

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: <i>The Cliffs Club + Hospitality Group Inc.</i>	Case Number: <i>12-01220</i>	
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.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <i>Kevin and Mary Ellen Kelly</i>		
Name and address where notices should be sent: <i>Kevin and Mary Ellen Kelly 2063 Kinsmond Dr Marietta GA 30062</i>		COURT USE ONLY
Telephone number: <i>770-518-9845</i>	email: <i>kkellyfamily@bellsouth.net</i>	<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number:	email:	RECEIVED
1. Amount of Claim as of Date Case Filed: <i>\$ 35,000.00</i>		'APR 16 2012
If all or part of the claim is secured, complete item 4.		BMC GROUP
If all or part of the claim is entitled to priority, complete item 5.		
<input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <i>Non payment of Membership Initiation Deposit Refund</i> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account as: (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
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 the 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 Describe:		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____
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 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 4/1/13 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)		



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, I am a guarantor, surety, indorser, or other codebtor.
(Attach copy of power of attorney, if any.) or their authorized agent. (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: Kevin and Mary Ellen Kelly

Title: _____

Company: _____

Address and telephone number (if different from notice address above):

Telephone number: _____ email: _____

Kevin Kelly 4/11/12
(Signature) (Date)
Mary Ellen Kelly 4/11/12
(Signature) (Date)

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 (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering 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. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

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, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.



August 21, 2009

Mr. and Mrs. Kevin Kelly
2063 Kinsmon Drive
Marietta, GA 30062

Dear Mr. and Mrs. Kelly,

It is with regret we write at this time to confirm acknowledgment of your **Cliffs at Keowee Springs Family Membership** resignation in conjunction with Section 1, Lot 86 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 August 17, 2009. 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 Keowee Springs Family Membership refund of \$35,000 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 five (5) 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



RE: Out of Office: Resigned Membership

Friday, June 24, 2011 4:58 PM

From: "Magan Boggs" <mboggs@cliffscommunities.com>
To: "'kkellyfamily'" <kkellyfamily@bellsouth.net>

You're very welcome, Mrs. Kelly. Unfortunately, you are still in the same position in the waiting list. We have not sold any new Keowee Springs Family Memberships since we last spoke. I apologize for the delay.

Thanks,
Magan

-----Original Message-----

From: [kkellyfamily \[mailto:kkellyfamily@bellsouth.net\]](mailto:kkellyfamily@bellsouth.net)
Sent: Friday, June 24, 2011 12:38 PM
To: Magan Boggs
Subject: RE: Out of Office: Resigned Membership

Thank you. We resigned our membership for lot 86 in Keowee Springs in August 2009 and I was looking for an update on where we stand for a refund. I last contacted you Aug 2010 and at that point you needed to sell three more before we moved up to first. How are things going? Mary Ellen and Kevin Kelly

--- On Fri, 6/24/11, Magan Boggs <mboggs@cliffscommunities.com> wrote:

From: Magan Boggs <mboggs@cliffscommunities.com>
> Subject: RE: Out of Office: Resigned Membership
> To: "'kkellyfamily'" <kkellyfamily@bellsouth.net>
> Date: Friday, June 24, 2011, 11:14 AM
> Hi Mrs. Kelly,
>
> Would you mind resending your question? I am back in the office and
> will be glad to respond.
>
> Thanks,
> Magan
>
>
> _____
> Magan Boggs
> Membership Services Assistant
> 864.371.1047 | office
> 864.371.1538 | fax
> 800.371.1000 | toll-free
> mboggs@cliffscommunities.com
> www.cliffscommunities.com

> -----Original Message-----
> From: [kkellyfamily \[mailto:kkellyfamily@bellsouth.net\]](mailto:kkellyfamily@bellsouth.net)
>
> Sent: Thursday, June 23, 2011 2:00 PM

April 11, 2012

BMC Group Inc
Atten: Cliffs Claims Processing
P.O. Box 3020
Chanhassen, MN 55317-3020

To Whom It May Concern:

This packet of documentation is to register our claim against the Cliffs Club and Hospitality Group for \$35,000. This consists of a resigned Cliffs at Keowee Springs Family Membership which is managed and operated by the Cliffs Golf and Country Club, Inc.

Attached are copies of our acknowledged letter of resignation dated Aug 21, 2009 as well as our last e-mail from the Cliffs Membership Services indicating our place in line for a refund of the full \$35,000.

Sincerely,


Kevin and Mary Ellen Kelly
2063 Kinsmon Drive
Marietta, GA 30062



Kelly
2063 Kinsmon Dr
Marietta GA 30062



55317302020

11 APR 2012 PM 7:17

RECEIVED

APR 16 2012

BMC GROUP

BMC Group Inc.
Atten: Cliffs Claims Processing
P.O. Box 3020
Chanhassen, MN 55317-3020

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