

**United States Bankruptcy Court
for the Northern District of Texas**

PROOF OF CLAIM

In re: Erickson Retirement Communities, LLC

Case Number 09-37010

Jaw
FILED
JAN 13 2010

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

Name of Creditor (The person or entity to whom the debtor owes money or property): The Coca-Cola Company

Check box if you are aware that anyone has filed a proof of claim relating to your claim. Attach a copy of statement giving particulars.

Name and Addresses where notices should be sent:
The Coca-Cola Company
P.O. Box 1734
Attn: Joe Johnson, NAT 2008
Atlanta, Georgia 30313

Check box if you have never received any notices from bankruptcy court in this case.

**TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

Telephone No.: 404 676-4150

Check box if the address differs from the address on the envelope sent to you by the court.

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USE ONLY

RECEIVED
FEB 01 2010
BMC GROUP

Account or other number by which Creditor identifies Debtor:

Check here if this claim: replaces amends a previously filed claim, dated: _____

1. BASIS FOR CLAIM

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other (describe briefly):

- Retiree benefits as defined in 11 U.S.C. § 1114(a)
- Wages, salaries, and compensation (fill out below)
Your social security number _____
Unpaid compensations for services performed from (date) _____ to _____ (date)

2. DATE DEBT WAS INCURRED: 1-1-2003

3. IF COURT JUDGMENT, DATE OBTAINED:

4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured Nonpriority, (2) Unsecured Priority, or (3) Secured. It is possible for part of a claim to be in one category and part in another.

CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM.

- SECURED CLAIM:**
Attach evidence of security interest.
Brief Description of Collateral:
 Real Estate Motor Vehicles Other (describe briefly)

Amount of arrearage and other charges included in secured claim above, if any: \$ _____

UNSECURED NONPRIORITY CLAIM:

- UNSECURED PRIORITY CLAIM: \$**
Specify the priority of the claim.
- Wages, salaries, or commissions (up to \$4,300), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
 - Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4)
 - Up to \$1,950 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6)
 - Taxes or penalties of governmental units - 11 U.S.C. § 507(a)(7)
 - Alimony, maintenance or support owe to a spouse, former spouse or child - 11 U.S.C. § 507(a)(7)
 - Other - Claim is secured by right of setoff and recoupment.

A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.

**5. TOTAL AMOUNT OF CLAIM
AT TIME CASE FILED:**

\$ 114,221

\$ 114,221

(TOTAL)

(UNSECURED)

(SECURED)

(PRIORITY)

Check this box if claim includes prepetition charges in addition to the principal amount of the claim. Attach itemized statement of additional charges.

6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purposes of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.

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7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. TIME-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

DATE:

1-12-2010

Sign & print the name & title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any).

Joseph A. Johnson, Attorney

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.

Erickson Ret. Comm. LLC



00678

**In re Erickson Retirement Communities, LLC. Case No. 09-37010
In The United States Bankruptcy Court
Northern District of Texas (Dallas)**

**ATTACHMENT TO PROOF OF CLAIM
OF THE COCA-COLA COMPANY**

The Coca-Cola Company (the "Company") and the above named company (the "Debtor") are parties to an executory contract, that, inter-alia, obligates Debtor to purchase Company's fountain soft drink syrups, and to serve Company's beverages in all outlets owned and operated by Debtor.

Company-owned dispensing equipment is currently located in the Outlets and any risk of loss, damage, theft or destruction to that equipment will be borne by Debtor, according to the lease terms and conditions.

Should the Debtor breach or reject the Agreement, Debtor would owe Company certain payments and damages described in the Agreement, the current estimated amounts of which are set forth in the attached Schedule 1. Company will supplement this Proof of Claim if Debtor rejects the Agreement. The Agreement is confidential and therefore has not been attached to the Proof of Claim at this time. If the Court determines that copies of the Agreement are necessary, Company will file copies under seal at that time. The Company reserves the right to amend and or supplement this Proof of Claim in all respects.

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In The United States Bankruptcy Court
Northern District of Texas (Dallas)**

	Schedule 1
Lost Contribution (1)	\$29,679
Equipment Unbundling (2)	\$84,542
Removal and Remanufacturing costs	
Total Contract	
Termination Charges	<u>\$114,221</u>

- (1) Lost Contribution is based on the amount of syrup gallons forecast to be sold during the term of the contract, minus the gallons remaining to be sold, which equals the volume shortfall. The volume shortfall is multiplied by the approximate contribution per gallon. This number is confidential and will be supplied to Debtor on request.
- (2) Equipment unbundling charges represents unamortized portion of the cost of installation, and the entire cost of remanufacturing and removal of all equipment owned by Company.