

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE  
DELAWARE DIVISION

Case Number 03-10955-MFW

In Re Fleming Foods of Texas LP  
Taxpayer Number 1-731577380-8

Original Secured Priority Proof of Claim

Name of Creditor Texas Comptroller of Public Accounts

Send notices to Office of the Attorney General  
Collection Division - Bankruptcy Section  
PO Box 12548  
Austin, TX 78711-2548


- 1 BASIS FOR CLAIM TAXES, PENALTIES AND INTEREST
- 2 DATE DEBT WAS INCURRED 03/01/2003 TO 03/31/2003
- 3 IF COURT JUDGEMENT, DATE OBTAINED
- 4 CLASSIFICATION OF CLAIM Secured claim to extent of collateral value Unsecured  
Priority claim {11 U S C SEC 507 (A) (8) } to extent of any shortfall in collateral
- 5 TOTAL AMOUNT OF CLAIM AT TIME CASE FILED \$ 18,889 87  
CIGARS & TOBACCO PRODUCTS TAX CH 155

TAX	PENALTY	INTEREST
18,889 97	0 00	0 00

- 6 CREDITS AND SETOFFS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim Claimant at this time is unaware of any setoff rights against the Debtor

- 7 SUPPORTING DOCUMENTS Attached, if any

Date 9/9/2003

  
\_\_\_\_\_  
RICHARD CRAIG  
Legal Counsel  
Texas Comptroller of Public Accounts

Mail payments to Revenue Accounting Division  
Bankruptcy Section  
PO Box 13528  
Austin, TX 78711-3528

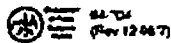
**FILED**

SEP 10 2003

**BMC**

Penalty for presenting fraudulent claim fine of up to \$5,000 or imprisonment for up to 5 years, or both  
18 U S C secs 152 and 3571

Fleming Companies Claim  
  
09446



T Code **88515**  
**CIGARS AND TOBACCO PRODUCTS TAX**  
**TEXAS STATE TAX LIEN**

~~144~~  
~~Texas~~  
~~1000~~  
~~Not Notable~~

Do not write in the space provided  
**02778.070699**

County Clerk Of  
**DALLAS**  
**RECORDS BUILDING**  
**DALLAS TX 75202**

County

*[Handwritten Signature]*

For Comptroller's use only		
3. Taxpayer number ■ 1-73-1577380-8	4. Period ■ 0112	
5. Audit no. ■ 000	6. County ■ 057	7. Uniq. no. ■ 01
8. Recording date ■ 04-22-02	9. Volume ■ 02078	10. Page ■ 10461

**COUNTY CLERK** Please record this Texas State Tax Lien in the 'State Tax Liens Book' of your county as provided by law. Enter your county filing data in the space designated below.

Return this lien when recorded to **COMPTROLLER OF PUBLIC ACCOUNTS** **1799876**  
 111 E. 17th Street 04/22/02 3200808 19 00  
 Austin Texas 78774-C100 Tax Lien Sta - REALPROP

This notice is given that a lien exists in favor of the State of Texas for delinquent taxes, fees. All taxes, fees, fines, penalties and interest due to the State of Texas were assessed by statute and were secured as of the assessment date by a statutory lien on all real and personal property owned, claimed or acquired by the taxpayer named below.

Taxpayer identification		T-CODE 0099 L	
<b>FLEMING FOODS OF TEXAS L P</b> <b>PO BOX 26647</b> <b>OKLAHOMA CITY OK 73126-0647</b>		<b>181816</b> <b>TAX REASON</b> <b>TYPE CODE</b>	
		<b>KFAW 481</b>	
PERIOD OF LIABILITY	TYPE OF TAX/FEES		AMOUNT OF LIEN
12/01/2001 through 12/31/2001	CIGARS AND TOBACCO PRODUCTS TAX	<b>1730201880</b>	4,306.61
	PENALTY		911.32
	INTEREST		12.21
<b>TOTAL AMOUNT OF LIEN</b>			<b>\$ 5,230.14</b>

The lien is cumulative and in addition to all other liens provided by law and is sufficient to cover all taxes, fees, fines, penalties and interest of the same nature which may accrue after filing this notice.

This notice is made as required by TEX. TAX CODE ANN. ch. 113 and all other relevant provisions of law.

Given under my hand and seal of office at the City of Austin, Texas, this 19th day of April, 2002.



*Carole Keeton Rylander*  
**CAROLE KEETON RYLANDER**  
**COMPTROLLER OF PUBLIC ACCOUNTS**

**County Clerk certification and recording information**

2002-07-8  
 19 APR 2002

Use this lien office to record the sale, rental, or use of the property (real property) because of taxes or fees to be levied and assessed (real property) before the date and time specified on the date and time of the assessment. This instrument was filed on the date and time specified herein by me and not otherwise recorded in the public and open of the assessed records of Dallas County, Texas as stamped herein by me.

APR 22 2002



*Earl B. ...*  
**COUNTY CLERK, Dallas County, Texas**

2002 APR 22 PM 2:36  
 COUNTY CLERK  
 DALLAS COUNTY



# COMPTROLLER OF PUBLIC ACCOUNTS

P.O BOX 13528  
AUSTIN, TX 78711-3528

September 9, 2003

Bankruptcy Management Corporation  
1330 East Franklin Avenue  
El Segundo, CA 90245

Re Taxpayer # 1-731577380-8  
Fleming Foods of Texas LP  
Bankruptcy Case # 03-10955-FW  
Cigars & Tobacco Products Tax Ch 155

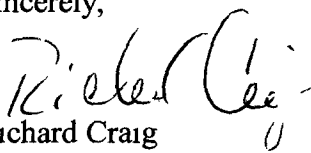
In the above-captioned proceeding, the State of Texas submits for filing the enclosed Pre-petition Tax Claim

Attached is an extra copy of the proof of claim. Please stamp this copy with the date filed and return in the enclosed self-addressed envelope. The Comptroller of Public Accounts will be represented in this proceeding by the Office of the Attorney General. Please direct all notices and correspondence to

Office of the Attorney General  
Collections Division/Bankruptcy Section  
PO Box 12548, Capitol Station  
Austin, TX 78711-2548

Thank you for your cooperation in this matter

Sincerely,

  
Richard Craig  
Legal Counsel  
Revenue Accounting Division  
PO Box 13528  
Austin, TX 78711-3528

Enclosure

**FILED**  
**SEP 10 2003**  
**BMC**