

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE



IN RE FLEMING COMPANIES INC

§  
§  
§  
§  
§  
§

CHAPTER 11

DEBTOR(S)


CASE NO 03-10945

NOTICE OF WITHDRAWAL OF PROOF OF CLAIM

NOW COMES Gregg County and files this Notice of Withdrawal of Proof of Claim In support thereof, Gregg County respectfully represents the following

- 1 Gregg County filed its secured proof of claim herein on or about 05-20-2003 in the amount of \$3,225 40, which claim is designated Claim No 91 on the Claims Register This claim was amended on or about 12-31-2003 in the amount of \$3,246 71 and designated on the Claims Register as Claim No 18047
- 2 The taxes in these claims have been paid
- 3 Wherefore, for this foregoing reason Gregg County desires to withdraw its Claim Nos 91 and 18047his case

Respectfully submitted,  
 Linebarger Goggan Blair  
 & Sampson, LLP  
 2323 Bryan Street, Suite 1600  
 Dallas, TX 75201-2691  
 (214) 880-0089 - Telephone  
 (469) 221-5002 - Fax  
 Email Dallas Bankruptcy@Publicans.com

By /s/Elizabeth Weller   
 Michael W Deeds, Attorney  
 Texas Bar No 05635450  
 Sherrel K Knighton, Attorney  
 Texas Bar No 00796900  
 Monica McCoy-Purdy, Attorney  
 Texas Bar No 00788003  
 Elizabeth Weller, Attorney  
 Texas Bar No 00785514

Claim Nos. 91 and 18047

**CERTIFICATE OF SERVICE**


I hereby certify that on 23<sup>rd</sup> day of July, 2004, a true and correct copy of the above and foregoing document shall be served via electronic means, if available, otherwise by regular, first class mail to

**Attorney for Debtor**


Laura Davis Jones  
Pachulski Stang Ziehl Young and Jones  
919 North Market Street, 16<sup>th</sup> Floor  
Wilmington, DE 19899-8705

**Trustee**

United States Trustee  
844 King Street  
Suite 2313  
Wilmington, DE 19801

/s/Elizabeth Weller 

Michael W Deeds, Attorney  
Texas Bar No 05635450  
Sherrel K Knighton, Attorney  
Texas Bar No 00796900  
Monica McCoy-Purdy, Attorney  
Texas Bar No 00788003  
Elizabeth Weller, Attorney  
Texas Bar No 00785514

|   |   |   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
|---|---|---|---|---|---------|-------------|-------------|---|---------|---|-------------|-------------|--|-----------|--|------------|--|---------|
| <b>UNITED STATES BANKRUPTCY COURT<br/>DISTRICT OF DELAWARE</b>  |   | <b>PROOF OF CLAIM<br/>(Secured)</b>   |   | <b>ORIGINAL<br/>FILED<br/>MAY 22 2003<br/>BMC</b><br><br>court use only |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| In Re <b>FLEMING COMPANIES, INC</b>   |   | Case Number <b>03-10945</b><br>Chapter <b>11</b>  |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| Name of Creditor<br><b>GREGG COUNTY</b>   |   | <input type="checkbox"/> Check if you are aware that anyone else has filed a proof of claim relating to your claim<br><br><input type="checkbox"/> Check if you have never received any notices from the bankruptcy court in this case<br><br><input type="checkbox"/> Check if the address differs from the address on the envelope sent to you by the court   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| Name/Address Where Notices Should Be Sent<br><br>Elizabeth Weller<br>LINEBARGER GOGGAN BLAIR & SAMPSON, LLP<br>2323 BRYAN STREET SUITE 1600<br>DALLAS, TX 75201<br><br>Telephone No (214)880-0089<br>Facsimile (214)253-2558<br>Email dallas bankruptcy@publicans.com |   |   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| Number by which creditor identifies debtor<br><br>See Attached Exhibits   |   | <input type="checkbox"/> This claim replaces<br><input type="checkbox"/> amends a previously filed claim, dated <input type="text"/><br><input type="checkbox"/> supplements  |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| <b>1 BASIS FOR CLAIM</b>  |   | <b>AD VALOREM TAXES</b>   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| <b>2 DATE DEBT WAS INCURRED</b>   |   | January 1 of each tax year, pursuant to Sections 32 01 and 32 07 of the Texas Property Tax Code   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| <b>3 CLASSIFICATION OF CLAIM</b>  |   | Secured claim to extent of collateral value Unsecured Priority claim [11 U S C 507 (a)(8)] to extent of any shortfall in collateral value and for personal liability Secured by Tax Lien §§ 32 01 and 32 05 of the Texas Property Tax Code  |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| <b>4 TOTAL AMOUNTS OF CLAIM</b>   |   | <table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">\$ 0 00</td> <td style="text-align: center;">+</td> <td style="text-align: right;">\$ 3,225 40</td> <td style="text-align: center;">+</td> <td style="text-align: right;">\$ 0 00</td> <td style="text-align: center;">=</td> <td style="text-align: right;">\$ 3,225 40</td> </tr> <tr> <td style="text-align: center;">(Unsecured)</td> <td></td> <td style="text-align: center;">(Secured)</td> <td></td> <td style="text-align: center;">(Priority)</td> <td></td> <td style="text-align: center;">(Total)</td> </tr> </table> |   |   | \$ 0 00 | +           | \$ 3,225 40 | + | \$ 0 00 | = | \$ 3,225 40 | (Unsecured) |  | (Secured) |  | (Priority) |  | (Total) |
| \$ 0 00   | + | \$ 3,225 40   | + | \$ 0 00   | =       | \$ 3,225 40 |             |   |         |   |             |             |  |           |  |            |  |         |
| (Unsecured)   |   | (Secured)   |   | (Priority)  |         | (Total)     |             |   |         |   |             |             |  |           |  |            |  |         |
| Plus interest accruing at 12% per annum pursuant to Texas Property Tax Code §33 01 as allowed under 11 U S C §506(b)  |   |   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| Make checks payable to<br>Mail payments to  |   | <b>GREGG COUNTY</b><br>2323 BRYAN STREET SUITE 1600<br>DALLAS, TX 75201   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| <b>5 CREDITS AND SETOFFS</b>  |   | The amount of the payments on this claim has been credited and deducted for the purpose of making this proof of claim In filing this claim, claimant has deducted all amounts that claimant owes to debtor  |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| <b>6 SUPPORTING DOCUMENTS</b>   |   | Attached  |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| DATE MAY 13, 2003<br><br><br>Elizabeth Weller<br>TX Bar I D 00785514   |   | court use only<br>FILED<br>MAY 13 2003<br>DISTRICT OF DELAWARE  |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |
| Penalty for presenting fraudulent claim Fine up to \$500 000 or imprisonment up to 5 years or both 18 U S C §§ 152, 3571  |   |   |   |   |         |             |             |   |         |   |             |             |  |           |  |            |  |         |



# Statement Of Account

Issue Date 05/13/2003

This is a statement of taxes paid and due as of 05/13/2003 based upon the tax records of the Gregg County Tax Office

Kirk Shields  
101 E Methvin  
Suite 215  
Longview, TX 75601

This document is not a tax certificate and does not absolve a taxpayer from tax liability in any way. Should this document be found to be in error, it may be corrected by the collection office. Responsibility to pay taxes remains with the taxpayer as outlined in the Texas Property Tax Code

| Property Information                |                                | Value Information | Owner Information     |         |
|-------------------------------------|--------------------------------|-------------------|-----------------------|---------|
| Property ID                         | P181119                        |                   | Owner ID              | 9020208 |
| Cross Ref                           |                                | Land HS           | YESS LESS FOOD & MORE |         |
| PERSONAL PROPERTY-1005 EASTMAN RD N |                                | Land NHS          | % FLEMING CO          |         |
| Situs Addr                          | 1005 N EASTMAN RD<br>LONGVIEW, | Imp HS            | 1945 LAKE POINT DR    |         |
|                                     |                                | Imp NHS           | LEWISVILLE, TX 75057  |         |
|                                     |                                | Ag Mkt            |                       |         |
|                                     |                                | Ag Use            |                       |         |
|                                     |                                | Appraised         | NaN                   |         |
|                                     |                                | HS Cap Adj        | undefined             |         |
|                                     |                                | Assessed          | \$453,420             |         |

## Bills Summary

| PAID BILLS SUMMARY              |                     |                   |                 |                       |                               |
|---------------------------------|---------------------|-------------------|-----------------|-----------------------|-------------------------------|
| Bill ID                         | Tax Paid            | Disc P&I          | Att Fee         | Date Paid             | Amt Paid                      |
| CLV 01 166139                   | <del>2,237.17</del> | <del>0.00</del>   | <del>0.00</del> | <del>11/30/2001</del> | <del>2,237.17</del>           |
| CLV 02 170829                   | <del>2,191.83</del> | <del>0.00</del>   | <del>0.00</del> | <del>10/31/2002</del> | <del>2,191.83</del>           |
| GGG 01 166139                   | <del>1,020.68</del> | <del>20.83</del>  | <del>0.00</del> | <del>11/30/2001</del> | <del>1,020.68</del>           |
| GGG 02 170829                   | <del>1,010.26</del> | <del>-31.25</del> | <del>0.00</del> | <del>10/31/2002</del> | <del>1,010.26</del>           |
| RDB 01 166139                   | <del>23.55</del>    | <del>0.48</del>   | <del>0.00</del> | <del>11/30/2001</del> | <del>23.55</del>              |
| RDB 02 170829                   | <del>23.31</del>    | <del>-0.72</del>  | <del>0.00</del> | <del>10/31/2002</del> | <del>23.31</del>              |
| SLV 01 166139                   | <del>7,047.05</del> | <del>0.00</del>   | <del>0.00</del> | <del>11/30/2001</del> | <del>7,047.05</del>           |
| SLV 02 170829                   | <del>7,042.84</del> | <del>0.00</del>   | <del>0.00</del> | <del>10/31/2002</del> | <del>7,042.84</del>           |
| <b>Total Paid on Paid Bills</b> |                     |                   |                 |                       | <b><del>\$20,596.69</del></b> |

Total Due for Property if Paid Before 06/01/2003      \$0 00

Estimated taxes for year 20<sup>03</sup> are \$ 3225.40  
Actual tax amounts will be determined at a later date  
pursuant to Texas law.