

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

**PROOF OF CLAIM**



s163781

In re  
**Head Distributing Company**

Case Number  
**03-10963**

Scheduled Claim Ref # 20 F2-18469  
**YOUR CLAIM IS SCHEDULED AS**  
\$400.53 UNSECURED

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.

Name of Creditor and Address  
  
J M SMUCKER LLC  
135 S LASALLE  
DEPT 4601  
CHICAGO IL 60674

0354429404832

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.

The amounts reflected above constitute your claim as scheduled by the Debtor. If you agree with the amounts set forth herein and have no other claim against the Debtor, you do not need to file this proof of claim EXCEPT as stated below.

If the amounts shown above are listed as Contingent, Unliquidated or Disputed, a proof of claim must be filed. 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 (330) 684-3305  
CREDITOR TAX ID #  
03-0434070

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

Check here  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       Wages, salaries, and compensation (Fill out below)  
 Money loaned       Other (describe briefly)  
 Your social security number \_\_\_\_\_  
 Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_  
 (date) (date)

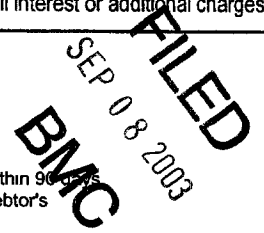
**2 DATE DEBT WAS INCURRED** March, 2003      **3 IF COURT JUDGMENT, DATE OBTAINED**

**4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE**  
 \$ (4,424.53) (unsecured)      \$ \_\_\_\_\_ (secured)      \$ 4,829.00 (unsecured priority)      \$ 404.47 (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). Reclamation claim (see attached)  
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

THIS SPACE FOR COURT USE ONLY  
 SEP 11 2003

DATE SIGNED  
09-04-03

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)  
Bruce Jones - Customer Service Manager

BMC  
 Filing Companies Claim  
 08959

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

TRANSACTION REPORT

Transmission  
Transaction(s) completed

NO	TX DATE/TIME	DESTINATION	DURATION	PGS	RESULT	MODE
657	APR 1 12 21	4047923461	0' 00 49	003	OK	N ECM

### The J.M. Smucker Company Customer Service

Strawberry Lane  
Orrville, Ohio 44667

TO: Alan Damon FROM: Bruce Jones  
 FAX: (404) 792-3461 FAX: (330) 684-3069  
 PHONE: \_\_\_\_\_ PHONE: (330) 684-3305  
 PAGES: 3 DATE: 4-1-03  
 (Including Cover Sheet)

*Reclamation Claims for Head Adulteration*  
*Please process immediately.*  
*Shark*  
*Bruce*

The J.M. Smucker Company  
Customer Service

Strawberry Lane  
Orrville, Ohio 44667

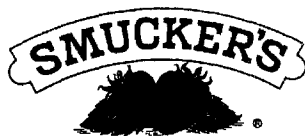
TO Alin Damon FROM Bruce Jones  
FAX (404) 792-3461 FAX (330) 684-3069  
PHONE \_\_\_\_\_ PHONE (330) 684-3305  
PAGES 3 DATE 4-1-03  
(Including Cover Sheet)

Reclamation claims for Head Reclination  
Please process immediately.

Shark

Bruce

This Transmission Contains Confidential Information Intended For Use Only By The Above  
Named Recipient Reading, Discussion, Distribution, Or Copying Of This Message Is Strictly  
Prohibited By Anyone Other Than The Named Recipient, Or His Or Her Employees Or Agents  
If You Have Received This Fax In Error, Please Immediately Notify Me By Telephoning  
(330) 682-3000, And Return The Original Message To The Sender At The Above Address Via  
The Mail



*Since 1897*

April 1, 2003

Mr Alin Damon  
Head Distributing  
Smyrna, Georgia

Dear Mr Damon

Please consider this letter the formal demand for reclamation of products received by Head Distributing on or after March 22, 2003

In addition, this document shall serve as a written demand for either the segregation and immediate return of product (or pick up of product by Smucker's) issued on invoice #1366026 dated March 25th, or payment in full in the amount of \$4,829 00

Please be aware that this claim is based on Section 2-702 of the Uniform Commercial Code Thus, we ask that primary consideration be directed toward resolving this matter using the above stated options

It has been indicated that the above-mentioned product, jellies, jams, oils, peanut butter and toppings were shipped from one of our several distribution centers

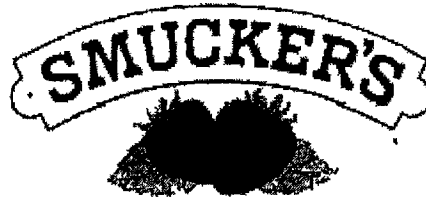
Sincerely,

THE J M SMUCKER COMPANY

Bruce Jones  
Customer Service Manager

cc Rob Fox

SALES OFFICES  
 ORRVILLE OHIO  
 (330) 684 3000  
 MEMPHIS TENNESSEE  
 (901) 362 3550  
 SALINAS CALIFORNIA  
 (831) 424 2761



INVOICE

THE J M SMUCKER COMPANY  
 CORPORATE OFFICES  
 ORRVILLE OHIO 44667  
 Phone (330) 684 3000

Invoice Number	Invoice Date
1366026	03/25/03
Terms of Sale	
1/10 NET 30	
Customer P O	
204633	
Requested Del Date	Order Date
03/25/03	03/18/03

SOLD TO

FLEMING CONVENIENCE/ABEL DIV  
 PO BOX 510  
 ADEL GA 31620

SHIPPED TO

HEAD DISTRIBUTING  
 4820 NORTH CHURCH LN  
 SMYRNA GA 30080

REMIT TO

J M SMUCKER LLC  
 DEPT AT 952091  
 ATLANTA GA 31192-2091

CUSTOMER NO	SHIPPED FROM	SHIPPED VIA	SHIPDATE	FOB	DSM	SHIPMENT METHOD			
2663501	6 MEMPHIS D	American Freightways	03/25/03	FOB ORIGIN	91305	TRUCK			
ORDERED	SHIPPED	DESCRIPTION	BROKER	UNIT PRICE	DEDUCTION/CHARGE	NET PRICE	TOTAL AMOUNT		
100	100	5150002284 SMUCKER 1 5 FL OZ BREAKFAST SYRUP	9018300	11 71		11 71	1171 00		
200	200	5150000764 SMUCKER 1/2 OZ GRAPE JELLY PLASTIC	9018300	7 96		7 96	1592 00		
200	200	5150000767 SMUCKER 1/2 OZ STRAWBERRY JAM PLASTIC	9018300	10 33		10 33	2066 00		
4	4	CHEP CHEP PALLET					0 00		
UNITS ORDERED		UNITS SHIPPED	BILLWEIGHT	SHIP WEIGHT	INVOICE GROSS	SALES DEDUCTION	FREIGHT	NET AMOUNT	INV TOTAL
504		504	02000	4700	4829 00			4829 00	4829 00

CASH DISCOUNT ALLOWED ONLY IF PAYMENT IS RECEIVED WITHIN PERIOD SPECIFIED OTHER DEDUCTIONS NOT ALLOWED UNLESS COVERED BY OUR WRITTEN AUTHORITY ALL CLAIMS MUST BE MADE WITHIN 10 DAYS OF RECEIPT OF GOODS AND

THE PERISHABLE AGRICULTURAL COMMODITIES LISTED ON THIS INVOICE ARE SOLD SUBJECT TO THE STATUTORY TRUST AUTHORIZED BY SECTION 5(C) OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT 1930 (7 U S C 499E(C)) THE SELLER

<b>Customer #</b>	<b>Fleming Division</b>	<b>Invoice/Credit #</b>	<b>Invoice/Credit Date</b>	<b>Invoice/Credit Amount</b>	<b>Division Total</b>
26635	Head Distributing	1366026	March 25, 2003	\$ 4,829 00	
		1371120	April 10, 2003	\$ (4,424 53)	
					\$ 404 47