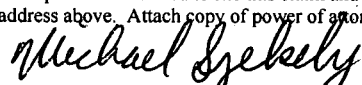



<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>SETLA, LLC, ET AL.</b>		Case Number: <b>09-11962</b>
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <b>Elyria Public Utilities</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: _____ (If known)  Filed on: _____
Name and address where notices should be sent: <b>CITY OF ELYRIA LAW DIRECTOR'S OFFICE 131 COURT ST., STE. 201 ELYRIA, OH 44035</b>  Telephone number: <b>(440) 326-1464</b>		
Name and address where payment should be sent (if different from above):     Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ <u>802.70</u>  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim.  <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 \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, 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).  <input type="checkbox"/> Up to \$2,425* 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)( ).  Amount entitled to priority:  \$ _____  *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
2. Basis for Claim: <u>Public Utility Services</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____  3a. Debtor may have scheduled account as: <u>406-3125-22-01</u> (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>711 CLEVELAND ST., ELYRIA OH (SEE EXHIBIT B)</u>  Value of Property: \$ _____ Annual Interest Rate _____ %  Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: <u>see Exhibit "B"</u>  Amount of Secured Claim: \$ <u>802.70</u> Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  7. Documents: Attach 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. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		
Date: <u>12/21/2009</u>  Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.   <b>Michael E. Szekely</b> Asst. Law Director City of Elyria		FOR COURT USE ONLY      00188

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.

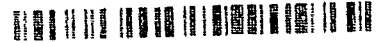
DEC 28 2009

BMC GROUP

EXHIBIT "A"

ELYRIA PUBLIC UTILITIES

131 COURT ST. • P.O. BOX 4018  
ELYRIA, OHIO 44036-4018



406-3125-22-01

ACCOUNT NO 406-3125-22-01 7/23/2009  
SERVICE AT 711 CLEVELAND ST

PRESORTED  
FIRST CLASS MAIL  
U.S. POSTAGE PAID  
ELYRIA, OH  
PERMIT NO. 366

CODE	METER READINGS		USAGE	AMOUNT
	PRESENT	PREVIOUS		

RETURN SERVICE REQUESTED

PREVIOUS BALANCE 802.70  
WT 10053 10053

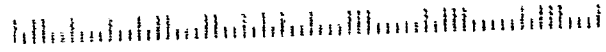
\*\*AUTO

THIS IS AN INDIVIDUAL'S BILL  
NOT A PROPERTY RELEASE. CONTACT  
OFFICE FOR A PROPERTY RELEASE.

SETLA DBA RALLYE  
P O BOX 789702  
WICHITA KS  
67278-9702

PLEASE RETURN THIS STUB WITH PAYMENT

READING DATES	AMOUNT DUE	802.70	FINAL BILL	8/10/2009
PREVIOUS 6/24/2009	PAY BY	8/10/2009	AMOUNT DUE	802.70
PRESENT 6/24/2009			AMOUNT YOU PAID	



PROOF OF CLAIM EXHIBIT "B"

United States Bankruptcy Court  
District of Delaware  
Case No.: 09-11962

In re: Debtor(s):  
Setla, LLC, et al.  
DBA Rallys

Creditor: City of Elyria Public Utilities Department

ELYRIA CODIFIED ORDINANCES

CHAPTER 940  
Water, Sewer and Sanitation Accounts

940.01 ASSESSMENT OF CHARGES; REMEDY OF CITY FOR NONPAYMENT.

"(a) All charges for water usage, as provided in Chapter 939, all sewer charges, as provided in Chapter 937, and all charges for sanitation services, as provided in Chapter 959, are assessed against the property to which the service is rendered and are a lien against said property, collectible the same as other liens and taxes. Transfer of ownership of property connected to the public water system and sanitary sewer system, and subject to sanitation charges of the City, shall not relieve the property of responsibility for charges assessed against the property.

(b) Any City utility account established and maintained in the name of a tenant, lessee or other person or party for water, sanitary sewer and sanitation services provided to the premises shall not relieve the property or the owner of the property for liability for water charges, sanitary sewer charges and sanitation charges."