

UNITED STATES BANKRUPTCY COURT Northern District of Texas (Dallas Division)

PROOF OF CLAIM

Name of Debtor: ERICKSON RETIREMENT COMMUNITIES, LLC

Case Number: 09-37010

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): Pamela Livernois

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

Name and address where notices should be sent: LIVERNOIS, PAMELA 2120 SHERATON TRENTON, MI 48183

Court Claim Number: (If known)

Filed on:

Name and address where payment should be sent (if different from above): Telephone number: (734) 676-9673

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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: \$ 18,455.82

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.

2. Basis for Claim: money owed from distributed Growth Participation Plan (See instruction #2 on reverse side.) SEE ATTACHED

Specify the priority of the claim.

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

3. Last four digits of any number by which creditor identifies debtor: 3a. Debtor may have scheduled account as:

Wages, salaries, or commissions (up to \$10,950*) 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).

4. Secured Claim (See instruction #4 on reverse side.) 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:

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

Up to \$2,425* 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).

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

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

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.)

Amount entitled to priority: \$

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

If the documents are not available, please explain:

*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

Date: 2-15-10

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.

FOR COURT USE ONLY

Erickson Ret. Comm. LLC 00943

Pamela G. Livernois

February 15, 2010

U.S. Bankruptcy Court
Northern District of Texas

On September 8, 2008 I reached my 5 year anniversary with Henry Ford Village, managed by Erickson Retirement Communities, LLC and was eligible to receive \$18,455.82 from the Erickson Growth Participation Plan (GPP) held in an account under the name Pencial. This was an employee benefit for manager level employees.

In 2008, eligible employees seemed to be receiving their checks approximately 4-6 weeks after they reached their 5 year anniversary date. By late November 2008 I still had not received my check and emailed Mary Hall to see if my check could be held by Erickson until January 1, 2009 since it was already so late in the year. I did this because my husband was losing his job in 2009 and for tax purposes I wanted to show the income in 2009 instead of 2008. She stated she checked with someone above her was told the money could be held.

The Erickson employees with 5 year anniversaries in September 2008 received their checks from Erickson dated December 2, 2008. I asked for my check in early January 2009 and was told by Mary Ann Lambrechts, Sr. Compensation Analyst, that the money was no longer available.

I checked my Pencial account and saw that the \$18,455.82 had been distributed from the account (statement enclosed). Since GGP checks were written by Erickson to the employees I assume that the money was distributed to Erickson. I continued to email Mary Ann Lambrechts and Gary Cole, VP Human Resources Corporate, monthly about receiving the check and kept being told the money was not available.

In September 2009 I had a conference call with Henry Ford Village HR Director, Kim Perry, Gary Cole and myself. I was told due the bankruptcy filed by Erickson that I would not be receiving the GPP money.

The money was available to give me in January 2009 especially when Erickson continued to give employees being laid off severance pay in 2009.



Pamela Livernois

Transaction History

Investment:

All

Source:

All

Transactions to display:

All

Show account history from: 12/23/2001 To date:

Transaction status:

All

 Only display records with redemption fees

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 Details 11/17/2008 Distribution of (\$18,455.82) Fund Display

| Date | Status | Details | Units | Price | Dollars | Redemption Fee |
|------------|---------|--|--------------|---------|--------------|----------------|
| 11/17/2008 | Settled | Sell (Normal) of \$3,120.02 from Fidelity Advisor Equity Growth Fund | (94.346000) | \$33.07 | (\$3,120.02) | \$0.00 |
| 11/17/2008 | Settled | Sell (Normal) of \$1,564.58 from Fidelity Advisor Overseas | (125.669000) | \$12.45 | (\$1,564.58) | \$0.00 |
| 11/17/2008 | Settled | Sell (Normal) of \$1,717.87 from Fidelity Advisor High Income Advantage Fund | (289.692000) | \$5.93 | (\$1,717.87) | \$0.00 |
| 11/17/2008 | Settled | Sell (Normal) of \$5,495.39 from Fidelity Advisor Short Fixed-Income Fund | (626.612000) | \$8.77 | (\$5,495.39) | \$0.00 |
| 11/17/2008 | Settled | Sell (Normal) of \$3,184.62 from Fidelity Advisor Equity Income | (198.790000) | \$16.02 | (\$3,184.62) | \$0.00 |
| 11/17/2008 | Settled | Sell (Normal) of | (111.848000) | \$30.16 | (\$3,373.34) | \$0.00 |