

United States Bankruptcy Court District of Delaware

PROOF OF CLAIM

Name of Debtor

FOOD 4 LESS BEVERAGE COMPANY, INC

Case Number

03-10959-MFW

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

Name of Creditor (The person or other entity whom debtor owes money or property)

Mr William Tam

Name and address where notices should be sent

Mr William Tam
c/o Darrel C Horsted, Esq.
1701 Franklin Street
San Francisco, CA, 94109

Telephone number

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 the 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 if this claim

replace a previously filed claim, dated 09/08/03
 amends (est.)

1 Basis For Claim

- Goods sold
- Services performed
- Money loaned
- Personal Injury/wrongful death
- Taxes

- Other _____
- 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 _____

2 Date debt was incurred.

August 4, 2002

3 If court judgment, date obtained

4 Total Amount Of Claim At Time Case Filed

\$850,000.00*

*Present estimate; claim unliquidated. (See attached.)

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 (Describe)

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

Amount entitled to priority _____

Specify the priority of the claim

- Wages, salaries, or commissions (up to \$4300*), 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 \$1950* 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 April 1, 2004, 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.

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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 copy of this proof of claim

Date

SEP - 5 2003

Sign and print name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)

X

DARREL C HORSTED, Esq Attorney at Law

Fleming Companies Claim



09195

FILED

SEP 09 2003

BMC

Penalty for presenting fraudulent claims Fine up to \$500,000 or imprisonment for up to 5 years or both 18 U.S.C. §§ 152 and 3571

ATTACHMENT TO PROOF OF CLAIM (WILLIAM TAM)

***(Chapter 11 Bankruptcy of Foods 4 Less Beverage Company, Inc.,
Case No.. 03-10959-MFW)***

This proof of claim is submitted by William Tam (“claimant”) with respect to his injuries, medical expenses, lost wages, pain and suffering, and related damages arising from an accident at approximately 5 30 P M on August 4, 2002, while claimant was a customer at debtor’s commercial establishment, a retail food outlet, located at 39966 Cedar Boulevard, Newark, California

Claimant’s injuries occurred as a result of falling after slipping on produce which had accumulated on the floor of debtor’s establishment Claimant alleges that the accident and his damages and injuries were the result of negligence, unsafe conditions, and the maintenance of unsafe premises by the debtor, its servants and employees Claimant further alleges that this accident was due to debtor’s failure to monitor and maintain its public premises for the safety of its customers and invitees, such as claimant

Claimant further alleges that the debtor knew, or should have known, of the dangerous and unsafe conditions in the specific vicinity of the facility where claimant was injured, but failed to undertake actions which would have prevented claimant’s injuries Claimant further alleges that the negligence and failures of the debtor to undertake appropriate actions resulted in a dangerous condition for which it had, or should have had, knowledge

Claimant suffered extensive and serious injuries as a result of this accident,

ATTACHMENT TO PROOF OF CLAIM (WILLIAM TAM)

***(Chapter 11 Bankruptcy of Foods 4 Less Beverage Company, Inc ;
Case No.: 03-10959-MFW)***

ATTACHMENT TO AMENDMENT TO PROOF OF CLAIM (WILLIAM TAM)

***(Chapter 11 Bankruptcy of Foods 4 Less Beverage Company, Inc ,
Case No. 03-10959-MFW)***

This amendment to proof of claim is submitted to correct certain information submitted in the prior proof of claim by William Tam (“claimant”) with respect to his injuries

In this regard, Claimant suffered extensive and serious injuries as a result of this accident and is informed and believes that these damages include an injured ankle (including infections, as opposed to a “broken” ankle), as well as injuries to his back and other areas of his body. As indicated in the original proof of claim, Claimant is not yet fully aware of the extent of all of his injuries as a result of the accident and the debtor’s actions and the unsafe conditions in the debtor’s establishment and surrounding premises under the debtor’s control.

Claimant is informed and believes that all other information in the original proof of claim are true and correct.

[C:\A1\Tam\Attch2ClaimAmend(090503).wpd]
[September 5, 2003]

ATTACHMENT TO AMENDMENT TO PROOF OF CLAIM (WILLIAM TAM)

***(Chapter 11 Bankruptcy of Foods 4 Less Beverage Company, Inc.,
Case No. 03-10959-MFW)***

Darrel Cameron Horsted, Inc.
A Professional Lato Corporation



IN REPLY REFER
TO FILE NUMBER TAM553-03Y

September 2, 2003

United States Bankruptcy Court
District of Delaware
824 North Market Street, 5th Floor
Wilmington, Delaware 19801

*Re. Chapter 11 Bankruptcy of Foods 4 Less Beverage Company, Inc ,
Case No · 03-10959-MFW*

Dear Sir/Madam

Enclosed please find an original and copy(ies) of the following document(s) ***“Proof of Claim (with attachment)”***

Please perform the following actions or services with respect to the above document(s)

- File the original(s),
- Retain extra copy/copies, as required,
- Return **only one** conformed/file stamped copy or a duplicate copy of the face sheet (only) in the enclosed envelope, and
- Discard or throw away extra copies not required by the court

Thank you for your courtesies, cooperation, and attention in this matter. If you have any questions regarding the above, please feel free to contact this office.

Very truly yours,

DARREL C. HORSTED

DCH ms
cc Mr William Tam

Enclosures
[C:\A1\CLERK\BKOther\TamFoodforLess\090203(ProofClaim) wpd]
[September 2 2003]