FORM B10 (Official Form 10) (4/01)

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF Delaware

PROOF OF CLAIM

Name of Debtor
Fleming Companies Inc

Case Number
03-10945

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)
Thermo King Sales & Service Inc

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

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

Name and address where notices should be sent
1120 Canton Road
Akron, OH 44312

Telephone number 330-733-9993

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor
F0350

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 _____

☐ Retiree benefits as defined in 11 U S C § 1114(a)
☐ Wages, salaries, and compensation (fill out below)
Your SS # _____ _____ _____
Unpaid compensation for services performed
from _____ (date) to _____ (date)

2 Date debt was incurred
March 19, 2003 thru March 28, 2003

3 If court judgment, date obtained

4 Total Amount of Claim at Time Case Filed $ 1,349.55

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim Attach itemized statement of all interest or additional charges

5 Secured Claim

☐ Check this box if your claim is secured by collateral (including a right of setoff)

Brief Description of Collateral
☐ Real Estate ☐ Motor Vehicle
☐ Other_____

Value of Collateral $_____

Amount of arrearage and other charges at time case filed included in secured claim if any $_____

6 Unsecured Priority Claim

☐ Check this box if you have an unsecured priority claim

Amount entitled to priority $_____

Specify the priority of the claim

☐ Wages salaries or commissions (up to $4 650) * earned within 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 $2 100* of deposits toward purchase lease or rental of property or services for personal family or household use 11 U S C § 507(a)(6)
☐ Alimony maintenance or support owed to a spouse former spouse or child 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)(____)

**Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment*

7 Credits The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim

8 Supporting Documents *Attach copies of supporting documents,* such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien DO NOT SEND ORIGINAL DOCUMENTS If the documents are not available, explain If the documents are voluminous, attach a summary

9 Date-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

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FILED

JUN 24 2003

BMC

Fleming Companies Claim
01178

Date
June 16,2003

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) Terry Shaffer
Branch Manager

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

THERMO KING SALES & SERVICE INC.

1120 CANTON ROAD
Fax (330) 733-2858
AKRON, OH 44312-3321
Phone (330) 733-9993

CUSTOMER STATEMENT

Aging Date 06/16/2003

FLEMING COMPANIES INC
Attention DONNA ELY
P O BOX 207
7676 ERIE STREET SW
MASSILLON, OH 44648

For the Period From 01/01/2002 To 04/01/2003

Invoice Date	Invoice Number	Total Amount	Total Paid	Total Receivable	Status
03/19/2003	33386	$338 07	$0 00	$338 07	Over 60
03/21/2003	33275	$303 71	$0 00	$303 71	Over 60
03/26/2003	32387B4	$45 01	$0 00	$45 01	Over 60
03/26/2003	32833B3	$135 02	$0 00	$135 02	Over 60
03/26/2003	33386B1	$243 95	$0 00	$243 95	Over 60
03/26/2003	33458	$283 79	$0 00	$283 79	Over 60
03/27/2003	33386B2	$186 60	$0 00	$186 60	Over 60
03/28/2003	90021820	($186 60)	$0 00	($186 60)	Over 60
	Totals	$1 349 55	$0 00	$1 349 55	

Current	Over 30	Over 60	Over 90
$0 00	$0 00	$1,349 55	$0 00

Customer Response

Amount Enclosed $ _____ Check # _____

Comments _____

Thank You For Your Payment!

T. RMO KING SALES & SERVICE IN

World Leader In Transport Temperature Control

1120 CANTON ROAD
AKRON, OH 44312-3321
(330) 733-9993
Fax (330) 733-2858
Federal ID 34-0930568

INVOICE

 # 33386

SALES ORDER #
33386

Page 1 of 1

SOLD TO
DONNA ELY
FLEMING COMPANIES INC
7676 ERIE STREET SW
P O BOX 207
MASSILLON, OH 44648
USA 330-879-3358

SHIPPED TO
DONNA ELY
FLEMING COMPANIES INC
7676 ERIE STREET SW
P O BOX 207
MASSILLON, OH 44648
USA 330 879-3358

INVOICE DATE	YOUR ORDER #	PAYMENT TERMS	SALESMAN	ORDER SOURCE	SHIPPED VIA
03/19/2003	11431	NET 30 DAYS	TOM	PHONE	DELIVERY

Truck	Hr Meter	Model	Unit Serial#	Engine Serial#	Compressor Ser#	In Service Date

Qty	Ship	BO	Item #	Description	Price	Amount
1 00	0 00	1 00	117486	DIPSTICK OIL ASSY	$7 89	$0 00
1 00	0 00	1 00	118848	CASE GEAR	$230 69	$0 00
6 00	2 00	4 00	333060	GASKET SWITCH LEVEL OIL	$9 10	$18 20
1 00	0 00	1 00	900287	KIT BRACKETS ALTERNATOR	$120 37	$0 00
1 00	0 00	1 00	117686	ROD SOL	$11 79	$0 00
3 00	3 00	0 00	119300	ELEMENT-CLEANER AIR	$30 85	$92 55
1 00	0 00	1 00	447792	SWITCH-1PST	$9 57	$0 00
1 00	1 00	0 00	449041	HARNESS-ALT =	$66 88	$66 88
1 00	1 00	0 00	557197	SPACER-ALT	$4 04	$4 04
1 00	0 00	1 00	771530	PULLEY 8 00OD 1B 4 20	$32 60	$0 00
1 00	1 00	0 00	771835	PULLEY IDLER COMPL	$71 48	$71 48
1 00	1 00	0 00	771836	PULLEY IDLER COMPL	$66 54	$66 54
1 00	0 00	1 00	772397	PULLEY 7 23OD 1B 2 4 ENG	$14 50	$0 00

Comments:

PARTS	$319 69
LABOR	$0 00
FREIGHT	$0 00
5 75% TAX	$18 38
OTHER TAX	$0 00
OTHER	$0 00
TOTAL	$338 07
AMOUNT DUE	$338 07

Neither Thermo King Corp nor Thermo King Sales and Service Inc shall be liable for any injury or damage caused to trucks contents product cargo or persons by reason of the installation use or mechanical failure of any Thermo King product or otherwise of any special indirect incidental or consequential damages arising therefrom to the customer or anyone else Whether arising intort or contract Nor shall Thermo King Corp or Thermo King Sales and Service Inc be liable for any damages or penalties for delay in delivery to customer or unless accepted in the original purchase order damages or penalty for late delivery

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Federal ID 34-0930568

INVOICE

 # 33275

SALES ORDER #
33275

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P O BOX 207
MASSILLON, OH 44648
USA 330-879-3358

INVOICE DATE	YOUR ORDER #	PAYMENT TERMS	SALESMAN	ORDER SOURCE	SHIPPED VIA
03/21/2003	11431	NET 30 DAYS	PB	PHONE	WILL-CALL

Truck	Hr Meter	Model	Unit Serial#	Engine Serial#	Compressor Ser#	In Service Date

Qty	Ship	BO	Item #	Description	Price	Amount
1 00	1 00	0 00	448225	BOARD-PC	$287 20	$287 20

Comments:

PARTS	$287 20
LABOR	$0 00
FREIGHT	$0 00
5 75% TAX	$16 51
OTHER TAX	$0 00
OTHER	$0 00
TOTAL	$303 71
AMOUNT DUE	$303 71

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INVOICE

 # 32387B4

SALES ORDER #
32387B4

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USA 330-879-3358

INVOICE DATE	YOUR ORDER #	PAYMENT TERMS	SALESMAN	ORDER SOURCE	SHIPPED VIA
03/26/2003	11234	NET 30 DAYS	TOM	FAX	DELIVERY

Truck	Hr Meter	Model	Unit Serial#	Engine Serial#	Compressor Ser#	In Service Date

Qty	Ship	BO	Item #	Description	Price	Amount
2 00	2 00	0 00	922356	BEZEL-WINDOW	$21 28	$42 56

Comments:

PARTS	$42 56
LABOR	$0 00
FREIGHT	$0 00
5 75% TAX	$2 45
OTHER TAX	$0 00
OTHER	$0 00
TOTAL	$45 01
AMOUNT DUE	$45 01

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INVOICE

 # 32833B3

SALES ORDER #
32833B3

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MASSILLON, OH 44648
USA 330-879-3358

INVOICE DATE	YOUR ORDER #	PAYMENT TERMS	SALESMAN	ORDER SOURCE	SHIPPED VIA
03/26/2003	11287	NET 30 DAYS	TOM	PHONE	DELIVERY

Truck	Hr Meter	Model	Unit Serial#	Engine Serial#	Compressor Ser#	In Service Date

Qty	Ship	BO	Item #	Description	Price	Amount
6 00	6 00	0 00	922356	BEZEL-WINDOW	$21 28	$127 68

Comments:

PARTS	$127 68
LABOR	$0 00
FREIGHT	$0 00
5 75% TAX	$7 34
OTHER TAX	$0 00
OTHER	$0 00
TOTAL	$135 02
AMOUNT DUE	$135 02

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 # 33386B1

SALES ORDER #
33386B1

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MASSILLON, OH 44648
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INVOICE DATE	YOUR ORDER #	PAYMENT TERMS	SALESMAN	ORDER SOURCE	SHIPPED VIA
03/26/2003	11431	NET 30 DAYS	TOM	PHONE	DELIVERY

Truck	Hr Meter	Model	Unit Serial#	Engine Serial#	Compressor Ser#	In Service Date

Qty	Ship	BO	Item #	Description	Price	Amount
1 00	1 00	0 00	118848	CASE GEAR	$230 69	$230 69

Comments:

PARTS	$230 69
LABOR	$0 00
FREIGHT	$0 00
5 75% TAX	$13 26
OTHER TAX	$0 00
OTHER	$0 00
TOTAL	$243 95
AMOUNT DUE	$243 95

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SALES ORDER #
33458

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P O BOX 207
MASSILLON, OH 44648
USA 330-879-3358

INVOICE DATE	YOUR ORDER #	PAYMENT TERMS	SALESMAN	ORDER SOURCE	SHIPPED VIA
03/26/2003	11462	NET 30 DAYS	TOM	PHONE	DELIVERY

Truck	Hr Meter	Model	Unit Serial#	Engine Serial#	Compressor Ser#	In Service Date

Qty	Ship	BO	Item #	Description	Price	Amount
1 00	1 00	0 00	117668	TUBE-EXH	$19 27	$19 27
1 00	0 00	1 00	780595	FAN-COND	$460 47	$0 00
1 00	1 00	0 00	128047A	FILTER FUEL/SEPARATOR	$135 00	$135 00
1 00	1 00	0 00	8119356	PUMP WATER REMAN DI/SE	$53 34	$53 34
1 00	1 00	0 00	C119356	CORE WATER PUMP	$60 75	$60 75

Comments:

PARTS	$268 36
LABOR	$0 00
FREIGHT	$0 00
5 75% TAX	$15 43
OTHER TAX	$0 00
OTHER	$0 00
TOTAL	$283 79
AMOUNT DUE	$283 79

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