

# County of Santa Clara

Tax Collector  
Tax Collections Division  
County Government Center East Wing  
70 West Hedding Street  
San Jose California 95110  
(408) 808 7900 FAX 279-0357



## United States Bankruptcy Court

For the \_\_\_\_\_ District of Delaware

**Tax Collector**  
**County of Santa Clara**  
**County Government Center, East Wing**  
**70 West Hedding Street**  
**San Jose, Ca 95110**

The taxes will continue to increase as long as they remain unpaid. Further, taxes for future fiscal years will continue to accrue. The County will file additional claims as soon as these contingent claims become due.

Debtor	<u>Fleming Companies, Inc , et al</u>
Case No	<u>03-10945 MFW</u>
Chapter	<u>11</u>
Date filed	<u>4/1/03</u>

### Proof of Claim


**This 2004/2005 Estimated Administrative Expense claim is being filed in addition to the Secured Claim dated 8/29/03 and will be amended once the actual tax assessment(s) is issued**

- 1 The undersigned, who is employed by Santa Clara County, at the County Administration Building, 70 West Hedding Street, San Jose, California, is the agent of the Tax Collector of the County of Santa Clara, and is authorized to make proof of claim on behalf of the claimant
- 2 The debtor was, at the time of the filing of the petition initiating this case, and still is indebted to this claimant, in the sum of \$ 63,213.93
- 3 The consideration for this debt is **Personal Property Tax**
- 4 A duplicate of the writing on which this claim is founded is attached hereto as exhibit A
- 5 No judgment has been rendered estopping this claim
- 6 The amount of all payments of this claim have been credited and deducted for the purpose of making this proof of claim
- 7 This claim is not subject to any setoff or counter claim
- 8 A security interest is held on this claim as per Section 2191.3 and Section 2191.4 of the California Revenue and Taxation Code

( If security interest is claimed) The undersigned claims the security interest under the writing referred to in paragraph 4 hereof )

**FILED**  
**SEP 08 2003**

**BMC**

Fleming Companies Claim  
  
08448

Case No 03-10945 MFW

9 This Claim is filed as

9a \_\_\_\_\_ A Secured claim for Total \$ \_\_\_\_\_

9b \_\_\_\_\_ An Unsecured 507 PRIORITY claim for Total \$ \_\_\_\_\_

Total Claim \$ \_\_\_\_\_

**ADMINISTRATIVE EXPENSES**

10 This claim X is, \_\_\_\_\_ is also, filed as a cost of administration for expenses in the sum of

Tax Debt \$ 63,213 93

Penalties \$ \_\_\_\_\_

Costs \$ \_\_\_\_\_

TOTAL ADMINISTRATIVE EXPENSES \$ 63,213 93

**If delinquent after 8/31/04, a \$35 00 collection fee *per assessment* and a 10% penalty of \$ 6,321 39 will apply**

Additional monthly interest of \$ 948 20 accrues the first day of each month commencing November 1, 2004

Tax Collector  
County of Santa Clara  
County Administration Building  
East Wing, Sixth Floor  
70 West Hedding Street  
San Jose, CA 95110

*Deborah Nichols*

Dated September 2, 2003 Signed Deborah Nichols

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**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States and am employed in the County of Santa Clara, I am over the age of eighteen years and not a party to the within action, my business address is 70 W Hedding Street, San Jose, CA 95110-1767

On September 3, 2003, I served the within PROOF OF CLAIM FOR THE COUNTY OF SANTA CLARA, CALIFORNIA on the interested parties in said action by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, in the United States mail at San Jose, California addressed to those parties indicated on the attached page

**BY REGULAR MAIL** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing Under that practice it would be deposited with the U S postal service on the same day with postage thereon fully prepaid at San Jose, California in the ordinary course of business I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit

**BY UPS Next Day Air** I caused such envelope to be delivered by UPS Next Day Air to the offices of the addressee Executed on , San Jose, California

**BY FACSIMILE TRANSMISSION** I transmitted the above listed documents to those parties indicated on the attached service list at the fax numbers so indicated I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration

I, Deborah Nichols, declare that I am employed by the County of Santa Clara at whose direction the service was made

Executed on September 3, 2003, at San Jose, California

  
\_\_\_\_\_  
Deborah Nichols

Pachulski, Stang, Ziehl, Young Jones & Weintraub, PC  
Re Fleming Companies, Inc , et al  
919 North Market Street, 16<sup>th</sup> Fl  
P O Box 8705  
Wilmington DE 19899-8705

Kirkland & Ellis  
Re Fleming Companies, Inc , et al  
777 South Figueroa Street  
Los Angeles CA 90017

Bankruptcy Management Corporation  
Re Fleming Companies, Inc , et al  
P O Box 900  
El Segundo CA 90245-0900

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September 2, 2003

**Bankruptcy Management Corporation  
Re Fleming Companies, Inc , et al  
P O Box 900  
El Segundo CA 90245-0900**

**Bankruptcy Case # 03-10945 MFW  
Bankruptcy Case Name Fleming Companies, Inc , et al**

Enclosed is an original and the appropriate number of copies of the Proof of Claim for taxes in the above entitled bankruptcy matter

As soon as the original claim(s) have been filed, please return the copy marked “ **Office Copy** ” to this office in the stamped enclosed envelope

Sincerely,

A handwritten signature in cursive script that reads "Deborah Nichols".

DEBORAH NICHOLS  
Revenue Collections Officer II  
(408) 808-7901

Attachment