# UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

# PROOF OF CLAIM

618162

Bar Date Ref # 2-NVM-84582

In re

Fleming Companies, Inc., et al.

Case Number 03-10945

Jointly Administered

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**

Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P. 0354653618162

PO Box 2611
Raleigh NC 27602
Attention Amos U Priester, IV, Esq.

Creditor Telephone Number ( 919 821-1220

☐ 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 TAX I D # | ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR | Check here if this claim ☐ replaces or ☐ amends a previously filed claim dated |
|---|---|---|
| 56-0402850 | 289-41 | |

**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 compensation for services performed from _____ (date) to _____ (date)

**2 DATE DEBT WAS INCURRED** 12/2/02 - 3/31/03

**3 IF COURT JUDGMENT, DATE OBTAINED** N/A

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

| $ 6,695.86 | $ | $ | $ 6,695.86 |
|---|---|---|---|
| (unsecured) | (secured) | (unsecured priority) | (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**

FILED

**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**

THIS SPACE FOR COURT USE ONLY

AUG 14 2003

BMC

**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) |
|---|---|
| 8/11/03 | Amos U Priester, IV, Esq Partner |

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

Fleming Companies Claim 04099

***See Other Side For Instructions***

# SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL & JERNIGAN, L L P

OFFICES
2500 Wachovia Capitol Center
Raleigh, North Carolina 27601

AMOS U PRIESTER, IV
DIRECT DIAL (919) 821-6669
E-Mail apriester@smithlaw com

LAWYERS

MAILING ADDRESS
P O Box 2611
Raleigh, North Carolina
27602 2611

TELEPHONE (919) 821 1220
FACSIMILE (919) 821-6800

August 11, 2003

Bankruptcy Management Corporation
P O Box 900
1330 East Franklin Avenue
El Segundo, California 90245-0900

Re Fleming Companies, Inc , et al
Case No 03-10945 (MFW)
Chapter 11

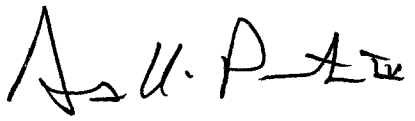
To Whom It May Concern

Enclosed are the original and two copies of the Proof of Claim of Smith Anderson to be filed in the above-referenced bankruptcy proceeding Please acknowledge receipt of the claim on one of the copies and return it to us in the enclosed pre-addressed stamped envelope

Please do not hesitate to call if you have any questions

Sincerely,

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L L P

By 

Amos U Priester, IV

AUP/klb
Enclosures

#650601_1

# SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL & JERNIGAN, L L P

P O BOX 2611
RALEIGH NC 27602 2611
FEDERAL TAX ID# 56-0402850
919 821-1220

Mr Danny Lane
Fleming Companies, Inc
Highway 17 South
Warsaw, NC 28398

February 11, 2003
Invoice No 110415
Page 1
RKV

Matter No 000289 00039

RE Collection of 2-1/2 million Dollar Trade Account

| | |
|---|---|
| Fees for Professional Services | $ 3,775 00 |
| Expense Advances | 70 31 |
| Balance Due | $ 3,845 31 |

SERVICES SUMMARY

| | | | |
|---|---|---|---|
| Amos U Priester IV | 0 50 | $290 00 | 145 00 |
| Robin K Vinson | 12 50 | $250 00 | 3,125 00 |
| Jennifer L Swails | 4 00 | $100 00 | 400 00 |
| Lisa M Young | 1 75 | $ 60 00 | 105 00 |

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February 11, 2003
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Page 2
RKV

Matter No 000289 00039

RE Collection of 2-1/2 million Dollar Trade Account

| DATE | ATTY | | HOURS |
|---|---|---|---|
| 12/02/02 | RKV | Review hearing notice, telephone conference with Trial Court Administrator, prepare correspondence and document subpoenas | 2 00 |
| 12/06/02 | RKV | Prepare Amended Notice, prepare revised subpoenas, telephone conference with Trial Court Administrator, schedule document review | 2 00 |
| 12/11/02 | LMY | Search NC Secretary of State for status of corporations, update Mr Vinson | 1 00 |
| 12/11/02 | RKV | Telephone conference with attorney for Defendants, review correspondence and financial statements, telephone conference with Trial Court Administrator, conference with Clerk | 0 50 |
| 12/12/02 | LMY | Search NC Secretary of State | 0 75 |
| 12/12/02 | RKV | Telephone conference with Clerk of Court, prepare Stipulation regarding PWNC attachment, prepare correspondence regarding Camp assets | 0 75 |
| 12/13/02 | RKV | Prepare Order regarding pre-judgment attachment of PWNC assets, telephone conference with Clerk and Trial Court Administrator, prepare correspondence | 1 25 |
| 12/16/02 | RKV | Prepare correspondence to Mr White, prepare report on status of collection efforts, review correspondence from Fleming | 0 50 |
| 12/20/02 | RKV | Review Order, prepare notices, prepare additional document request | 0 50 |
| 12/31/02 | RKV | Prepare year-end correspondence and report | 0 75 |
| 01/06/03 | RKV | Prepare for conference meeting, lengthy status telephone conference with Mr Lane, prepare memoranda | 0 75 |
| 01/16/03 | RKV | Review Order regarding Pre-Judgment Attachment for PWNC, telephone conference with attorney for Defendant Camp, review notice and deposition issues | 1 75 |
| 01/23/03 | JS1 | Review subpoena | 0 50 |
| 01/24/03 | JS1 | Continue preparation of subpoenas | 3 50 |
| 01/27/03 | RKV | Review Camp bankruptcy filing information, outline status report | 1 00 |

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February 11, 2003
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Page 3
RKV

Matter No 000289 00039

RE Collection of 2-1/2 million Dollar Trade Account

| DATE | ATTY | | HOURS |
|---|---|---|---|
| 01/30/03 | AUP | Obtain and review bankruptcy pleadings, schedules and petition, analyze same | 0 50 |
| 01/30/03 | RKV | Outline bankruptcy schedules, revise correspondence | 0 75 |

TOTAL FEES $ 3,775 00

EXPENSES

| | |
|---|---|
| Long Distance Telephone | 13 50 |
| Messenger | 35 00 |
| Inhouse Copying | 4 00 |
| Telecopy | 16 00 |
| Postage | 83 |
| Electronic Research | 98 |
| TOTAL EXPENSE | 70 31 |
| TOTAL FEES PLUS EXPENSE | $ 3,845 31 |
| TOTAL AMOUNT DUE - CURRENT INVOICE | $ 3,845 31 |

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Mr Danny Lane
Fleming Companies, Inc
Highway 17 South
Warsaw, NC 28398

April 4, 2003
Invoice No 111793
Page 1
RKV

Matter No 000289 00039

RE Collection of 2-1/2 million Dollar Trade Account

| | |
|---|---|
| Balance From Prior Invoice(s) | $ 3,845 31 |
| Fees for Professional Services | $ 2,768 75 |
| Expense Advances | 81 80 |
| Balance Due | $ 6,695 86 |

---------- S E R V I C E S S U M M A R Y ----------

| | | | |
|---|---|---|---|
| Amos U Priester IV | 4 00 | $290 00 | 1,160 00 |
| Robin K Vinson | 6 25 | $250 00 | 1,562 50 |
| S Nikole Byrd | 0 25 | $185 00 | 46 25 |

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Mr Danny Lane
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Highway 17 South
Warsaw, NC 28398

April 4, 2003
Invoice No 111793

RKV

Matter No 000289 00039

RE Collection of 2-1/2 million Dollar Trade Account

| DATE | ATTY | | HOURS |
|---|---|---|---|
| 02/10/03 | RKV | Analyze bankruptcy schedules, prepare status report and interim evaluation | 1 75 |
| 02/12/03 | RKV | Prepare order and certificate | 2 25 |
| 02/18/03 | RKV | Prepare memorandum regarding status of case and pending issues, review schedules | 0 25 |
| 02/28/03 | RKV | Prepare correspondence and memorandum | 0 25 |
| 03/03/03 | AUP | Review and analyze background materials and information from Bankruptcy Court on Mr Camp | 0 50 |
| 03/13/03 | RKV | Conference with Clerk of Court regarding Order on Pre-Judgment Attachment, review court files | 1 25 |
| 03/24/03 | RKV | Review status of bankruptcy, prepare memorandum | 0 50 |
| 03/27/03 | AUP | Review and analyze numerous documents received from Bankruptcy Court, analyze possible recovery options | 1 00 |
| 03/27/03 | SNB | Review Bankruptcy Court docket sheet and petition filed by Mr Camp | 0 25 |
| 03/30/03 | AUP | Review and analyze documents received from Bankruptcy Court, analyze possible discovery mechanics and recovery of claim, legal research regarding same | 1 25 |
| 03/31/03 | AUP | Review and analyze new documents received from Bankruptcy Court, continued legal research regarding possible remedies and information gathering techniques | 1 25 |

TOTAL FEES 2,768 75

EXPENSES

Inhouse Copying 81 80

TOTAL EXPENSE 81 80

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April 4, 2003
Invoice No 111793
Page 3
RKV

Matter No 000289 00039

RE Collectıon of 2-1/2 mıllıon Dollar Trade Account

| | |
|---|---|
| TOTAL FEES PLUS EXPENSE | $ 2,850 55 |
| TOTAL AMOUNT DUE - CURRENT INVOICE | $ 2,850 55 |