B 10 (Official Form 10) (04/10)

UNITED STATES BANKRUPTCY COURT | **PROOF OF CLAIM**

Name of Debtor: EASTERN LIVESTOCK CO.,LLC

Case Number: 10-93904-BHL-11

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): MOSELEY CATTLE AUCTION LLC

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

Name and address where notices should be sent:
P.O. BOX 548
BLAKELY, GEORGIA 39823

RECEIVED
APR 29 2011
BMC GROUP

Telephone number: (229) 308-6355

Court Claim Number: _____ (*If known*)

Filed on: _____

Name and address where payment should be sent (if different from above): SAME AS 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: $ 670,949.88

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
Describe:

Value of Property: $_____ **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:** $_____

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:

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:

$_____

**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.*

Date: 4/26/11

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.

John F Moseley III John F Moseley III (Moseley Cattle Auction LLC)

FOR COURT USE ONLY

Eastern Livestock
00359

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.

INVOICE #	LOT #/SALE DATE	LOAD DATE	HD	PAY WEIGHT	INVOICE AMT.	REMARKS	TRUCKING COMPANY	TRUCKING CHARGE
# 5763	#2/9-21-2010 SALE	10/9/2010	71 ST	47,471	$ 51,619.48	NEVER RECEIVED PAYMENT FROM EASTERN. CATTLE AT FIVE RIVERS FEEDYARD. FIVE RIVERS PAID EASTERN FOR CATTLE	SOUTHLAND	
# 5745	AL SAFE 38-2A	10/18/2010	210 HF	149,313	$ 158,212.05	NEVER RECEIVED PAYMENT FROM EASTERN. CATTLE AT JBS FEEDYARD IN TX. THEY HAVE PAID EASTERN FOR CATTLE	SOUTHLAND	
#5835	#2/10-26-2010 SALE	11/2/2010	75 HF	48,262	$ 49,849.02	NEVER RECV PAYMENT. SITTING AT FRIONA AND LISTED ON SUIT PAPERS	SOUTHLAND	
#5843	#3/10-26-2010	11/3/2010	70 HF	50,372	$ 51,095.71	NEVER RECV PAYMENT. SITTING AT FRIONA AND LISTED ON SUIT PAPERS	SOUTHLAND	
#5841	#4/10-26-2010	11/3/2010	67HF	47,981	$ 49,419.74	NEVER RECV PAYMENT. SITTING AT FRIONA AND LISTED ON SUIT PAPERS	SOUTHLAND	
#5846	GA SAFE 42-2	11/5/2010	140 HF	92,767	$ 98,982.39	NEVER RECV PAYMENT. SITTING AT FRIONA AND LISTED ON SUIT PAPERS	SOUTHLAND	
#5802	GA SAFE 41-1B	10/25/2010	68ST	48,040	$ 53,703.92	EASTERN CHECK# 123323 RETURNED BY BANK. CATTLE AT FIVE RIVERS FEEDYARD	UNKNOWN	

#5815	#2/8-24-2010	10/26/2010	85 HF	46,726	$ 51,230.20	EASTERN CHECK #124654 RETURNED BY BANK. CATTLE AT LITTLEFIELD FEEDYARD IN TX.	SOUTHLAND	
#5819	AL SAFE 71-1B	10/27/2010	77 ST	45,276	$ 54,376.48	EASTERN CHECK # 124808 RETURNED BY BANK. CATTLE AT ATKINSON LIVESTOCK	SOUTHLAND	
#5820	#5/7-27-2010	10/27/2010	70 ST	48,334	$ 52,460.89	EASTERN CHECK# 124808 RETURNED BY BANK. CATTLE AT ULYSSUS FEEDYARD IN KS.	SOUTHLAND	
TOTAL					$ 670,949.88			

MOSELEY CATTLE AUCTION, LLC

5835

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

Date 11-2-10
Cust. Order No.
Ship
Via
Salesman JOEY

TO Eastern Livestock
Address
City State Lot #2
Ship To sale 10-26-10

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
Hfrs	650	$103.25	seller		CUST

QUANTITY	DESCRIPTION	PRICE	AMOUNT
75	Hfrs 49,755		
	3% 1,493		
	48,262 x $103.25	$49,	830.52
	VET		$18.50
Avg	643	$49,	849.02
	No charge		
Base	650		

SIGNATURE Faxed by Joey Moseley 1:15

Thank You!

MOSELEY CATTLE AUCTION, LLC

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

5843

TO Eastern Livestock
Address
City State
Ship To Lot #3 10-26-10 SALE

Date 11-3-10
Cust. Order No.
Ship
Via
Salesman

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
Ld Hfrs	700	102.20	Buyer		Akins

QUANTITY	DESCRIPTION	PRICE	AMOUNT	
70 Hd.	51,400			
	1,028			
	50,372 x 101.40	51	077	21
	Avg 720		18	50
		51,	095	71
	Base 700			
	20 102.20			
	.04 .80			
	.80 101.40			

SIGNATURE Faxed 3:45

JDM

Thank You!

MOSELEY CATTLE AUCTION, LLC

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

5841

TO Eastern Livestock
Address
City State Lot #4
Ship To 10-26-10

Date 11-3-10
Cust. Order No.
Ship
Via
Salesman JOEY

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
HFS	715	103.00	Buyer		CUST

QUANTITY	DESCRIPTION	PRICE	AMOUNT
67 HFS	83,560		
	34,600		
	48,960		
	2% 979		
	47,981 x $102.96	$49,	401. 24
	VET		18. 50
Avg 716	$103.00		
	- .04		
Base 715	X.04 $102.96	$49,	419. 74
	.04		

SIGNATURE Faxed Joey 2:30

Thank You!

MOSELEY CATTLE AUCTION, LLC

5846

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

Date 11-5-10
Cust. Order No.
Ship
Via
Salesman J, T

TO Eastern Livestock
Address
City State GA SAFE 42-2
Ship To

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
2 Hs HB	700	106.70	Buyer		cust

QUANTITY	DESCRIPTION	PRICE	AMOUNT
70	47,900		
70	46,760		
140 HRS	94,660		
	2% 1,893		
	92,767 X 106.70	$98,982.	39
Avg	663		
	no charge		
Base	700		

SIGNATURE

Thank You!

MOSELEY CATTLE AUCTION, LLC

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

5763

TO Eastern Livestock
Address
City LA#2 State MLA
Ship To 9/21

Date 10-9-10
Cust. Order No.
Ship
Via
Salesman Conw

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
X	680	108.70	Buyer		Deale / Cost

QUANTITY	DESCRIPTION	PRICE	AMOUNT
71 strs	48,440		
	969		
	47,471 x 108.70	51,	600.98
	Avg 669	Vet	18.50
	No Charge 108.70		
	base 680	51,	618.98

SIGNATURE

Thank You!

MOSELEY CATTLE AUCTION, LLC

5745

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

Date 10/18/10
Cust. Order No.
Ship
Via
Salesman LJ

TO Eastern
Address
City AL Safe 38-8A State Buyer
Ship To

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
31ds. Hf	700	106.40			Adams

QUANTITY	DESCRIPTION	PRICE	AMOUNT
210	Hf 152,360		
	290 - 3047		
	149,313 X 105.96	158,	212.05
	avg - 711 price 106.40		
	Bw 700 .44		
	11 105.96		
	X .04		
	.44 Slide		

SIGNATURE C Moseley

Thank You!

Sequence: 190, Serial: 123323, Bank: 042100272, Account: ; Amount: 53,703.92

EASTERN LIVESTOCK CO., LLC

135 West Market
New Albany, IN 47150
812-949-9035

№ 123323

73-27
421

Fifth Third Bank
Northern Kentucky

PAY TO THE ORDER OF

RETURN REASON-S
REFER TO MAKER

DATE	CHECK No.		AMOUNT
10/10/26	123323 *	[redacted]	***53,703.92

MOSLEY CATTLE AUCTION LLC

P.O. BOX 548
BLAKELY, GA 39823

SIGNATURE

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

Secured Party of the livestock, if any, here[illegible] consents to the sale thereof and releases said livestock from any [illegible] unity interest or claim whatsoever.

By endorsing said instrument undersigned co[illegible]es that to the best of his/her/its knowledge while under the owner[illegible] possession or direct control, the subject livestock sold to Eastern [illegible]estock Co., LLC are not adulterated within the meaning of the [illegible]eral Food, Drug and Cosmetic Act, i.e., none of the cattle or other [illegible]tants have been fed any material that contains protein derived fro[illegible] mammalian tissues as defined by the Food & Drug Administration [illegible]ulations, specifically 21 CFR-589.2[illegible] THE ACCOU[illegible] OF THE WITHIN DEPOSIT [illegible]EE

In accordance with Regulations
Notice of Federal Reserve Bank

ALVA STATE BANK
66-127 ALVA, OKLA 6[illegible]27

[Secured Party's Signat[illegible]

MOSELEY CATTLE AUCTION, LLC

5802

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

Date 10-25-10
Cust. Order No.
Ship
Via
Salesman JOEY

TO Bastern Livestock
Address
City State GA SAPG
Ship To 4HB

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
STB	640	$115.75	seller		CUST

QUANTITY	DESCRIPTION	PRICE	AMOUNT
68	STB 83,620		
	34,600		
	49,020		
	2% 980		
	48,040 X $111.79	$53,	703.92
Avg	706		
	66 115.75		
Base	640 X.06 - 3.96		
	3.96 111.79		

Ch returned

SIGNATURE Faxed 12:30
Joey Moseley

Thank You!

Sequence: 220, Serial: 124654, Bank: 042100272, Account: , Amount: 51,230.20

EASTERN LIVESTOCK CO., LLC

135 West Market
New Albany, IN 47150
812-949-9035

№ 124654

73-27
421

Fifth Third Bank
Northern Kentucky

PAY TO THE ORDER OF

RETURN REASON-S
REFER TO MAKER

DATE	CHECK No.		AMOUNT
10/10/27	123554 *	[redacted]	***51,230.20

MOSLEY CATTLE AUCTION LLC

P.O. BOX 548
BLAKELY, GA 39823

SIGNATURE

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

Secured Party of the livestock, if any, here[illegible] consents to the sale thereof and releases said livestock from any [illegible] curity interest or claim whatsoever.

By endorsing said instrument undersigned c[illegible] ties met to the best of his/her/its knowledge while under this owne[illegible] p, possession or direct control, the subject livestock sold to Easter[illegible] Livestock Co., LLC are not adulterated within the meaning of the [illegible] ral Food, Drug and Cosmetic Act, i.e., none of the cattle or other [illegible] nimants have been fed any material that contains protein derived fr[illegible] mammalian tissues as defined by the Food, Drug and Cosmetic Act, [illegible] ulations, specifically 21 CFR [illegible]

THE WITHIN [illegible] DEPOSIT
[illegible] Account [illegible] Fifth Third Bank
[illegible] MCB [illegible]
ALVA STATE BANK
[illegible], OKLA BB-12[illegible]

(Secured Party's Signa[illegible]

MOSELEY CATTLE AUCTION, LLC

5815

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

Date 10-26-10
Cust. Order No.
Ship
Via
Salesman J, T

TO Eastern Livestock
Address
City State Lot#2
Ship To sale 8-24-10

CASH	CHARGE	C.O.D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
Hfrs	625	$109.60	Buyer		CUST

QUANTITY	DESCRIPTION	PRICE	AMOUNT
85	Hfrs 81,320		
	33,640		
	47,680		
	2% 954		
	46,726 x $109.60	$51,	211. 70
	VET		18. 50
Avg	550		
	No charge		
Base	625	$51,	230. 20

Ck returned

SIGNATURE Faxed 1:00

JOEY MOSELEY

Thank You!

Sequence: 160, Serial: 124808, Bank: 042100272, Account , Amount: 106,448.57

EASTERN LIVESTOCK CO., LLC

135 West Market
New Albany, IN 47150
812-949-9035

№ 124808

73-27
421

Fifth Third Bank
Northern Kentucky

RETURN TO EASON-S
REFER TO MAKER

PAY TO THE ORDER OF

DATE	CHECK No.		AMOUNT
10/10/28	124808	* [redacted]	**106,448.57

MOSLEY CATTLE AUCTION LLC

P.O. BOX 548
BLAKELY, GA 39823

SIGNATURE

The undersigned seller, in consideration of payment herein, hereby warrants and defends the title to said [illegible] against any person claiming the same or any part of them, and [illegible] that the cattle are free and clear of any encumbrance or lien whatsoever except those for which consent to said sale [illegible] 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 owner's 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 animals 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.

CREDIT TO THE ACCOUNT OF
THE WITHIN NAMED PAYEE
[illegible]

Absence of Endorsement Guaranteed
ALVA STATE BANK
86-127 ALVA, OKLA 8[illegible]27
(Secured Party's Signature)

MOSELEY CATTLE AUCTION, LLC

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

5819

Date 10/27/10
Cust. Order No.
Ship
Via
Salesman LT

TO Eastern
Address
City AUSafe 71-13 State Buyer
Ship To

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
57.600	120.10				Henry

QUANTITY	DESCRIPTION	PRICE	AMOUNT
77	Strs. 46,200		
	2%- 924		
	45,276 x 120.10 =	54,	376.48
	avg-588		
	BW 600		
	M Slide		
	returned		

SIGNATURE C Moseley

Thank You!

faxed 10/27/10

MOSELEY CATTLE AUCTION, LLC

P. O. Box 548
Blakely, Georgia 39823
Fax: 229-723-7070

5820

Date 10-27-10
Cust. Order No.
Ship
Via
Salesman Trip

TO Eastern Livestock
Address
City State 7/27/10 Lot #5
Ship To

CASH	CHARGE	C. O. D.	PAID OUT	RETURNED MDSE.	RECEIVED ON ACCOUNT
Strs	710	108.50	Buyer		Cust

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	84920		
	35600		
	49320		
	-986 2%		
710 Strs.	48334 X 108.50	.52	442.39
	VET		18.50
Avg 691			
	NO Change		
Base. 710		.52	460.89

SIGNATURE

Thank You!

Southern District of Indiana
Claims Register

10-93904-BHL-11 Eastern Livestock Co., LLC

Judge: Basil H. Lorch, III **Chapter:** 11
Office: New Albany **Last Date to file claims:** 05/02/2011
Trustee: James A. Knauer **Last Date to file (Govt):**

Creditor: (10653236) Moseley Cattle Auction LLC PO Box 548 Blakely GA 39823	**Claim No: 157** *Original Filed Date*: 04/27/2011 *Original Entered Date*: 04/27/2011	*Status:* *Filed by:* CR *Entered by:* Bowles, C. *Modified:*

Unsecured claimed: $670948.88

Total claimed: $670948.88

History:

Details 157-1 04/27/2011 Claim #157 filed by Moseley Cattle Auction LLC, total amount claimed: $670948.88 (Bowles, C.)

Description: (157-1) Cattle Sold

Remarks: (157-1) Please see attached.

Claims Register Summary

Case Name: Eastern Livestock Co., LLC
Case Number: 10-93904-BHL-11
Chapter: 11
Date Filed: 12/06/2010
Total Number Of Claims: 1

	Total Amount Claimed	Total Amount Allowed
Unsecured	$670948.88	
Secured		
Priority		
Unknown		
Administrative		
Total	**$670948.88**	**$0.00**