



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. I am the trustee, or the debtor, or their authorized agent. I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3004.) (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: Eduardo Nunez Title: Company: Address and telephone number (if different from notice address above):

Handwritten signature and date 3/23/12 with labels (Signature) and (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 federal judicial district in which the bankruptcy case was filed... Creditor's Name and Address: Fill in the name of the person or entity asserting a claim... 1. Amount of Claim as of Date Case Filed: State the total amount owed to the creditor... 2. Basis for Claim: State the type of debt or how it was incurred... 3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account... 3a. Debtor May Have Scheduled Account As: Report a change in the creditor's name... 3b. Uniform Claim Identifier: If you use a uniform claim identifier, you may report it here.

4. Secured Claim: Check whether the claim is fully or partially secured... 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... 6. Credits: An authorized signature on this proof of claim serves as an acknowledgment... 7. Documents: Attach redacted copies of any documents that show the debt exists... 8. Date and Signature: The individual completing this proof of claim must sign and date it.

## DEFINITIONS

## INFORMATION

**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 clerk of the same bankruptcy court in which the bankruptcy case was filed.

**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 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.

**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.

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



March 31, 2010

Mr. Ed Nunez  
122 Overlook Point Road  
Hendersonville, NC 28792

Dear Mr. Nunez,

We are writing at this time to confirm acknowledgement of your Valley Family Membership resignation in conjunction with Section LC, Lot 2. Your resignation is effective with the receipt of your written resignation notice and will be effective March 25, 2010. The lot reference mentioned above will now hold a Valley Wellness Membership.

Your refund will be processed in accordance with the refund policies and procedures as outlined in the Master Membership Plan. If you need a copy of this document, please let us know. In summary, the refund is processed as follows:

- Your Valley Family Membership refund of \$10,000 is placed in a priority waiting list based on the classification and location of your membership. The Master Membership Plan outlines the refund procedure and explains that such refund will be paid within a reasonable period of time following such re-issuance of the original membership, consistent with the Cliffs Clubs processing of accounts payable, and will be processed only on the basis of one (1) refund for every three (3) memberships issued by the Club from its previously unissued memberships within the same classification as the original membership.

If you have any questions regarding your refund or this process, please call the Membership Office at 864.660.1160.

Kind regards,

Nate Weyand  
Membership Director

The Cliffs Golf and Country Clubs  
Membership Office  
3598 Highway 11, Travelers Rest, South Carolina 29690  
(864) 660-1100  
[www.cliffscommunities.com](http://www.cliffscommunities.com)



May 18, 2010

Mr. Ed Nunez  
122 Overlook Point Road  
Hendersonville, NC 28792

Dear Mr. Nunez,

It is with regret we write at this time to confirm acknowledgment of your **Cliffs Valley Wellness Membership** resignation in conjunction with Section LC, Lot 2 with The Cliffs Golf and Country Club. Your resignation from the Club is effective upon receipt of your written resignation notice and membership privileges will cease effective May 10, 2010. The Membership Plan obligates the resigned Member for payment of dues for the month in which the Club received the notice.

The refund of initiation deposit will be processed in accordance with the refund policies and procedures as outlined in the Master Membership Plan. If you need a copy of this document, please let us know. In summary, the refund policy is as follows:

- Your Valley Wellness Membership refund of \$25,000 is placed in a priority waiting list based on the classification and location of your membership. The Master Membership Plan outlines the refund procedure and explains that such refund will be paid within a reasonable period of time following such re-issuance of the original membership, consistent with the Cliffs Clubs processing of accounts payable, and will be processed only on the basis of one (1) refund for every three (3) memberships issued by the Club from its previously unissued memberships within the same classification as the original membership.

I wish you the best in your future endeavors. If you have any questions regarding the procedures as outlined above, please call the Membership Office at 864-660-1160.

Kind regards,

Nate Weyand  
Membership Director

The Cliffs Golf and Country Clubs  
Membership Office  
3598 Highway 11, Travelers Rest, South Carolina 29690  
(864) 660-1100  
[www.cliffscommunities.com](http://www.cliffscommunities.com)

**Ed Nunez**

**From:** Ashley Blevins  
**Sent:** Monday, February 06, 2012 10:09 AM  
**To:** 'Ed Nunez'  
**Subject:** RE: Nunez Membership Status

Mr. Nunez,

We still need 1 more before you move off.

Best,  
Ashley

2 memberships  
1 Wellness = \$25,000  
1 Family = \$10,000

**From:** Ed Nunez [mailto:edn@vistadevelopers.com]  
**Sent:** Monday, February 06, 2012 10:09 AM  
**To:** Ashley Blevins  
**Subject:** RE: Nunez Membership Status

Family membership was  
resigned first then  
wellness membership.

Hi Ashley,

What about the Wellness membership? There was one more membership to sell before that one was paid out.

Thanks,  
Ed

**From:** Ashley Blevins [mailto:ablevins@cliffscommunities.com]  
**Sent:** Monday, February 06, 2012 9:53 AM  
**To:** 'Ed Nunez'  
**Subject:** RE: Nunez Membership Status

Mr. Nunez,

You are still in the 25<sup>th</sup> <sup>Family.</sup> position on the refund list.

Kind regards,  
Ashley

**From:** Ed Nunez [mailto:edn@vistadevelopers.com]  
**Sent:** Wednesday, January 25, 2012 1:46 PM  
**To:** Ashley Blevins  
**Subject:** RE: Nunez Membership Status

Hi Ashley,

Hope you had a nice holiday. I just wanted to check in again. Do you know anything that may affect the refund?

Thanks,  
Ed

**From:** Ashley Blevins [mailto:[ablevins@cliffscommunities.com](mailto:ablevins@cliffscommunities.com)]  
**Sent:** Wednesday, November 30, 2011 11:04 AM  
**To:** 'Ed Nunez'  
**Subject:** RE: Nunez Membership Status

Mr. Nunez,

We have 1 more membership to sell before your Valley Wellness refund is paid out. You are 25<sup>th</sup> on the Valley Family list from where you downgraded to the Wellness.

Kind regards,  
Ashley

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**From:** Ed Nunez [mailto:[edn@vistadevelopers.com](mailto:edn@vistadevelopers.com)]  
**Sent:** Wednesday, November 30, 2011 11:01 AM  
**To:** Ashley Blevins  
**Subject:** RE: Nunez Membership Status

Hello Ashley,  
I was just checking in to see the status of the refund.

Thanks,  
Ed

---

**From:** Ashley Blevins [mailto:[ablevins@cliffscommunities.com](mailto:ablevins@cliffscommunities.com)]  
**Sent:** Wednesday, July 27, 2011 11:21 AM  
**To:** Ed Nunez  
**Subject:** RE: Nunez Membership Status

Hello Mr. Nunez,

You are now first in line and we have 2 more to sell before your refund is sent.

Thanks,  
Ashley

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**From:** Ed Nunez [mailto:[edn@vistadevelopers.com](mailto:edn@vistadevelopers.com)]  
**Sent:** Wednesday, July 27, 2011 11:18 AM  
**To:** Ashley Blevins  
**Subject:** Nunez Membership Status

Hello Ashley,  
Jill Rohlf gave me your name as the replacement for Magan. I had a Valley Wellness Membership and back in November 2010, I was second in line with four memberships left to sell before I was reimbursed my \$25,000 deposit. I am writing to check on my status and see if I have moved any closer. Below is a string of emails from Magan for reference.

Thank you,

Ed Nunez

You're very welcome. Yes, you are correct; we will need to sell 3 more before your refund comes due.

**From:** Ed Nunez [mailto:[edn@vistadevelopers.com](mailto:edn@vistadevelopers.com)]  
**Sent:** Thursday, November 04, 2010 1:33 PM  
**To:** Magan Boggs  
**Subject:** RE: Nunez Valley Lot

Thanks Magan. One more question...once I am first in line, will the Cliffs need to sell another three before I get refunded?

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**From:** Magan Boggs [mailto:[mboqqs@cliffscommunities.com](mailto:mboqqs@cliffscommunities.com)]  
**Sent:** Thursday, November 04, 2010 9:34 AM  
**To:** 'Ed Nunez'  
**Subject:** RE: Nunez Valley Lot

Hi Mr. Nunez,

I don't mind at all, please email me at any time to check on your status. You are still 2nd in line and we need to sell one more Valley Wellness Membership and that will move you up to 1st in line.

If you need anything further, please let me know.

Thanks,  
Magan

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**From:** Ed Nunez [mailto:[edn@vistadevelopers.com](mailto:edn@vistadevelopers.com)]  
**Sent:** Wednesday, November 03, 2010 4:20 PM  
**To:** Magan Boggs  
**Subject:** RE: Nunez Valley Lot

Hi Magan,  
I hope you don't mind, but I wanted to check in and see if there was any progress/advancement. When you emailed me in May, I was second in line to receive a refund on my Valley Wellness Membership.

I hope all is well.

Thanks,  
Ed

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**From:** Magan Boggs [mailto:[mboqqs@cliffscommunities.com](mailto:mboqqs@cliffscommunities.com)]  
**Sent:** Monday, May 10, 2010 3:47 PM  
**To:** 'Ed Nunez'  
**Subject:** RE: Nunez Valley Lot

You are 2nd in line. We need to sell 3 Valley Wellness Memberships and you will move up to 1st in line.

Thanks,  
Magan

---

**From:** Ed Nunez [mailto:[edn@vistadevelopers.com](mailto:edn@vistadevelopers.com)]  
**Sent:** Monday, May 10, 2010 2:36 PM  
**To:** Magan Boggs  
**Subject:** RE: Nunez Valley Lot

Do you know how far down the line I am for the \$25K reimbursement?

Thanks,



Ed Nunez, COO  
Vista Developers, LLC  
828-698-2400 w  
828-301-0586 m  
[www.vistadevelopers.com](http://www.vistadevelopers.com)

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**From:** Magan Boggs [mailto:[mboggs@cliffscommunities.com](mailto:mboggs@cliffscommunities.com)]  
**Sent:** Monday, May 10, 2010 11:31 AM  
**To:** Ed Nunez  
**Cc:** [lindawenn@yahoo.com](mailto:lindawenn@yahoo.com)  
**Subject:** RE: Nunez Valley Lot

Thank you for your email, Mr. Nunez. This email will suffice to resign your Wellness Membership. You will receive a letter shortly confirming your resignation.

If you need anything further, please let me know.

Thanks,  
Magan

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**Magan Boggs**

*Membership Services Assistant*  
864.371.1047 | office  
864.371.1538 | fax  
800.371.1000 | toll-free  
[mboggs@cliffscommunities.com](mailto:mboggs@cliffscommunities.com)  
[www.cliffscommunities.com](http://www.cliffscommunities.com)

*"World's Best International Development 2007,"  
CNBC International Property Awards*



Please consider the environment before printing this e-mail.

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**From:** Ed Nunez [mailto:[edn@vistadevelopers.com](mailto:edn@vistadevelopers.com)]  
**Sent:** Monday, May 10, 2010 9:31 AM  
**To:** Magan Boggs  
**Cc:** [lindawenn@yahoo.com](mailto:lindawenn@yahoo.com)  
**Subject:** Nunez Valley Lot

Hello Magan,  
I am writing to inform you that my lot at The Valley sold on Friday. The new buyer did not purchase my Wellness membership. Please cancel my Wellness membership - N90. Please let me know if you need any documentation.

Thank you,

Ed Nunez, COO  
Vista Developers, LLC  
828-698-2400 w  
828-301-0586 m  
[www.vistadevelopers.com](http://www.vistadevelopers.com)

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.437 / Virus Database: 271.1.1/2865 - Release Date: 05/10/10 06:26:00

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.437 / Virus Database: 271.1.1/2865 - Release Date: 05/10/10 06:26:00

**Ed Nunez**

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**From:** Magan Boggs [mboggs@cliffscommunities.com]  
**Sent:** Thursday, March 25, 2010 3:12 PM  
**To:** 'Ed Nunez'  
**Cc:** Nate Weyand  
**Subject:** RE: Nunez Membership

Hi Mr. Nunez,

Thank you for your email. I will downgrade your Family Membership to Wellness effective today. You will receive a letter shortly confirming your downgrade.

If you need anything further, please let me know.

Thanks,  
Magan



**Magan Boggs**  
*Membership Services Assistant*  
864.371.1047 | office  
864.371.1538 | fax  
800.371.1000 | toll-free  
[mboggs@cliffscommunities.com](mailto:mboggs@cliffscommunities.com)  
[www.cliffscommunities.com](http://www.cliffscommunities.com)

*"World's Best International Development 2007,"  
CNBC International Property Awards*



Please consider the environment before printing this e-mail.

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**From:** Ed Nunez [mailto:edn@vistadevelopers.com]  
**Sent:** Thursday, March 25, 2010 9:19 AM  
**To:** Magan Boggs; mhoward@cliffscommunities.com  
**Cc:** Nate Weyand  
**Subject:** Nunez Membership

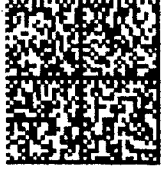
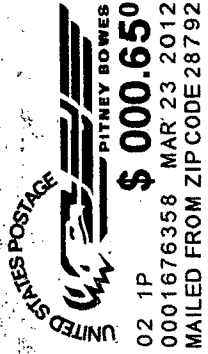
Hello Megan,  
Per your instructions, I am requesting that my Family Membership be changed to Wellness Membership. Please let me know if you need any further documentation. Also, please confirm that you received this email and advise when these changes will take effect.

Thanks,

Ed Nunez,  
Member Number N90  
828-301-0586 m

PO box 138

Edneyville, NC 28727



02 1P  
 \$ 000.650  
 0001676358 MAR 23 2012  
 MAILED FROM ZIP CODE 28792

BMC Group, Inc.  
 Attn: The Cliffs Club + Hospitality RECEIVED  
 Claims Processing  
 PO Box 3020  
 Charhassen, MN 55317-3020

MAR 26 2012  
 BMC GROUP

