

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

**PROOF OF CLAIM**



582451

Bar Date Ref # 2-NVM-43314

In re Fleming Companies, Inc Case Number \_\_\_\_\_

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**

0354653582451

Delta Fire Systems Inc  
PO Box 26587  
1507 Pioneer Rd  
Salt Lake City UT 84126 0587

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 Telephone Number 801 972-4500

CREDITOR TAX ID #  
87-0276405

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR  
10-FLEMTX

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

**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)

Your social security number \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

**2 DATE DEBT WAS INCURRED**

**3 IF COURT JUDGMENT, DATE OBTAINED**

**4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE** \$ 4,712.80 (unsecured) \$ \_\_\_\_\_ (secured) \$ \_\_\_\_\_ (unsecured priority) \$ 4,712.80 (total)

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.

THIS SPACE FOR COURT USE ONLY

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

**FILED**  
SEP 15 2003

DATE SIGNED  
9/8/03

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)

John Mitchell Sec/Treas.



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

# Delta Fire Systems, Inc

Reconciliation of Billings and Payments  
Through April 30, 2003

## Fleming Foods - SLC 900 W Pump Replacement Customer PO # 20020164 Job Number 1-30-48972

<b>Original Contract</b>	64,041 00
Change Orders	-
<b>Revised Contract</b>	<u><u>\$ 64,041 00</u></u>

<u>Billing Date</u>	<u>Draw #</u>	<u>Amount</u>
11/22/2002	1	41,774 11
12/19/2002	2	16,870 09
1/22/2003	3	684 00
2/21/2003	4	1,510 74
2/21/2003	5	3 202 06

<b>Total Contract Billings</b>	<u><u>\$ 64,041 00</u></u>
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<u>Payment Date</u>	<u>Check #</u>	<u>Amount</u>
12/19/2002	5505294175	41,774 11
2/21/2003	5505312689	16 870 09
3/3/2003	5505315611	684 00

<b>Total Payments</b>	<u><u>\$ 59,328 20</u></u>
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<b>Remaing Balance Due</b>	<u><u>\$ 4,712 80</u></u>
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e 09/08/2003  
Accounting date  
No

<u>pe</u>	<u>ID</u>	<u>Date</u>	<u>Amount</u>	<u>Current</u> <u>Column</u>	<u>Over 30</u> <u>Column</u>	<u>Over 60</u> <u>Column</u>	<u>Over 90</u> <u>Column</u>	<u>Over 120</u> <u>Column</u>	<u>R</u>
Smiling Foods (Texas)				972-906-2327	Filed Bankruptcy 04/01/03				
ce	304897200001	11/22/2002	41 774 11					41 774 11	
receipt	5505294175	12/19/2002	41 774 11-					41 774 11-	
ce	304897200002	12/19/2002	16 870 09					16 870 09	
receipt	5505312689	02/21/2003	16 870 09-					16 870 09-	
ce	304897200003	01/22/2003	684 00					684 00	
receipt	5505315611	03/03/2003	684 00-					684 00-	
ce	304897200004	02/21/2003	1 510 74					1 510 74	
ce	304897200005	02/21/2003	3 202 06					3 202 06	
Customer Total			4 712 80*	00*	00*	00*	00*	4 712 80*	
Report Total			4 712 80*	00*	00*	00*	00*	4 712 80*	



# REQUEST FOR PAYMENT DETAIL

2 / Fleming Foods 900 W Pu Invoice 1760

Draw 304897200004

Period Ending Date 2/28/2003

Detail Page 2

Description	Total Contract Amount	Previously Completed Work	Work Completed This Period	Completed To Date	% Comp	Retain Balance
Material	2 641 00	1 980 75	660 25	2 641 00	100 00	
Engineering	250 00		250 00	250 00	100 00	
Fabrication	200 00		200 00	200 00	100 00	
Weld	4 800 00	4 320 00	480 00	4 800 00	100 00	
Subcontractor	56 150 00	56 150 00		56 150 00	100 00	2
Totals	64,041 00	62 450 75	1,590 25	64 041 00	100 00	3

**REQUEST FOR PAYMENT**

Delta Fire Systems Inc  
 1000 South Pioneer Road  
 84026-26587  
 Salt Lake City, UT 84126-0587

To Fleming Foods (Texas)  
 1945 Lakepoint Dr  
 Lewisville, TX 75057

Invoice 1780  
 Draw 304897200005  
 Invoice date 2/21/2003  
 Period ending date 2/28/2003  
 Customer PO # 20020164

Fleming Foods 900 West Pump Repair

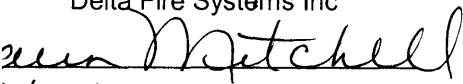
Customer Job #

Contract amount	\$64,041 00	
Change orders	\$0 00	
Contract amount		\$64,041 00
Amount paid to date		\$64,041 00
Amount due	\$0 00	
Change orders	\$0 00	
Change orders less retainage		\$64,041 00
Change orders requests	\$60,838 94	
Amount due for payment		\$3,202 06
		\$0 00
Additional charges	\$0 00	
	\$0 00	
Retainage	-\$3,202 06	
Amount due		\$3,202 06
Amount due to bill	\$0 00	

Project 30-48972  
 Fleming Foods 900 W Pump Rep  
 Contract date 10/8/2002  
 Architect  
 Scope

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner		
Total approved this Month		
<b>TOTALS</b>		
<b>NET CHANGES by Change Order</b>		

The work performed and the materials supplied to date as shown on the above represent the actual value of the accomplishment under the terms of the Contract (and all amendments thereof) between the undersigned and the Fleming Foods (Texas) relating to the above referenced project. I also certify that the contractor has paid all amounts previously due to the owner.

Delta Fire Systems Inc  
  
 2/18/03

State Of UTAH County Of SALT LAKE  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 Notary Public  
 My commission expires \_\_\_\_\_

REQUEST FOR PAYMENT DETAIL

2 / Fleming Foods 900 W Pu Invoice 1780

Draw 304897200005

Period Ending Date 2/28/2003

Detail Page 2

Description	Total Contract Amount	Previously Completed Work	Work Completed This Period	Completed To Date	% Comp	Retain Balan
aterial	2 641 00	2 641 00		2 641 00	100 00	
ngineering	250 00	250 00		250 00	100 00	
abrication	200 00	200 00		200 00	100 00	
eld	4 800 00	4 800 00		4,800 00	100 00	
ubcontractor	56 150 00	56 150 00		56 150 00	100 00	
Totals	64 041 00	64 041 00		64 041 00	100 00	