

UNITED STATES BANKRUPTCY COURT <u>NORTHERN</u> DISTRICT OF <u>TEXAS</u>		PROOF OF CLAIM
Name of Debtor(s): CANO PETRO OF NEW MEXICO INC		Case Number: 12-31550
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.		62 FILED APR 24 2012 TAWANA C. MARSHALL, CLERK U.S. BANKRUPTCY COURT, NORTHERN DISTRICT OF TEXAS
Name of Creditor (The person or other entity to whom the debtor owes money or property): NM Taxation & Revenue Department		
Name and address where notices should be sent: NM Taxation & Revenue Department PO Box 8575 Albuquerque, NM 87198-8575		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Telephone number: 505 222-8693 email: charles.ritz@state.nm.us		RECEIVED JUN 04 2012 BMC GROUP
Name and address where payments should be sent (if different from above): NM Taxation & Revenue Department PO Box 8575 Albuquerque, NM 87198-8575		
Telephone number: 505 222-8693 email: charles.ritz@state.nm.us		<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.
1. Amount of Claim as of Date Case Filed: <u>\$ 50,831.22</u>		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
If all or part of your claim is secured, complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" 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.		
2. Basis for Claim: <u>State Taxes</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>4572</u> <u>*1740, *1-00-4, *8802</u>	3a. Debtor may have scheduled account as: <u>(See instruction #3a)</u>	3b. Uniform Claim Identifier (optional): <u>(See instruction #3b)</u>
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 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		<u>\$0.00</u>
Describe: <u>*All property and rights to property of the debtor, Section 7-1-37, NMSA 1978</u>		Basis for perfection:
Value of Property: <u>\$0.00</u>		Amount of Secured Claim: <u>\$0.00</u>
Annual Interest Rate <u>0</u> % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable		Amount Unsecured: <u>\$0.00</u>
(when case was filed)		
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).
<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 checked="" 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)(0).
		Amount entitled to priority: <u>\$ 45,298.68</u>
*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)		



B10 (Official Form 10) (12/11)

btL070 v11 - L0471863616

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:

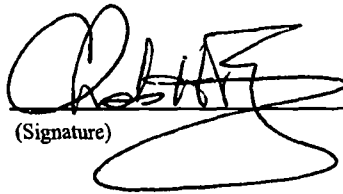
8. Signature: (See instruction #8)

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.
(Attach copy of power of attorney, if any.)
- 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 the best of my knowledge, information, and reasonable belief.

Print Name: Charles H. Ritz
 Title: Tax Examiner
 Company: New Mexico Taxation and Revenue Department
 Address and telephone number (if different from notice address above):



(Signature)

April 19, 2012

(Date)

Telephone number: 505 222-8693 email: charles.ritz@state.nm.us

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.



**STATE OF NEW MEXICO
Taxation and Revenue Department**

**Proof of Claim
Form 10 Attachment**



Susana Martinez
Governor

Demesia Padilla, CPA
Secretary

In the Matter of:

CANO PETRO OF NEW MEXICO INC
801 CHERRY ST UNIT 3200
FORT WORTH, TX 76102-6882

Case Number 12-31550
Chapter 11

April 19, 2012
FEIN: **-***4572
Letter ID: L0471863616
Date of Petition 03/07/2012

45,298.68

Priority Comments

Debt is estimated tax and interest on non-filed OGP withholding tax returns, ID #04181281740-OGP for periods 06/30 to 03/07/2012 (pro-rated); estimated tax and interest on non-filed OGP-R returns, ID #05-500321-00-4 for periods 03/2011 thru 03/07/2012 (pro-rated); Tax and interest on filed returns OGRID # 248802 from 06/2011 thru 12/11 (assessment numbers attached)

5,532.54

General Unsecured Comments

Debt is estimated penalty on non-filed OGP-withholding tax returns, ID #04181281740-OGP for periods 06/30 to 03/07/2012 (pro-rated to petition); estimated penalty on non-filed OGP-R returns, ID #05-500321-00-4 for periods 03/2011 thru 03/07/2012 (pro-rated to petition); penalty on filed returns OGRID # 248802 from 06/2011 thru 12/11 (assessment numbers attached)

OGP Withholding Tax

Period	Tax	Penalty	Interest	Credit	Balance	Status
7-Mar-12	2,500.00	0.00	0.00	0.00	2,500.00	no return filed, est.
31-Dec-11	3,750.00	150.00	12.91	0.00	3,912.91	no return filed, est.
30-Sep-11	3,750.00	375.00	41.24	0.00	4,166.24	no return filed, est.
30-Jun-11	3,750.00	600.00	76.48	0.00	4,426.48	no return filed, est.
Totals for OGP	13,750.00	1,125.00	130.63	0.00	15,005.63	

Cano Petro of New Mexico, Inc.
ID # 04181281740-OGP

CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. Creditor reserves all setoff rights under New Mexico law, including those arising from audits, credits, refunds or payments due for goods and services provided to the State of New Mexico.



**STATE OF NEW MEXICO
Taxation and Revenue Department**

**Proof of Claim
Form 10 Attachment**



Susana Martinez
Governor

Demesia Padilla, CPA
Secretary

In the Matter of:

CANO PETRO OF NEW MEXICO INC
801 CHERRY ST UNIT 3200
FORT WORTH, TX 76102-6882

Case Number 12-31550
Chapter 11

April 19, 2012
FEIN: **-*4572
Letter ID: L0471863616
Date of Petition 03/07/2012

OGP Tax Remitter

Period	Tax	Penalty	Interest	Credit	Balance	Status
7-Mar-12	2,500.00	0.00	0.00	0.00	2,500.00	no return filed, est.
31-Dec-11	3,750.00	150.00	12.91	0.00	3,912.91	no return filed, est.
30-Jun-11	3,750.00	600.00	76.48	0.00	4,426.48	no return filed, est.
31-Mar-11	3,750.00	750.00	113.88	0.00	4,613.88	no return filed, est.
Totals for OGP-R	17,662.00	1,500.00	203.27	(3,912.00)	15,453.27	

Cano Petro of New Mexico,
Inc.
ID # 05-500321-00-4

**Oil and Gas Taxes OGRID
Assessments**

Assessment Number:	Reason Code	Issue Date:	Prod. Periods	Due Date	Return ID #	Principal Due:	Penalty Due:	Interest Due:	Total Due:	Interest through:
68469	RR	4/17/2012	Dec-11	02/27/12	137600	\$17,258.61	\$345.17	\$12.43	\$17,616.21	03/07/12
68369	PI	3/16/2012	Nov-11	01/25/12	137465	\$0.00	\$722.53	\$26.01	\$748.54	02/02/12
67237	PI	1/18/2012	Sep-11	11/28/11	136128	\$0.00	\$350.95	\$19.65	\$370.60	01/25/12
66838	PI	12/17/2011	Aug-11	10/25/11	135491	\$0.00	\$674.88	\$67.49	\$742.37	12/27/11
65776	PI	10/15/2011	Jun-11	08/25/11	134052	\$0.00	\$814.01	\$80.59	\$894.60	10/25/11
Totals for OGRID Assessments						\$17,258.61	\$2,907.54	\$206.17	\$20,372.32	

Cano Petro of New Mexico,
Inc.
OGRID ID # 248802

TAXES: New Mexico has a self-reporting tax system and taxpayers have a statutory obligation to determine their tax liabilities and accurately report those liabilities to the state. *NMSA 1978, 7-1-13; Tiffany Construction Co. v. Bureau of Revenue, 90 N.M. 16, 17, 558 P.2d 1155, 1156 (Ct App. 1976)*
Amended NM returns are required to be filed if IRS returns are amended, or if the IRS makes an adjustment to a previously filed return.

CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. Creditor reserves all setoff rights under New Mexico law, including those arising from audits, credits, refunds or payments due for goods and services provided to the State of New Mexico.



Susana Martinez
Governor

STATE OF NEW MEXICO
Taxation and Revenue Department

Audit & Compliance Division

Compliance Bureau
Bankruptcy Section
5301 Central N.E.

PO Box 8575 Albuquerque, NM 87198-8575



New Mexico
Taxation and Revenue Department

Demesia Padilla, CPA
Secretary

Bankruptcy Court Clerk's Office
1100 Commerce Street
Room 1254
Dallas, TX 75242

RE: CANO PETRO OF NEW MEXICO INC
I.D. No: **..***4572
Chapter 11
Bankruptcy No: 12-31550
Amount: \$ 50,831.22

Dear U.S. Bankruptcy Court:

We are enclosing:

- 1) Original Proof of Claim and 1 copy.
- 2) Original Administrative Claim and 0 copies.
- 3) Amended Proof of Claim and 0 copies.
- 4) Amended Administrative Claim and 0 copies.
- 5) One copy, which is for U. S. Trustee, Trustee.

Please file the original(s) and return one confirmed copy to me in the enclosed self-addressed stamped envelope.

Sincerely,

Charles Ritz
Tax Examiner

Enclosure

Northern District of Texas Claims Register

12-31550-bjh11 Cano Petro of New Mexico, Inc.

Judge: Barbara J. Houser **Chapter:** 11
Office: Dallas **Last Date to file claims:** 07/05/2012
Trustee: **Last Date to file (Govt):**

<p><i>Creditor:</i> (14779695) NM Taxation and Revenue Department PO Box 8575 Albuquerque, NM 87198- 8575</p>	<p><u>History</u> Claim No: 2 <i>Original Filed</i> Date: 04/24/2012 <i>Original Entered</i> Date: 05/10/2012</p>	<p><i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> M. Mathews <i>Modified:</i></p>
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Amount claimed: \$50831.22
 Priority claimed: \$45298.68

History:

Details 2-1 04/24/2012 Claim #2 filed by NM Taxation and Revenue Department, Amount claimed: \$50831.22 (Mathews, M.)

Description:
Remarks:

Claims Register Summary

Case Name: Cano Petro of New Mexico, Inc.
Case Number: 12-31550-bjh11
Chapter: 11
Date Filed: 03/07/2012
Total Number Of Claims: 1

Total Amount Claimed*	\$50831.22
Total Amount Allowed*	

*Includes general unsecured claims

The values are reflective of the data entered. Always refer to claim documents for actual amounts.

	Claimed	Allowed
Secured		
Priority	\$45298.68	
Administrative		