

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**PROOF OF CLAIM**

In re  
Fleming Companies Inc

Case Number  
03-10945

Bar Date Ref #

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 and Address**

0354653000000

Chemung County Treasurer's Ofc  
PO Box 588  
Elmira NY 14902-0588

☐ 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 this address differs from the address on the envelope sent to you by the court.

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

Creditor Telephone Number (607) 737-2927

CREDITOR TAX ID # 070400 99 05-3-24

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR WD 1/319

Check here if this claim replaces or amends a previously filed claim dated

**1 BASIS FOR CLAIM**

- ☐ Goods sold ☐ Personal injury/wrongful death ☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
- ☐ Services performed ☒ Taxes ☐ Real Property ☐ Wages, salaries, and compensation (Fill out below)
- ☐ Money loaned ☐ Other (describe briefly) Your social security number

Unpaid compensation for services performed from (date) to (date)

**2 DATE DEBT WAS INCURRED**

**3 IF COURT JUDGMENT, DATE OBTAINED**

**4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE**

\$ (unsecured) \$ (secured) \$ 205.87 (unsecured priority) \$ 205.87 (total)

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 above if any \$

**6 UNSECURED PRIORITY CLAIM**

☒ Check this box if you have an unsecured priority claim.

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 4/1/01 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 your claim, please enclose a self-addressed stamped envelope and an additional copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 4:00 p.m., September 15, 2003, Pacific Daylight Time.

BY MAIL TO  
Bankruptcy Management Corporation  
P.O. BOX 900  
El Segundo, CA 90245-0900

BY HAND OR OVERNIGHT DELIVERY TO  
Bankruptcy Management Corporation  
1330 East Franklin Avenue  
El Segundo, CA 90245

DATE SIGNED

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).

August 7 2003

Joseph F. Costello JOSEPH F COSTELLO Deputy TREASURER

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 AND 3571

THIS SPACE FOR COURT

FILED

AUG 11 2003

BMC

Fleming Companies Claim



03131

See Other Side For Instructions

## CHEMUNG COUNTY TREASURER'S OFFICE

OFFICE HOURS  
 MONDAY THROUGH FRIDAY  
 8 30 A M TO 4 30 P M  
 EXCEPT HOLIDAYS

320 E MARKET STREET  
 P O BOX 588  
 ELMIRA, NEW YORK 14902-0588  
 (607) 737-2927

JULY 15, 2003

BILL FOR TAXES FOR THE BELOW DESCRIBED PARCEL OF LAND INTEREST THRU 07-31-03

TAXING DISTRICT ELMIRA - WARD 01  
 713 GRAY ST W

MAJOR # E0319  
 QQ 070400 99 05-3-24  
 PARKING LOT

FLEMING COMPANIES INC  
 C/O DELOITTE & TOUCHE LLP  
 PO BOX 811280  
 CHICAGO IL 60681

YEAR	TAX TYPE	RETURNED TAX	PENALTY	INTEREST	TOTAL
2003	ELMIRA SCHOOL	\$188 53	9 80	7 54	\$205 87

\$205 87 TOTAL

\$188 53 RETURNED  
 \$9 80 PENALTY  
 \$7 54 INTEREST

RECEIVED PAYMENT FOR THE ABOVE TAX FROM \_\_\_\_\_

010 E0319 713 GRAY ST W \_\_\_\_\_

MAIL \_\_\_\_\_  
 CASH \_\_\_\_\_  
 M O \_\_\_\_\_  
 CHECK \_\_\_\_\_  
 WHEN PAID BY CHECK,  
 THIS RECEIPT NOT VALID  
 UNTIL CHECK HAS CLEARED  
 THE BANKS AND BEEN PAID

RECEIPT # \_\_\_\_\_ DATE OF PAYMENT \_\_\_\_\_

THIS DOCUMENT COVERS TAXES THAT HAVE BEEN RECEIVED BY THE COUNTY TREASURER'S  
 OFFICE THERE MAY BE OTHER TAXES OUTSTANDING FROM OTHER TAXING DISTRICTS OR  
 TAXES THAT HAVE NOT YET BEEN RECEIVED BY THE CHEMUNG COUNTY TREASURERS OFFICE

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**In re Fleming Companies, Inc et al  
Case No. 03-10945-(MFW)-11**

**DOCUMENTS APPENDED TO CLAIM**

On August 19, 2005, document(s) were appended to Claim Number **3131** for the following reason(s)

- ☐ Stipulation and Settlement Agreement
- ☐ New Supporting Documents
- ☐ Letter and attachments dated #####
- ☒ Proof of Payment dated 8/5/05
- ☐ Other Docket Number ###

1

**Fleming Companies, Inc - Estate**

**34531**

REFERENCE NO / DESCRIPTION			INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
Account Payables - CAP						2,520.52
CHECK DATE	CHECK NUMBER	PAYEE	DISCOUNTS TAKEN		CHECK AMOUNT	
8/5/05	34531	CHEMUNG COUNTY TREASURER'S OFFICE			\$2,520.52	

THE BACKGROUND OF THIS DOCUMENT IS PRINTED IN COLORED INK

**Fleming Companies, Inc - Estate**

Phone 405 641.5789

5701 North Shartel

Oklahoma City OK 73118

JPMorgan Chase Bank  
New York Controlled Disbursement

**34531**

1-2  
218

CHECK #	DATE	AMOUNT
34531	Aug 5 2005	*****\$2,520.52

Two Thousand Five Hundred Twenty and 52/100 Dollars

Memo

CHEMUNG COUNTY TREASURER'S OFFICE

PAY  
TO THE  
ORDER  
OF

Settlement of claim 3131

0034531 021000021 904047075

Updated/Revised Claim For

## Chemung County Treasurers's Office

Roberta

PO Box 588

Elmira, NY 14902-0588

Contact

Roberta

(607) 737-2927

(607) 737-2946

Proofs of Claim

3131, 8/11/03

Claim Number	Parcel or Account	Secured/Priority Portion of Tax Claim				Memo/Notes
		Base Claim Total	Tax Due	Compensatory Penalties & Interest @ 18.0% to 08/31/05	Total Priority Tax Payable	
3131	070400 99 05-3-24	205 87	230 29	48 36	278 65	2003 RE Elmira School
admin	070400 99 05-3-24		397 60	90 85	488 45	2004 RE Elmira School
admin	070400 99 05-3-24		311 54	71 19	382 73	2004 RE Elmira City
admin	070400 99 05-3-24		221 04	55 15	276 19	2004 RE Elmira County
admin	070400 99 05-3-24		430 66	44 14	474 80	2005 RE Elmira School
admin	070400 99 05-3-24		330 42	33 87	364 29	2005 RE Elmira City
admin	070400 99 05-3-24		227 33	28 08	255 41	2005 RE Elmira County
Totals		205 87	2,148 88	371 64	\$ 2,520 52	

Recap by claim

3131	205 87	230 29	278 65
admin	-	1,918 59	2,241 87
	205 87	2,148 88	2,520 52

a Interest to be paid at 5% simple interest on total outstanding "Secured/Priority Due" from 8/23/04 until paid in

\* Chemung County Treasurers's Office accepts these payments as full and final settlement for all property tax claims against PCT as Post Confirmation Trust of Fleming Companies, Inc and related debtors in the Chapter

(N)



# CHEMUNG COUNTY

**OFFICE OF THE TREASURER  
320 E MARKET STREET  
P.O. BOX 588**

ELMIRA, NEW YORK 14902-0588  
(607) 737-2923 FAX (607) 737-2846

JOSEPH E. SARTORI CPA  
TREASURER

Tentative Tax Bill With Payment Date Of August 31, 2005

Bill Name	Fleming Companies Inc			
Property Location	713 GRAY ST W			
Municipality	City of Elmira			
Parcel Id	70400 99 05-3-24			
Account No	010E0319			

  

Year	Description	Assessed Value	Exemption	Net Value	Taxable Value
2003	Tax Lien	230.29	48.36	0.00	278.65
2004	Town/County	221.04	44.10	11.05	276.19
2004	Elmira-School	397.60	70.97	19.88	488.45
2004	Elmira-City	311.54	55.61	15.58	382.73
2005	Town/County	227.33	16.71	11.37	255.41
2005	Elmira-School	430.66	22.61	21.53	474.80
2005	Elmira-City	330.42		16.52	364.29

***This document covers taxes that have been received by the County Treasurers Office. There may be other taxes outstanding from other taxing authorities or taxes that have not yet been received by the Chemung County Treasurers Office.***

Joseph E. Sutton  
County Treasurer

FAX 405-286-<sup>9819</sup>~~9819~~