FORM B10 (Official Form 10)(9/97)

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

PROOF OF CLAIM

Name of Debtor
FLEMING COMPANIES INC ET AL

Case Number 03 10945

NOTE This form should not be used to make a claim for an administrative expense arising after commencement of the case A "request' for payment of an administrative expense may be filed pursuant to 11 USC § 503

Name of Creditor (The person or entity to whom the debtor owes money or property)
HK New Plan Festival Center (IL) LLC Bradley IL

Name and address where notices should be sent
c/o Jeffrey Meyers
Ballard Spahr Andrews & Ingersoll LLP
1735 Market Street - 51st Floor
Philadelphia, PA 19103

Telephone number 215 864-8623

- ☐ 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

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor

Check here ☐ replaces
if this claim amends a previously filed claim dated _____

1 Basis for Claim
- ☐ Goods sold
- ☐ Services performed
- ☐ Money loaned
- ☐ Personal injury/wrongful death
- ☐ Taxes
- x **Other RENT DUE – SHOPPING CENTER LEASE**

- ☐ 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 VARIOUS

3 If court judgment, date obtained N/A

4 Total Amount of Claim at Time Case Filed **$623,326 35**

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
X Amount entitled to priority **$1,400 00**
Specify the priority of the claim
- ☐ Wages salaries or commissions (up to $4000)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business whichever is earlier 11 USC § 507(a)(3)
- ☐ Contributions to an employee benefit plan 11 USC § 507(a)(4)
- ☐ Up to $1800* of deposits toward purchase lease or rental of property or services for personal family or household use 11 USC § 507(a)(6)
- ☐ Alimony maintenance or support owed to a spouse former spouse or child 11 USC § 507(a)(7)
- ☐ Taxes or penalties owed to governmental units 11 USC § 507(a)(8)
- ☐ Other Specify applicable paragraph of 11 USC § 507(a)(____)

** Amounts are subject to adjustment on 4/1/98 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 acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim

THIS SPACE IS FOR COURT USE ONLY
FILED
AUG 18 2003
BMC

Date 8/15/2003

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)

JEFFREY MEYERS ESQ

Fleming Companies Claim
05590

Penalty for presenting fraudulent claim Fine of up to $500 000 or imprisonment for up to 5 years or both 18 USC §§ 152 ...

Schedule "A" to Proof of Claim of
New Plan Excel Realty Trust, Inc
(Bradley, IL)

1 UNSECURED CLAIM [§502]

Rentals and other charges due up to the petition date (4/1/2003) per itemized statement attached as Exhibit A	$ 3,692 58
Rejection damages limited as per 502(b)(6) See statement attached as Exhibit A	$619,633 77
TOTAL UNSECURED CLAIM	$623,326 35

2 ADMINISTRATIVE PRIORITY CLAIM [§503]

Rentals and other charges from the date of filing to the date of rejection as per itemized statement attached as Exhibit A	$ 1,400 00
TOTAL PRIORITY CLAIM	$ 1,400 00

CLAIMANT RESERVES THE RIGHT TO AMEND THIS CLAIM [1]

[1] Plus any unbilled CAM, RE tax reconciliation and Insurance

Fleming
Bradley, Illinois
#1612004

Summary of Claim

Pre-Filing Arrears

Invoice Date	Remark	Open Amount
3/17/2003	P[illegible]	-$17,059 17
3/26/2003	CAM REC 12/12/02-12/31/02	$1,035 92
3/26/2003	INS REC 12/12/02-12/31/02	$101 17
3/26/2003	CAM REC 1/1/02-12/11/02	$17,869 54
3/26/2003	INS REC 1/1/02-12/11/02	$1,745 12
Total		$3,692 58 plus unbilled Cam, Real Est Tax + Insurance Reconciliation

Post-Filing Arrears

Invoice Date	Remark	Open Amount
6/21/2003	Removal of two signs & repair fascia	$1,400 00
Total		$1,400 00 plus unbilled Cam, Real Est Tax + Insurance Reconciliation

Rejection amount of Min Rent and Additional Rent for the period of 8/1/2003-11/4/2014 equals $4 130,891 88 x 15 = 619,633 77 — $619,633 77