\_\_ **3 IF COURT JUDGMENT, DATE OBTAINED** \_\_\_\_\_

**4 TOTAL AMOUNT OF CLAIM AT TIME CASE FILED** \$ 5,701.42 (unsecured) \$ \_\_\_\_\_ (secured) \$ 5,701.42 (unsecured priority) (total)

If all or part of your claim is secured or entitled to priority, also complete item 5 or 6 below.  
 Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**5 SECURED CLAIM**  
 Check this box if your claim is secured by collateral (including a right of setoff).  
Brief description of collateral:  
 Real Estate  
 Motor Vehicle  
 Other \_\_\_\_\_  
Value of collateral \$ \_\_\_\_\_  
Amount of arrearage and other charges at time case filed included in secured claim above if any \$ \_\_\_\_\_

**6 UNSECURED PRIORITY CLAIM**  
 Check this box if you have an unsecured priority claim.  
Specify the priority of the claim:  
 Wages, salaries, or commissions (up to \$4,650\*) earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier. 11 U.S.C. § 507(a)(3)  
 Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(4)  
 Up to \$2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(6)  
 Alimony, maintenance, or support owed to a spouse, former spouse, or child. 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 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7 CREDITS** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8 SUPPORTING DOCUMENTS** Attach copies of supporting documents such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS if the documents are not available to explain. If the documents are voluminous, attach a summary. **FOUR PAGES ATTACHED**

**9 DATE-STAMPED COPY** To receive an acknowledgment of your claim, please enclose a self-addressed stamped envelope and an additional copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 5:00 p.m., November 26, 2003, Prevailing Eastern Time.

**BY MAIL TO** United States Bankruptcy Court  
Southern District of New York  
Allegiance Claims Docketing Center  
Bowling Green Station P O Box 95  
New York NY 10274-0095

**BY HAND OR OVERNIGHT DELIVERY TO** United States Bankruptcy Court  
Southern District of New York  
Allegiance Claims Docketing Center  
One Bowling Green Room 534  
New York NY 10004-1408

DATE SIGNED  
**10/28/03**

SIGN and print the name and title if any of the creditor or other person authorized to file this claim (attach copy of power of attorney if any).  
*Bruce R Wyatt*  
**Bruce R Wyatt, #9540**  
**Bruce R Wyatt Attorney, PC**

Allegiance Claim  
 01326  
**RECEIVED**  
**NOV - 3 2003**  
**CLAIMS PROCESSING CENTER**  
**USBC SDNY**

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 AND 3571

**See Other Side For Instructions**



FIRST INDUSTRIAL MANAGEMENT SERVICES INC  
5350 South Roslyn Street  
Suite 240  
Englewood Colorado 80111  
303/220 5565  
Fax 303/220 5585

August 1 2003

Allegiance Telecom Service Corporation  
Annabelle Jo Frycki  
Manager, Lease Administration  
3480 Buskirk Avenue, Suite 301  
Pleasant Hill CA 94523

RE Prior Year CAM Reconciliation

Dear Ms Frycki

Please find enclosed your Rent Statements and 2002 Prior Year CAM Reconciliation for your review. You will see that there are two (2) CAM reconciliations one representing the period of time that First Industrial owned the building and the other one representing the time period after we sold the building. The First Industrial portion resulted in a balance due of \$12,727.29 and the other portion resulted in a credit of (\$7,025.87) for a net balance due of \$5,701.42. The 2002 budget anticipated that each tenant would be paying his or her own electricity to Xcel Energy directly which is the normal way it is done. However your facility is not metered in a way in which Xcel can bill each tenant therefore, they bill us and we pass it through in CAM on a pro-rata basis. This resulted in the balance due.

Please call me at 720-528-7248 if you have any questions on how these expenses were calculated and if you have any questions on how the charges/credits were applied to your account please call our Senior Accountant Shirley Nichols at 720-528-7240. Thank you.

Sincerely

FIRST INDUSTRIAL REALTY

A handwritten signature in cursive script that reads "Pam Rice".

Pam Rice  
Senior Property Manager

enclosures

**ALLEGIANCE TELECOM SERVICE CORPORATION**

**Statement of Operating Expenses 01/01/02 through 12/31/02**

**Project Square Feet** 32,741 00  
**Tenant Square Feet** 11,746  
**Share Factor** 35.8755%  
**Commencement Date** 07/01/00  
**Ending Date / Move Out Date** 06/30/05

**Company** 12217  
**Building ID** 12217  
**Lease Number** 2396  
**Lease Version** 1  
**Batch Number** 291655

**Tenant Address**

ALLEGIANCE TELECOM SERVICE CORPORATION  
 9197 6th Avenue  
 Lakewood CO 80215

**Billing Address**

ALLEGIANCE TELECOM SERVICE CORPORATION  
 9201 N CENTRAL EXPRESSWAY  
 DALLAS TX 75231

**Tenant Share of Expense**

	<b>Project Amount</b>	<b>Tenant Amount</b>
Insurance	1 997 50	
Total Insurance		716 61
Maintenance & Repairs	23 125 20	
Total Maintenance & Repairs		8,296 28
Management Fees	16 757 35	
Total Management Fees		6,011 78
Real Estate Taxes	45 971 34	
Total Real Estate Taxes		16,492 45
Utilities	30 472 92	
Total Utilities		10 932 31
<b>Total Tenant Expense</b>		<u><u>42,449.43</u></u>

**Less Billed Income**

Maint & Repair		29,722 14
<b>Total Billed Income</b>		<b>29,722 14</b>
<b>Total Due</b>		<b>12,727 29</b>

**Grand Total Due** 12,727.29

Allegiance Telecom Service

Statement of Operating Expenses 10/01/02 through 12/31/02

Project Square Feet 32 741 00  
 Tenant Square Feet 11,746  
 Share Factor 35 8755%  
 Commencement Date 10/1/02  
 Ending Date / Move Out Date 08/30/05

Company 87418  
 Building ID\* 87418  
 Lease Number 5169  
 Lease Version\* 1

Tenant Address.

Billing Address

ALLEGIANCE TELECOM SERVICE  
 9197 6TH AVE  
 LAKEWOOD, CO 80215

ALLEGIANCE TELECOM SERVICE  
 9197 6TH AVE  
 LAKEWOOD, CO 80215

Project Expense Description	Project Amount	Tenant Amount
C/A Insurance	654 00	234 63
<b>Insurance Total</b>	<b>654 00</b>	<b>234 63</b>
Rec Bldg Imp - Landscaping	-	-
Rec Land Imp- Other	-	-
C/A Electric	-	-
C/A Refuse	1,770 12	635 04
C/A Water / Sewer	766 47	274 97
C/A Building Maint Contr	-	-
C/A Other Utilities-Telephone	1,794 50	643 79
C/A Exterior Light	42 47	15 24
C/A Other Exterior	136 25	48 88
C/A Other Interior	112 50	40 36
C/A Cleaning / Janitorial	-	-
C/A Electrical	71 50	25 65
C/A Fire Prevention	40 00	14 35
C/A Landscaping	-	-
C/A Parking Lot	-	-
C/A Pest Control	-	-
C/A Plumbing	-	-
C/A HVAC	-	-
C/A Locks & Keys	-	-
C/A Painting	-	-
C/A Roofing	-	-
C/A Signage	74 39	26 69
C/A Snow Removal	-	-
C/A Other Repair/Maintenance	-	-
C/A Other Protection & Sec	113 42	40 69
C/A Irrigation System	-	-
C/A Sweeping	-	-
<b>Maintenance &amp; Repairs Total</b>	<b>4 921 62</b>	<b>1,765 66</b>
C/A Management Fees - Internal	2,456 35	881 23
<b>Management Fees Total</b>	<b>2,456 35</b>	<b>881 23</b>
C/A Real Estate Tax Appeals	-	-
C/A Real Estate Taxes	-	-
<b>Real Esatate Taxes Total</b>	<b>-</b>	<b>-</b>
<b>Total Project Expenses</b>	<b>8,031 97</b>	<b>2,881 51</b>

**BRUCE R WYATT**  
ATTORNEY P C

Bruce R Wyatt, #9540  
1725 Gaylord St , Suite 210  
Denver, CO 80206-1208

(303) 329-9700 Ext 111  
Fax (303) 329-6950  
E-mail bruce@brucewyattlaw.com

October 28, 2003


U S Bankruptcy Court  
Southern District of New York  
Allegiance Claims Docketing Center  
Bowling Green Station, P O Box 95  
New York, NY 10274-0095

Re **In re Allegiance Telecom, Inc., et al.**, Case No 03-13057 (RDD)

Dear Clerk

Enclosed please find an original and two copies of a Proof of Claim in the above case for First Industrial, L P Please return one copy to me after date stamping for my file Thanks for your assistance

Very truly yours,

  
Bruce R. Wyatt, #9540  
**Bruce R. Wyatt Attorney, PC**

cc First Industrial Realty Trust, Inc