

AUG 04 2003

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM



482720

Bar Date Ref # 5-G1-3327

In re ABCO Realty, Corp Case Number 03-10948

NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case...

Check box if you are aware that anyone else has filed a proof of claim relating to your claim...

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

Name of Creditor and Address D&B ASSOCIATES C/O 4-D PROPERTIES 2525 E BROADWAY BLVD STE #111 TUCSON AZ 85716

0354651482720

Creditor Telephone Number 520 325-9600

CREDITOR TAX ID # 85-0368776 ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR Lease ID AZ-068

Check here if this claim replaces or amends a previously filed claim dated

1 BASIS FOR CLAIM Goods sold, Services performed, Money loaned, Personal injury/wrongful death, Taxes, Other (describe briefly), Retiree benefits, Wages salaries and compensation, Your social security number, Unpaid compensation for services performed from to

2 DATE DEBT WAS INCURRED 1/1/02 - 3/31/03 3 IF COURT JUDGMENT, DATE OBTAINED

4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE \$ 34,661.51 (unsecured) \$ (secured) \$ (unsecured priority) \$ 34,661.51 (total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below

5 SECURED CLAIM Check this box if your claim is secured by collateral (including a right of setoff) Brief description of collateral 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, Contributions to an employee benefit plan, Up to \$2 100 of deposits toward purchase lease or rental of property or services for personal family or household use, Alimony maintenance or support owed to a spouse former spouse or child, Taxes or penalties owed to governmental units, Other

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 FILED SEP 15 2003

BMC

Fleming Companies Claim



DATE SIGNED 9/12/03

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) NANCY MARCH ATTORNEY FOR CREDITOR Nancy March

Penalty for presenting fraudulent claim 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

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

In re	)	Chapter 11
	)	
Fleming Companies, Inc , et al , <sup>1</sup>	)	Case No 03-10945 (MFW)
Debtors	)	(Jointly Administered)

**NOTICE OF DEADLINE FOR THE  
FILING OF PROOFS OF CLAIM AND PROOFS OF INTEREST**

**TO ALL CREDITORS OF THE DEBTORS**

**PLEASE TAKE NOTICE** that the above-captioned debtors and debtors-in-possession (the "Debtors") filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (as amended from time to time, the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Delaware (the "Court") The Debtors are operating their businesses and managing their property as debtors in possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code

Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 3002(c)(3), all Persons and Entities, including, without limitation, individuals, partnerships, corporations, estates, trusts, governmental units (which shall include all entities defined as such in Section 101(27) of the Bankruptcy Code, including any such entity that holds a claim arising from prepetition tax years or periods or from prepetition transactions to which a Debtor was a party), and entities asserting claims against an individual Debtor that arose out of the obligations of such entities or the Debtors under a contract for the provision of liability insurance (each a "Creditor" and collectively, "Creditors"), holding or wishing to assert a claim as defined in Section 101(5) of the Bankruptcy Code against any of the Debtors (collectively, the "Claims") or interest in any of the Debtors (collectively, the "Interests") arising on or before April 1, 2003 (the "Petition Date"), are required to file a separate, completed and executed proof of claim form conforming substantially to Official Bankruptcy Form 10) (the "Proof of Claim") on account of any Claims such Creditors hold or wish to assert against the Debtors, so that the Proof of Claim is actually received on or before 4 00 p m Pacific Daylight Time on September 15, 2003 (the "General Bar Date"), or in the case of governmental units, by October 1, 2003, the "Governmental Unit Bar Date," by the Debtors' Official Notice and Claims Agent at the following address

Bankruptcy Management Corporation ("BMC")  
1330 East Franklin Avenue, El Segundo, CA 90245 (*for overnight mail or hand delivery*)  
P O Box 900, El Segundo, CA 90245-0900 (*for regular mail*)  
Telephone 1-888-909-0100

Notwithstanding the foregoing AT THIS TIME, Proofs of Claim ARE NOT REQUIRED to be filed by Creditors holding or wishing to assert Claims against the Debtors of the types that are set forth in clauses (a) through (f) below (collectively, the "Excluded Claims")

- (a) Claims listed in the Debtors' Schedules of Assets and Liabilities (the "Schedules") filed with the Court, pursuant to Bankruptcy Rule 1007, or any amendments thereto, which are not therein listed as "contingent," "unliquidated" or "disputed," and which are not disputed by the creditor holding such claim as to nature, amount, or classification,
- (b) Claims on account of which a Proof of Claim has already been properly filed with the Court,
- (c) Claims previously allowed by, or paid pursuant to, an order of the Court, including, without limitation, any claims of the Agents and/or the Lenders allowed pursuant to the Final DIP Order,<sup>2</sup>
- (d) Claims allowable under Sections 503(b) and 507(a)(1) of the Bankruptcy Code as administrative expenses of the Debtors' chapter 11 cases,
- (e) Claims made by any of the Debtors or any direct or indirect subsidiary of any of the Debtors against one or more of the other Debtors,
- (f) Claims of an entity whose claim is limited exclusively to a claim for the repayment of principal and/or interest on or under any issuance by any of the Debtors of any debt security (collectively, the "Notes") or any indenture in respect of each issue of the Notes (the "Indentures" and each such Indenture collectively with the Notes issued thereunder, the "Debt Instruments"), provided, however, that (i) the foregoing exclusion shall not apply to the indenture trustees under any of the

<sup>1</sup> The Debtors are the following entities Core-Mark International, Inc , Fleming Companies, Inc , ABCO Food Group, Inc , ABCO Markets, Inc , ABCO Realty Corp ASI Office Automation, Inc , C/M Products Inc , Core-Mark Interrelated Companies Inc Core-Mark Mid-Continent Inc Dunigan Fuels, Inc , Favar Concepts Ltd , Fleming Foods Management Co , L L C , Fleming Foods of Texas L P Fleming International, Ltd , Fleming Supermarkets of Florida, Inc , Fleming Transportation Service, Inc Food 4 Less Beverage Company, Inc , Fuelserv Inc General Acceptance Corporation Head Distributing Company, Marquise Ventures Company, Inc , Minter-Weisman Co Piggly Wiggly Company, Progressive Realty, Inc , Rainbow Food Group, Inc , Retail Investments Inc , Retail Supermarkets Inc , RFS Marketing Services Inc and Richmar Foods, Inc

<sup>2</sup> The term "Final DIP Order" refers to the Final Order Authorizing (I) Post-Petition Financing Pursuant to 11 U S C § 364 and Bankruptcy Rule 4001(c), (II) Use of Cash Collateral Pursuant to 11 U S C § 363 and Bankruptcy Rules 4001(b) and (d), (III) Grant of Adequate Protection Pursuant to 11 U S C §§ 361 and 363 and (IV) Approving Secured Inventory Trade Credit Program and Granting Subordinate Liens Pursuant to 11 U S C §§ 105 and 364(c)(3) and Rule 4001(c)

**ATTACHMENT TO PROOF OF CLAIM**  
**Re Fleming Companies, Inc , et al**  
**Case No 03-10945, D Del**  
**Creditor D&B Associates**  
**Lease ID AZ-068**  
**6310 North Oracle Rd , Tucson, Arizona**

Common Area Maintenance Charges 7/01/02 - 12/31/02	\$15,101 97
Common Area Maintenance Charges 1/01/03 - 3/31/03	\$8,151 84
Real Property Taxes 1/01/03 - 3/31/03	\$11,407 70
<b>TOTAL</b>	<b>\$34,661 51</b>

The Lease is voluminous and is not attached. It has been filed with the Court in conjunction with other matters and is available from Claimant's counsel.

D & B ASSOCIATES  
 2525 E BROADWAY BLVD SUITE 111  
 TUCSON, ARIZONA 85716  
 (520) 325-9600  
 ORACLE PLAZA SHOPPING CENTER

May 22, 2003

FLEMING COMPANY INC  
 C/O THE STAUBACH COMP #AZ-068  
 1945 LAKEPOINT DRIVE  
 LEWISVILLE, TX 75057

RE GARRETTS IGA  
 6310 N ORACLE RD  
 TUCSON, AZ 85704

LEASE TERM 01/11/81 TO 01/31/2006

TRIPLE NET BILLING FOR JULY-DECEMBER, 2002

Total Maintenance	\$ 12,737 93							
Excluding Telephone	67 85							
Excluding Security	2,132 77							
Excluding Extermination	357 00							
Total Maintenance	\$ 10,180 31 /	118765	sq ft =	0 085718 /	6 mo=	0 014286	per mo	
Total Utilities	8,336 99 /	118765	sq ft =	0 070197 /	6 mo=	0 011700	per mo	
Shop Taxes	161 61 /	118765	sq ft =	0 001361 /	6 mo=	0 000227	per mo	
Common Area Taxes	73,165 66 /	118765	sq ft =	0 616054 /	12 mo=	0 051338	per mo	
Liability Insurance	0 00 /	32134	sq ft =	0 000000 /	12 mo=	0 000000	per mo	
Shop Insurance	0 00 /	32134	sq ft =	0 000000 /	12 mo=	0 000000	per mo	

YOUR COMMON AREA MAINTENANCE	0 014286	x	32134	sq ft x	6	mo=	\$ 2,754 40
YOUR PAVING	0 000227	x	32134	sq ft x	6	mo=	43 77
YOUR ADMINISTRATION FEE	5 %					=	139 91
YOUR COMMON AREA TAXES	0 051338	x	32134	sq ft x	6	mo=	9,898 17
YOUR LIABILITY INSURANCE	0 000000	x	32134	sq ft x	6	mo=	0 00
YOUR SHOP INSURANCE	0 000000	x	32134	sq ft x	6	mo=	0 00

LESS YOUR MAINTENANCE FEES CHARGED JULY-DECEMBER, 2002 12,836 25

YOUR UTILITIES	0 011700	x	32134	sq ft x	6	mo=	12,836 25
ADMIN FEE ON UTILITIES	5 %					=	2,255 81
							112 79

YOUR PAYMENT IS DUE BY June 30, 2003 \$ 15,204 85

PAYMENTS NOT RECEIVED BY THE DUE DATE ARE SUBJECT TO LATE FEES PURSUANT TO THE TERMS OF YOUR LEASE

# Fleming

August 13 2003

1945 Lakepointe Dr  
PO Box 299013  
Lewisville TX 75029  
telephone 972 906 8000

D&B ASSOCIATES  
c/o 4-D PROPERTIES Attn Terri Pearson  
Address 2525 E Broadway Blvd  
Ste #111  
Tucson AZ 85716

Via Facsimile 520-327-9744

Re Garrett's IGA #7 (former ABCO #453)  
6310 North Oracle Rd  
Tucson, AZ AZ-068

Dear Fern


Per your letter received May 27 2003 on the 2<sup>nd</sup> half of the 2002 common area maintenance reconciliation I have reviewed the charges with your explanations I received the copy of the invoice for the grounds maintenance for \$200.00 today

Changes

-Invoice for roof was \$190.70 instead of \$191.53

-Van allocation for gas was (\$379.64) was subtracted because lease did not specify Fleming should pay

Original Total \$15,204.85      Difference of -\$102.88      Total Payment \$15,101.97

Please adjust your records and return a signed copy of this correspondence via fax or remit a revised billing. ~~Please let me know if you will be submitting a check for the amount due to Fleming or if Fleming should deduct from the next month's rent.~~ 

Sincerely,



Jeff Allison  
Real Estate Administrator  
Staubach Portfolio Services  
Performing Real Estate Administration Services for Fleming Companies, Inc.  
Phone 972-906-2382  
Fax 972-906-2303

Signed   
D & B ASSOCIATES

D & B ASSOCIATES  
 2525 E BROADWAY BLVD SUITE 111  
 TUCSON, ARIZONA 85716  
 (520) 325-9600  
 ORACLE PLAZA SHOPPING CENTER

September 11, 2003

FLEMING COMPANY INC  
 C/O THE STAUBACH COMP #AZ-068  
 1945 LAKEPOINT DRIVE  
 LEWISVILLE, TX 75057

RE GARRETTS IGA  
 6310 N ORACLE RD  
 TUCSON, AZ 85704

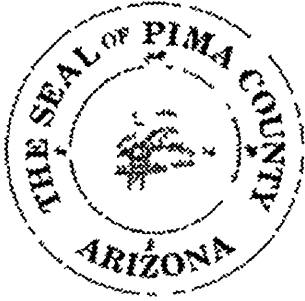
LEASE TERM 01/11/81 TO 01/31/2006

TRIPLE NET BILLING FOR Jan-March, 2003

Total Maintenance	\$	12671 83						
Excluding Telephone		77 35						
Excluding Security		4,806 79						
Excluding Extermination		0 00						
Total Maintenance	\$	7,787 69 /	118765	sq ft =	0 065572 /	6 mo=	0 010929	per mo
Total Utilities		8,965 63 /	118765	sq ft =	0 075491 /	6 mo=	0 012582	per mo
Paving		4,798 40 /	118765	sq ft =	0 040402 /	6 mo=	0 006734	per mo
Common Area Taxes		75,255 80 /	118765	sq ft =	0 633653 /	12 mo=	0 052804	per mo

YOUR COMMON AREA MAINTENANCE	0 010929 x	32134	sq ft x	3	mo=	\$	1,053 55
YOUR PAVING	0 006734 x	32134	sq ft x	3	mo=		649 17
YOUR ADMINISTRATION FEE	5 %				=		85 14
YOUR COMMON AREA TAXES	0 052804 x	32134	sq ft x	3	mo=		5,090 41
							6,878 27
LESS YOUR MAINTENANCE FEES CHARGED							0 00
							6,878 27
YOUR UTILITIES	0 012582 x	32134	sq ft x	3	mo=		1,212 93
ADMIN FEE ON UTILITIES	5 %				=		60 65
YOUR PAYMENT IS DUE BY						\$	8,151 84
							October 30, 2003

PAYMENTS NOT RECEIVED BY THE DUE DATE ARE SUBJECT TO LATE FEES PURSUANT TO THE TERMS OF YOUR LEASE



# Beth Ford Pima County Treasurer

Parcel 102202480 7 Total Taxes \$45,630 80 Tax Year 2003 As of Date 09/11/2003

### CURRENT STATUS

	First Half	Second Half
Tax Due	\$22,815 40	\$22,815 40
Date Paid		
Method		
Tax Paid	\$0 00	\$0 00
Paid By		
Trans Type		
Interest Paid	\$0 00	\$0 00

### PARCEL INFORMATION

Area Code 1035

Taxpayer Name/Address  
 D & B ASSOCIATES  
 % ALPHA BETA CO  
 ATTN 4-D PROPERPTIES  
 2525 E BROADWAY SUITE 111  
 TUCSON AZ 85716

### TAX DUE SUMMARY

	First Half	Second Half	Total Year
Taxes	\$22,815 40	\$22,815 40	\$45,630 80
Interest	\$0 00	\$0 00	\$0 00
	\$22,815 40	\$22,815 40	\$45,630 80
		<b>NSF Fees</b>	\$0 00
		<b>Reclaimed Refunds</b>	\$0 00
	<b>TOTAL AMOUNT DUE</b>		\$45,630 80

Property Address  
 6290 N ORACLE RD

### Legal Description

ORACLE PLAZA 192 08' X 190 04' M/L PCL IN  
 BLK 1  
 LYG APPROX 102 92' W OF E LINE & 363 45' N  
 OF S  
 LINE THEREOF (LEASE 6129/1145) (10413/161-  
 173)

### HISTORY TAX ROLL CHANGE

2002 \$41,436 72  
 2001 \$42,413 86  
 2000 \$41,243 44  
 1999 \$37,502 58  
 1998 \$34,227 54