United States Bankruptcy Court Southern District of Florida
Consolidated Cases
(if applicable, a separate claim form must be filed for each case)

- ☒ **Daymark Realty Advisors Inc.** **Case No. 18-23750**
- ☒ **Daymark Residential Management Inc.** **Case No. 18-23751**
- ☒ **Daymark Properties Realty Inc.** **Case No. 18-23752**

Proof of Claims are to be mailed to:

Daymark Realty Advisors Inc.
c/o BMC Group, Inc.
PO Box 90100
Los Angeles, CA 90009

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached 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. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) **that you received.**

Part 1: Identify the Claim

1. **Who is the current creditor?**
   Name of the current creditor (the person or entity to be paid for this claim): Katherine Looper, etc. (see rider attached hereto for full list of creditors filing one omnibus proof of claim)
   Other names the creditor used with the debtor: Please see rider attached hereto.

2. **Has this claim been acquired from someone else?**
   ☒ No
   ☐ Yes. From whom? _____

3. **Where should notices and payments to the creditor be sent?**
   Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

   Where should notices to the creditor be sent?
   Name: Catanzarite Law Corporation c/o Kenneth Catanzarite
   2331 W. Lincoln Ave.
   Number Street
   Anaheim, CA 92801
   City State ZIP Code
   Contact phone (714) 678-2100
   Contact email kcatanzarte@catanzarite.com

   Where should payments to the creditor be sent? (if different)
   Name: Catanzarite Law Corporation Client Trust Account
   2331 W. Lincoln Ave.
   Number Street
   Anaheim, CA 92801
   City State ZIP Code
   Contact phone (714) 678-2100
   Contact email kcatanzarite@catanzarite.com

   Uniform claim identifier for electronic payments in chapter 13 (if you use one):
   _

4. **Does this claim amend one already filed?**
   ☒ No
   ☐ Yes. Claim number on court claims registry (if known)_____ Filed on _____ MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**
   ☒ No
   ☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?**
   ☒ No
   ☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____

7. **How much is the claim?** $ 100,043,000.00 . **Does this amount include interest or other charges?**
   ☐ No
   ☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?**

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.

Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as health care information.

Please see rider attached hereto.

9. **Is all or part of the claim secured?**

☒ No
☐ Yes. The claim is secured by a lien on property.

Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim.*
☐ Motor vehicle
☐ Other. Describe: _____

Basis for perfection: _____

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: $_____

Amount of the claim that is secured: $_____

Amount of the claim that is unsecured: $_____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: $_____

Annual Interest Rate (when case was filed)_____%
☐ Fixed
☐ Variable

10. **Is this claim based on a lease?**

☒ No
☐ Yes. **Amount necessary to cure any default as of the date of the petition.** $_____

11. **Is this claim subject to a right of setoff?**

☒ No
☐ Yes. Identify the property: _____

12. **Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No
☐ Yes. *Check one:*

	Amount entitled to priority
☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	$_____
☐ Up to $2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	$_____
☐ Wages, salaries, or commissions (up to $12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	$_____
☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	$_____
☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	$_____
☐ Other. Specify subsection of 11 U.S.C. § 507(a)(__) that applies.	$_____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:
☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that 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.
I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 03/07/2019 (MM / DD / YYYY) Signature

Print the name of the person who is completing and signing this claim:

Name: Kenneth J. Catanzarite (First name / Middle name / Last name)

Title: Attorney for Creditors

Company: _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address: 2331 W. Lincoln Ave., Anaheim, CA 92801 (Number Street / City / State / ZIP Code)

Contact phone: (714) 678-2100

Email: kcatanzarite@catanzarite.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In Re:	Chapter 11
In Re: Daymark Realty Advisors, Inc.	Case Nos. 18-23750-RBR,
In Re: Daymark Residential Management, Inc.	18-23751-RBR&
In Re: Daymark Properties Realty, Inc.	18-23752-RBR
	(Substantively Consolidated)

Debtors.
_____/

RIDER TO PROOF OF CLAIM
OFFICIAL FORM 410

Introduction.

Pursuant to Bankruptcy Rules 9014 and 7023 and 11 U.S.C.A. § 105, Plaintiffs and Claimants EDWARD HENKINS as liquidating trustee of limited liability companies NNN Congress Center 1, LLC and NNN Congress Center Member 1, LLC; KATHERINE LOOPER, Trustee of the Looper Family Trust, as liquidating trustee of limited liability companies NNN Congress Center 4, LLC and NNN Congress Center Member 4, LLC; PAT MCROBERTS as liquidating trustee of limited liability companies NNN Congress Center 5, LLC and NNN Congress Center Member 5, LLC; MARK VAN MOURICK, Manager of Chicago Houston Partners, LLC, as liquidating trustee of limited liability companies NNN Congress Center 7, LLC and NNN Congress Center Member 7, LLC; GEORGE VRAKAS, as General Partner of JonMar Partnership, an Illinois Partnership, as liquidating trustee of limited liability companies NNN Congress Center 3, LLC and NNN Congress Center Member 3, LLC; WILLIAM E. BUMP, executor for the Estate of John A. Fils, as liquidating trustee of limited liability companies NNN Congress Center 10, LLC and NNN Congress Center Member 10, LLC; THOMAS F. SCHEIDT, as liquidating trustee of limited liability companies NNN Congress Center 13, LLC and NNN Congress Center Member 13, LLC; ELLEN B. FRIEDMAN as liquidating trustee of limited liability companies NNN Congress Center 14, LLC and NNN Congress Center Member 14, LLC; PAUL L. COHEN pursuant to power of attorney for Stanley Cohen, as liquidating trustee of limited liability companies NNN Congress Center 15, LLC and NNN Congress Center Member 15, LLC; and PAUL L. COHEN, as liquidating trustee of limited liability companies NNN Congress Center 16, LLC and NNN Congress Center Member 16, LLC (the "Looper Claimants"), submit this Rider to Proof of Claim.

TIC 1 - Edward Henkins 4.5%
TIC 6 - Pat McRoberts 1.75%

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Part 1: Identify the Claim

1. Who is the current creditor?

The Looper Claimants are plaintiffs in the Adversary Class Action Complaint pending in the United States Bankruptcy Court for the Southern District of Florida against Debtors (the "Adversary Complaint") and Edward Henkins ("Henkins") and Pat McRoberts ("McRoberts"), as liquidating trustees for tenant in common purchasers of the Congress Center Property as defined in the complaint. See Docket No.: 154 and the ownership of Henkins and McRoberts of 4.5% and 1.75% respectively.

Part 2: Give Information About the Claim as of the Date the Case was Commenced

7. How much is the claim? $100,043,000

Statement of Basis and Calculation of Claim for Looper Claimants

As set out in the Adversarial Complaint filed by Looper Claimants Adversary Case No.:19-01050-RBR and on behalf of the like ownership of Henkins and McRoberts to be added as Plaintiffs to the Adversary Complaint:

a. Compensatory Damages. From Adversary Complaint at Paragraph 75, Compensatory Damages of $27,492,000 (with pre-judgment interest), including without limitation, the following components:

a. Recovery of 22.761% (Increased from the 16.511) of the fees and commissions charged Plaintiffs on the sale estimated to be not less than $2,000,000.

b. Because properly advised Plaintiffs and Claimants would not have sold their interest in the Property, they would today own the Property as Liquidating Interests, recovery of damages based upon a 22.761% share of the value of the Property at the time of trial over estimated to be $155,000,000 against the outstanding loan at October 2012 of $88,000,0000 resulting in equity of $67,000,000 a 22.761% share is $15,250,000.

c. In addition Plaintiffs would have retained operating income from the Property over the years estimated to be an additional $45,000,000 combined, 22.761% of which is $10,242,000.

b. Punitive and Exemplary Damages. Under the state laws of California, Illinois, New York, Pennsylvania and Washington punitive and exemplary damages as permitted by statute and case law of three times compensatory damages or the sum of $82,476,000.

c. Attorneys Fees and Costs per applicable contracts. As provided by the Property Management Contract attached to the complaint. Estimated to be at this time $75,000.

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8. What is the basis of the claim? As provided in the filed Adversary Complaint described in response to Question 1 of this rider set out above.

Submitted March 7, 2019.

Catanzarite Law Corporation

/s/Kenneth J. Catanzarite

Kenneth J. Catanzarite
Attorneys for Plaintiffs and those similarly situated in Adversary Complaint and Creditors in this Proof of Claim