

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE	PROOF OF CLAIM
In re Fleming Companies, Inc	Case Number 03-10945



552754

Bar Date Ref # 2-NVM-10989

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

Name of Creditor and Address

0354653552754

Kimco Harrisburg Trust, successor to
Sanndrel of Pennsylvania, Inc
Sanndrel of Harrisburg, Inc
 PO Box 5020
 New Hyde Park NY 11042-0020

Creditor Telephone Number (516) 869-7205

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

If you have already filed a proof of claim with the Bankruptcy Court or BMC you do not need to file again

CREDITOR TAX ID # 11-3583541	ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR 227	Check here <input type="checkbox"/> replaces or <input type="checkbox"/> amends a previously filed claim dated _____
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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) **Rejection of Lease** Your social security number _____

Unpaid compensation for services performed from _____ to _____ (date) (date)

2 DATE DEBT WAS INCURRED	3 IF COURT JUDGMENT, DATE OBTAINED
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4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE	\$ 1,083,702.45 (unsecured)	\$ _____ (secured)	\$ 1,083,702.45 (unsecured priority)	\$ _____ (total)
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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) _____

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
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**THE PLACE FOR COURT
USE ONLY**

SEP 10 2003

BMC

DATE SIGNED 9/3/03	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 M. Kauderer, Vice Pres.
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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

Filing Companies Claim
09818





**Kimco
Realty
Corporation**

Susan L Masone
Paralegal

Writer's Direct Dial 516-869-7205
Writer's Direct Fax 516-869-7256
E-Mail smasone@kimcorealty.com

September 9, 2003

BY FEDERAL EXPRESS

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

Re Fleming Companies Inc
Case No 03-10945
Kimco Site No SPAH0227/

Dear Sirs

On behalf of Kimco Harrisburg Trust, please file the enclosed Proof of Claim and acknowledge receipt by returning the enclosed copy of this letter in the envelope provided for your convenience

Thank you for your cooperation in this regard

Very truly yours,

Susan L Masone
Legal Assistant

RECEIPT ACKNOWLEDGED.

Clerk, U S Bankruptcy Court

By _____
Date _____

cc Rachel Mersky (Regular Mail)

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9/9/03 3:04 PM (kr)

3333 New Hyde Park Road, P O Box 5020, New Hyde Park, NY 11042-0020

**ATTACHMENT TO PROOF OF CLAIM
FLEMING COMPANIES, INC #PA 049
CAMP HILL, PA
SPAM0049/**

Pre-Petition

CAM 7/1/01-6/30/02	\$7,419 27
Over payment Real Estate Taxes	(598 85)
Common Area Maintenance 7/1/02-3/31/03	14,482 27
Real Estate Taxes 7/1/02-3/31/03	<u>(4,627 56)</u>
	\$16,675 13

Damages due to Lease Rejection

\$1,067,027 32

\$1,083,702 45



Kimco
Realty
Corporation

Susan L. Masone
Paralegal

Writer's Direct Dial 516-869-7205
Writer's Direct Fax 516-869-7256
E-Mail smasone@kimcorealty.com

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