U S BANKRUPTCY COURT
DISTRICT OF DELAWARE
AT WILMINGTON

RECD AUG 26 2004

AMENDED SUPERSEDING PROOF OF CLAIM OHIO DEPARTMENT OF TAXATION

IN RE CHI-CHI'S INC
2701 ALTON PKWY
IRVINE CA 92606
aka/dba

Case No 03-13063-S
Chapter 11

1 The undersigned whose office address is at 30 East Broad Street Columbus Ohio 43215 is the duly appointed agent of the Tax Commissioner of the State of Ohio and is authorized to make this Proof of Claim on behalf of the claimant

2 Claimant has caused to be filed an original Proof of Claim dated January 6 2004 Claimant has caused to be filed Supplemental Proof of Claim dated February 5 2004 Claimant has caused to be filed an Amended Superseding Proof of Claim dated May 4 2004 Claimant has cause to believe these Proofs of Claims contained inadequate information Wherefore this Amended Superseding Proof of Claim should be considered to supersede the previous claims

3 The debtor is now indebted to the State of Ohio in the amount set forth below, as follows

1 Use Tax Assessment 97-1339410 PRIORITY
Filed County Docket Page

1	Tax Due For 1/1/2000 through 12/31/2002	
2	Total Amount of Tax Due	$101 204 69
3	Total Amount of Interest Due	$20 214 63
4	Total Amount of Penalty Due	$10,120 47
5	Total Amount of Assessment	$131 539 79

TOTAL AMOUNT DUE $131,539 79

4 No judgments have been rendered except as set out in Paragraph 3 above

5 The amount of all payments have been credited and deducted for the purpose of making this Proof of Claim

6 This claim is not subject to any set off or counterclaim

7 No security interest is held for this claim except to the extent that the judgment set out in Paragraph 3 above has attached to real estate owned by the debtor

8 The tax and interest claims listed above are entitled to priority in accordance with the Title 11 Section 507(a)(8) except as specifically set forth as a Non-Priority general unsecured claim Any penalty is a general unsecured claim not otherwise entitled to priority except to the extent provided by 11 U S C Section 507(a)(8)(g)

9 Leave is requested to amend this Proof of Claim at a later date should any increased tax deficiency be disclosed or discovered

Rebecca L Daum
Attorney-Bankruptcy Division
Ohio Department of Taxation
30 East Broad St Columbus OH 43215
#614-752-6864 / Fax#614-995-0164

Date 8/18/2004

NOTICE

ALL CHECKS IN PAYMENT OF THIS CLAIM SHOULD BE MADE PAYABLE AND FORWARDED TO THE ATTORNEY GENERAL OF THE STATE OF OHIO COLLECTION ENFORCEMENT 150 EAST GAY ST 21ST FLOOR COLUMBUS OH 43215 Attn ANGELA HUFFMAN

Chi Chi's Inc
01180

U S BANKRUPTCY COURT
DISTRICT OF DELAWARE
AT WILMINGTON

COPY

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U.S. BKT - DISTRICT OF DELAWARE
2004 AUG 19 P 1:

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Ohio Department of TAXATION

Bankruptcy Division
30 E Broad Street 23rd floor
Columbus Ohio 43266
(614) 752-6864 Fax (614) 995 0164
www state oh us tax

August 18, 2004

2004 AUG 13 P 1:
U.S. BA
DISTRICT OF DEL

Clerk, U.S. Bankruptcy Court
824 Market Street
5th Floor
Wilmington, DE 19801

To whom it may concern

Find enclosed Amended Superseding Proof of Claim to be filed on behalf of the Tax Commissioner of Ohio, against the assets of the following

CHI-CHI'S INC 03-13063-S

Please stamp the copy, with the received date and the bankruptcy claim number and return in the self addressed stamped envelope to this office

Sincerely,

Rebecca L Daum
Attorney - Bankruptcy Division

RLD/kmk

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