

FORM B10 January 1995

### PROOF OF CLAIM

<p align="center"><b>United States Bankruptcy Court</b> District of <i>Delaware</i></p> <p>Instructions Complete this form and mail to <b>US Bankruptcy Court, Marine Midland Plaza</b> <i>924 Market Street, Wilmington, Delaware 19801</i></p>	<p align="center"><b>PROOF OF CLAIM</b> Chapter (please check appropriate box) 7 <input type="checkbox"/> 11 <input checked="" type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/></p> <p><b>Proof of Claim Form and Supporting Documents are to be filed in DUPLICATE on Chapter 12 and 13 cases.</b></p>	<p align="center"><b>THIS SPACE FOR COURT USE ONLY</b></p>
<p>In Re (NAME OF DEBTOR)</p>	<p>CASE NUMBER <i>03 11 945</i></p>	<p style="font-size: 2em; transform: rotate(-15deg);">REC'D SEP 11 2003</p>
<p>NAME AND MAILING ADDRESS OF CREDITOR (The person or other entity to whom the debtor owes money or property)</p> <p><i>Kremwill Thompson Est. Inc</i> <i>11673 Island Ave</i> <i>Island City, Oregon 97350</i></p>	<p><b>NOTE</b> 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 USC §503</p>	
<p>ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR</p>	<p>Check here if this claim <input type="checkbox"/> REPLACES <input type="checkbox"/> AMENDS a previously filed claim dated</p>	
<p>1 BASIS FOR CLAIM <input type="checkbox"/> Goods Sold <input type="checkbox"/> Services Performed <input type="checkbox"/> Money Loaned <input type="checkbox"/> Personal Injury/Wrongful Death <input type="checkbox"/> Taxes <input type="checkbox"/> Assignment <input type="checkbox"/> Retiree Benefits as defined in 11 U.S.C. §1114(a) <input type="checkbox"/> Wages, salaries and compensation Social Security # _____</p> <p>Unpaid compensation for services performed from <i>June, 2002</i> to <i>December 1, 2002</i> DATE DATE</p>		
<p>2 DATE DEBT OCCURRED <i>see above</i></p>	<p>3 IF COURT JUDGMENT DATE OBTAINED</p>	
<p>4 CLASSIFICATION OF CLAIM Under the Bankruptcy Code all claims are classified as one or more of the following a Secured b Unsecured Nonpriority c Unsecured Priority It is possible for part of a claim to be in one category and part in another. COMPLETE THE APPROPRIATE BOX (or boxes) that best describes your claim and STATE THE AMOUNT OF THE CLAIM AT THE TIME THE CASE WAS FILED</p>		
<p>SECURED CLAIM \$ _____ Attach evidence of perfection of security interest Brief description of Collateral <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe Briefly) Amount of Arrearage and other charges at time case was filed included in secured claim above, if any \$ _____</p>	<p>UNSECURED PRIORITY CLAIM \$ _____ SPECIFY THE PRIORITY OF THE CLAIM <input type="checkbox"/> Wages, salaries or commissions (up to \$4000 earned not more than 90 days before the filing of the bankruptcy petition or cessation of the debtor's business whichever is earlier) 11 USC § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan 11 USC § 507(a)(4) <input type="checkbox"/> Up to \$1800 of deposits toward purchase, lease or rental of property or services for personal family or household use 11 USC § 507(a)(6) <input type="checkbox"/> Taxes or penalties of governmental units 11 USC § 507(a)(7) <input type="checkbox"/> Other Specify applicable paragraph of 11 USC § 507(a) _____</p>	
<p>UNSECURED CLAIM \$ _____ A claim is unsecured if there is not collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim</p>		
<p>5 TOTAL AMOUNT OF CLAIM AT THE TIME THE CASE WAS FILED <i>as result of consolidation of debts</i> UNSECURED \$ <i>39,325.36</i> SECURED \$ _____ PRIORITY \$ _____ TOTAL \$ <i>39,325.36</i></p> <p><input type="checkbox"/> Check if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.</p>		
<p>6 CREDITS AND OFFSETS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to the debtor.</p>		
<p>7 SUPPORTING DOCUMENTS ATTACH COPIES OF SUPPORTING DOCUMENTS such as promissory notes, purchase orders, invoices, assignments, deficiency documents, itemized statements of running accounts, contracts, court judgments or evidence of security interests. If the documents are not available explain. If the documents are voluminous attach a summary.</p>		
<p>DATE <i>August 22, 2003</i></p>	<p>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) <i>Marcus K Ward Attorney</i> TELEPHONE NO <i>209 890 1104</i></p>	

PENALTY FOR PRESENTING FRAUDULENT CLAIM FINE OF UP TO \$500,000 OR IMPRISONMENT FOR UP TO 5 YEARS OR BOTH 18 USC §§ 157 AND 351

**RECEIVED**

SEP 01 2003

**MARCUS K. WARD J.D.**

**ATTORNEY AT LAW  
403 BLAINE STREET  
CALDWELL, IDAHO 83605  
Phone 208-454-0524  
Fax 208-454-3442**

August 22, 2003

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE  
MARINE MIDLAND PLAZA  
824 MARKET STREET  
WILMINGTON, DELAWARE 19801

Re Fleming Companies, Inc et al  
Case No 03-10945  
Order dated June 4, 2003 – canceling leases

KROMWALL THOMASON ENTERPRISES INC  
11623 Island Ave  
Island City, Oregon 97850

**NOTICE OF CLAIM**

The above court ordered the cancellation of certain leases, including the lease between Fleming and Kromwall Thomason Enterprises Inc of Island City, Oregon

The Order provides that parties damaged may file a claim Kromwall Thomason Enterprises Inc will suffer the following damages from the cancellation of its lease with Fleming

**LOSS OF RENT SUBSIDY**

Averaging about \$162,530 per year for ten years, totaling

\$1,625,307

**LOSS OF WAGES FOR THE PRICIPLES OF THE CORPORATION**

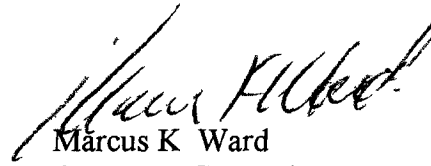
Without the rent subsidy, and without the lease for the rest of the term, the principles of the corporation will suffer loss of wages of

\$1,872,000

PRIOR OVERCHARGES BY FLEMING

Fleming has previously overcharged Kromwall Thomason Enterprises Inc for taxes and insurance in the amount of

\$ 35,226

A handwritten signature in black ink, appearing to read "Marcus K. Ward".

Marcus K Ward  
Corporate Counsel

Copies to

Tilden Tillotson, 3524 NW 56<sup>th</sup> Street, Oklahoma City, Oklahoma 73112

PACHULSKI et al, 919 North Market Street, Wilmington, Delaware 19801

KIEKLAND & ELLIS LLP, 777 South Figueroa Street, Los Angeles, Ca 90017

PACHULSKI  
STANC  
ZIEHL  
YOUNG  
JONES  
WEINTRAUB

[Ljones@pszyl.com](mailto:Ljones@pszyl.com)

September 8, 2003

DIRECT DIAL 302 778 6401

CURT  
1622

**VIA HAND DELIVERY**

Clerk of the Court  
United States Bankruptcy Court  
824 North Market Street  
Wilmington, DE 19801

REC'D SEP 11 2003

Re **Fleming Companies, Inc**  
**Case No 03-10945**

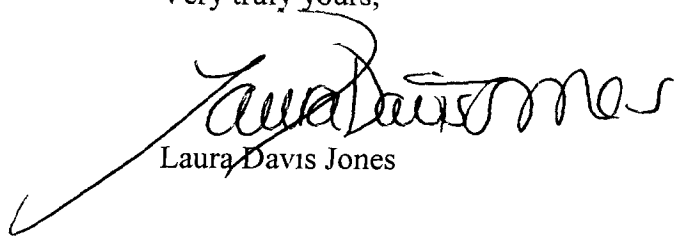
Dear Clerk of the Court

Enclosed for filing with the Court is an original Proof of Claim that we received from the following claimant

Kromwall Thomason Enterprises Inc  
11623 Island Avenue  
Island City, OR 97850

Please contact me if you have any questions

Very truly yours,



Laura Davis Jones

LDJ tbm  
Enclosure  
cc Marcus K Ward (without enclosure)

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100 WALL STREET  
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