B10 (Official Form 10) (04/10)

UNITED STATES BANKRUPTCY COURT Southern District of Indiana	PROOF OF CLAIM
Name of Debtor: Eastern Livestock Co., LLC	Case Number: 10-93904

NOTE: *This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.*

Name of Creditor (the person or other entity to whom the debtor owes money or property):
Alvin Barbee

☐ Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:
Alvin Barbee
9730 Brownsville Rd.
Park City, KY 42160-9316

RECEIVED
APR 05 2011
BMC GROUP

Telephone number: (270) 597-2307

Court Claim Number:_____
(*If known*)

Filed on:_____

Name and address where payment should be sent (if different from above):

Telephone number:

☐ 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.

☐ Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: $5,525.12

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

☐ 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: Cattle sold
(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: _____

3a. Debtor may have scheduled account as: _____
(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)
Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☑ Other Cattle sold
Describe:

Value of Property: $5,525.12 **Annual Interest Rate**___%

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: $_____ **Basis for perfection:** _____

Amount of Secured Claim: $_____ **Amount Unsecured:** $_____

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

☐ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

☐ Wages, salaries, or commissions (up to $11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).

☐ Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

☐ 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).

☐ Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

☐ Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(__).

Amount entitled to priority:

$ Reclamation
5,525.12

**Amounts are subjec and every 3 years the cases commenced on adjustment.*

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. 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. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (*See instruction 7 and definition of "redacted" on reverse side.*)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Eastern Livestock
00156

Date: 3-25-01

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. Alvin Barbee Alvin Barbee

FOR COURT USE ONLY

FILED
U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS
2011 APR 28 AM 10:55

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.

☑ ENVELOPE NOT PROVIDED

☑ COPIES NOT PROVIDED

026298

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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, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:
Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located 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 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. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your 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:
Use this space to 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.

4. Secured Claim:
Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a):
If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) 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 to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:
The person filing 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. 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. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

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 owed a debt by the debtor that arose on or 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 on a debt owed by the debtor that arose 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 should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

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.

INFORMATION

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) 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.

========= =L-I-V-E-S-T-O-C-K= ===B U Y E R==== ===============================

--COD----	-TAG	HD	DESC------	NUMB	NAME--------	--WEIGHT---		--------		--TOTAL--
	1478	1		C	2 5	1610	1,610	54.00	L	869.40
	1479	1		C	2 1	1195	1,195	44.00	L	525.80
317	1	1		F	1 51	530	530	93.00	L	492.90
317	2	1		F	1 56	560	560	92.00	L	515.20
317	3	1		F	1 53	555	555	84.00	L	466.20
317	4	1		F	1 702	845	845	80.00	L	676.00
317	5	1		F	1 702	720	720	83.00	L	597.60
318	1	1		F	1 501	540	540	98.00	L	529.20
318	2	1		F	1 503	605	605	85.00	L	514.25
318	3	1		F	1 452	465	465	85.00	L	395.25
		===					======			=========
		10					7,625			5,581.80

COW	2	2,805	1395.20	1402	49.74	697.60
CLF	8	4,820	4186.60	602	86.86	523.32

10/26/10 GRAND TOTAL GROSS-- 10 5,581.80

COMMISSION	CHECK/OFF	YARDAGE	-INSUR-	VET	YDG#2	VOL/DED	---NET/CHECK--
	10.00	30.00			16.68		5,525.12

ALVIN BARBEE 3497

P&S/CODES: O=OFFICER B=BONDED-BUYER E=EMPLOYEE M=MARKET-SUPPORT

EASTERN LIVESTOCK CO., LLC
135 WEST MARKET
NEW ALBANY, IN 47150

NO. F 015993

PBI BANK

IMPORTANT INFORMATION ABOUT YOUR CHECKING ACCOUNT
Substitute checks and Your Rights

What is a substitute check?

To make check processing faster, federal law permits banks to replace original checks with "substitute checks." These checks are similar in size to original checks with a slightly reduced image of the front and back of the original check. The front of a substitute check states; "This is a legal copy of your check. You can use it the same way you would use the original check." You may use a substitute check as proof of payment just like the original check.

Some or all of the checks that you receive back from us may be substituted checks. This notice describes rights you have when you receive substitute checks from us. The rights in this notice do not apply to original checks or to electronic debits to your account. However, you have rights under other law with respect to those transactions.

What are my rights regarding substitute checks?

In certain cases, federal law provides a special procedure that allows you to request a refund for losses you suffer if a substitute check is posted to your account (for example, if you think that we withdrew the wrong amount from your account or that we withdrew money from your account more than once for the same check). The losses you may attempt to recover under this procedure may include the amount that was withdrawn from your account and fees that were charged as a result of the withdrawal (for example, bounced check fees).

The amount of your refund under this procedure is limited to the amount of your loss or the amount of the substitute check, whichever is less. You also are entitled to interest of the amount of your refund if your account is an interest-bearing account. If your loss exceeds the amount of the substitute check, you may be able to recover additional amounts under other law.

If you use this procedure, you may receive up to **$2,500.00** of your refund (plus interest if your account earns interest) within **10** business days after we received your claim and the remainder of your refund (plus interest if your account earns interest) not later than **45** calendar days after we received your claim.

We may reverse the refund (including any interest on the refund) if we later are able to demonstrate that the substitute check was correctly posted to your account.

How do I make a claim for a refund?

If you believe that you have suffered a loss relating to a substitute check that you received and that was posted to your account, please contact us at **E. Todd Young, COO, 2500 East Point Parkway, Louisville, KY 40223 or call (502) 499-4800.** You must contact us within **40** calendar days of the date we mailed (or otherwise delivered by a means to which you agreed) the substitute check in question or the account statement showing that the substitute check was posted to your account, whichever is later. We will extend this time period if you were not able to make a timely claim because of extraordinary circumstances.

Your claim must include-

- A description of why you have suffered a loss (for example, you think the amount withdrawn was incorrect);
- An estimate of the amount of your loss;
- An explanation of why the substitute check you received is insufficient to confirm that you suffered a loss; and
- A copy of the substitute check **and** the following information to help us identify the substitute check: **the check number, the name of the person to whom you wrote the check, and the amount of the check.**

5

083903894
11/04/2010
395802047001203

This is a LEGAL COPY of your check. You can use it the same way you would use the original check.

Return Reason-S
REFER TO MAKER

REFER TO MAKER

395802047001203 [083903894] 11/04/2010

EASTERN LIVESTOCK CO., LLC
135 WEST MARKET
NEW ALBANY, IN 47150
812-949-9035

Fifth Third Bank
73-21
421

NO. F 015993

FIVE THOUSAND FIVE HUNDRED TWENTY FIVE & 12/100 DOLLARS — 5525.12

DATE — AMOUNT

PAY TO THE ORDER OF — 15993 3497 — 10/26/10 $***5,525.12

ALVIN BARBEE
9730 BROWNSVILLE RD
PARK CITY KY 42160

EASTERN LIVESTOCK CO., LLC
VOID IF NOT CASHED IN 90 DAYS

By

⑈015993⑈ ⑆042100272⑆ 7480493837⑈

⑈015993⑈ ⑆042100272⑆ 7480493837⑈ ⑈0000552512⑈

The undersigned seller, in consideration of the payment herein, hereby warrants and defends the title to said cattle against any person claiming the same or any part of them, and further warrants that the cattle are free and clear of any encumbrance or lien whatsoever except those for which consent to said sale and release of said lien is endorsed on this check.

Secured Party of the livestock, if any, hereby consents to the sale thereof and releases said livestock from any security interest or claim whatsoever.

By endorsing said instrument undersigned certifies that to the best of his/her/its knowledge while under this ownership, possession or direct control, the subject livestock sold to Eastern Livestock Co., LLC are not adulterated within the meaning of the Federal Food, Drug and Cosmetic Act, i.e. none of the cattle or other ruminants have been fed any material that contains protein derived from mammalian tissues as defined by the Food & Drug Administration Regulations, specifically 21 CFR-589.2000.

Alan Boles
(Seller's Signature)

(Secured Party's Signature)

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