

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM



619057

Bar Date Ref # 2-NVM-85525

In re  
FLEMING FOODS OF TEXAS, LP

Case Number  
03-10955

YOUR CLAIM IS SCHEDULED AS  
\$6,801.41 UNSECURED  
(See Attachments)

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.

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.

Name of Creditor and Address

0354653619057

Tee Pee Olives  
PO Box PO Box 239  
Scarsdale NY 10583

Creditor Telephone Number ( )

CREDITOR TAX ID #

13-2631753

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

70183

Check here  replaces or  amends a previously filed claim dated \_\_\_\_\_

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 \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

2 DATE DEBT WAS INCURRED 11/26/02

3 IF COURT JUDGMENT, DATE OBTAINED

4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE \$ 7,084.80 (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.

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

FILED

AUG 18 2003

BMC

Fleming Companies Claim



05013

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

8/13/03

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)

*E A Cairo*

E A CAIRO  
SECRETARY/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

See Other Side For Instructions

(914) 723 6600  
 (800) 431-1529  
 (914) 723-2837 FAX

# TEE PEE Olives, Inc.

P O BOX 239  
 SCARSDALE, N Y 10583

**SOLD TO**  
 FLEMING CO. -IX  
 P O BOX 24750  
 OKLAHOMA CITY OK 731240

ACCT NO  
 70183

DATE  
 11/26/02

INVOICE NO.  
 53014

**SHIP TO SAME AS SOLD TO UNLESS OTHERWISE INDICATED**  
 2600 FLEMING CO, INC  
 2600 MCURFF RD  
 GARIAND IX 75046

SHIPPED VIA: PVE-PAID      YOUR P.O. NO: 21864 269989GA      SALESMAN: TEE PEE OLIVES 229      TERMS: 2% 10 N 11

| ITEM QTY  | DESCRIPTION                            | UNIT PRICE | TOTAL    |
|-----------|--|------------|----------|
| 12013 288 | CA STFD MANZ 12/5 3/4 OZ ITALIA        | 8.00       | 2,304.00 |
| 12419 360 | CA SALAD OLIVES 12/10 OZ PAR           | 10.20      | 3,672.00 |
| 12500 126 | CA JALAPENO SLICED PEPPERS 12/12 FL OZ | 8.80       | 1,108.80 |

774

TOTAL AMOUNT DUE 

7,084.80

FILE COPY

| <u>Division</u>              | <u>Invoice Date</u> | <u>Receipt Date</u> | <u>Inv No./Credit Request</u> | <u>Amount</u> | <u>Discount</u> |
|------------------------------|---------------------|---------------------|-------------------------------|---------------|-----------------|
| CORPORATE CATEGORY MARKETING | 12/20/02            | 12/20/02            | GAC212813                     | -50 00        | 0 00            |
| CORPORATE CATEGORY MARKETING | 11/20/02            | 11/20/02            | WVC212209                     | -50 00        | 0 00            |
| GARLAND CTP                  | 01/01/00            | 11/29/02            | 53014                         | 7,084.80      | -283 39         |
| DATE OF CHECK 12/26/02       | AMOUNT OF CHECK     | \$6,701.41          |                               |               |                 |

SEE INFORMATION ON BACK

TEE PEE Olives, Inc

DATE RECEIVED  
DATE 1/15/03

109 Montgomery Avenue  
PO Box 239  
Scarsdale New York 10583

(914) 723-6600  
(800) 431-1529 (Out of NY)  
FAX (914) 723-2837

January 7, 2003

Fleming Companies Inc  
Box 26647  
Oklahoma City, OK 73126

Attn Accounts Payable

Re Your P O #269989GA  
Our Inv #53014

Gentlemen

We have for acknowledgement your check #25764945 dated 12/26/02 in the amount of \$6,701 41

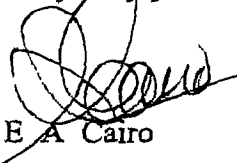
We note that two deductions were made for "corporate category marketing", your numbers GAC212813 and WWC212209, both in the amount of \$50 00 We ask that you please let us have backup paperwork so we will know what these deductions cover

Further the discount in the amount of \$283 39 is disallowed due to the payment 30 days later

We are temporarily holding up the deposit of this check until we have paperwork covering the deductions of \$100 00 and your additional check in the amount of \$283 39 so we may properly balance our ledgers

For your reference we are enclosing a copy of check mentioned above

Very truly yours

  
E A Cairo

/sm  
Enc

February 6, 2003

Fleming Companies, Inc  
Box 26647  
Oklahoma City, OK 73126

Attention Accounts Payable

Re Your P O #269989GA  
Our Invoice #53014

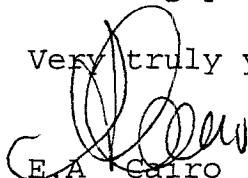
Gentlemen

On January 7, 2003 we had written you concerning a discount taken of \$283 39 which was disallowed We mentioned also that we were holding the check up However, we had no reply from you, nor received payment

Inasmuch as you have not answered us, we are returning your check, and ask that you please remit to us the full amount of our invoice number captioned above in the amount of \$7,084 80 so that we may properly balance your ledger

Thanking you

Very truly yours,



E.A. Cairo

EAC lp  
enc

2/24/03  
sent statement  
PAST DUE

**T**EE **P**EE *Olives .nc*

109 Montgomery Avenue  
P O Box 239  
Scarsdale, New York 10583

(914) 723-6600  
(800) 431-1529 (Out of NY)  
FAX (914) 723-2837

March 10, 2003

Fleming Companies Inc  
Box 26647  
Oklahoma City, OK 73126

Attn Accounts Payable

Re Your P O #269989GA  
Our Inv #53014

Gentlemen

On February 6 we found it necessary to return to you your check we received in payment of our above captioned invoice for the reasons mentioned in the letter

For your reference we had written to you on Jan 7, 2003 due to the fact that the discount period had elapsed, and a discount of \$283 39 was taken by you Also, two additional deductions had been taken totaling \$100 00, and in corresponding with PRG concerning these deductions, we still have not received a response

In line with the above we ask you to please be good enough to issue a check for the full amount of our invoice, namely \$7,084 80, so we may properly balance your account

Enclosed are copies of correspondence, check stub, etc with other pertinent information for your convenience

If there is any further information you require, please do not hesitate to contact us

Very truly yours



E. A. Cairo

sm  
Encls