

Navarro



497270

Bar Date Ref # 2-N-42

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM

In re Fleming Companies, Inc

Case Number 03-10945

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...

Name of Creditor and Address Brett M Cook 1333 Johnson Ave Ste C San Luis Obispo CA 93401

CREDITOR TAX ID # ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

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

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

1 BASIS FOR CLAIM Goods sold, Personal injury/wrongful death, Services performed, Taxes, Money loaned, Other

Retiree benefits as defined in 11 U.S.C. § 1114(a), Wages, salaries and compensation, Your social security number, Unpaid compensation for services performed from to

2 DATE DEBT WAS INCURRED 7/23/02

3 IF COURT JUDGMENT, DATE OBTAINED

4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE \$ 60,000.00 (unsecured)

(secured)

5 (unsecured priority) \$ 60,000.00 (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.

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.

THIS SPACE FOR COURT USE ONLY FILED SEP 19 2003 BMC Fleming Companies Claim

DATE SIGNED 9/16/2003

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). Brett M Cook

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

Indentures (the "Indenture Trustees"), (ii) each Indenture Trustee shall be required to file a Proof of Claim on account of the applicable Debt Instruments for which it is the Indenture Trustee on or before the General Bar Date, provided further that each Indenture Trustee may file a single Proof of Claim against all Debtors liable under such Debt Instruments, provided further that any such Proof of Claim shall expressly designate those Debtor entities that are so liable and the bases for such liability and provided further that each holder of Notes shall retain the exclusive right (if any) to vote individually on any chapter 11 plan of the Debtors with respect to their respective claims, and (iii) each Indenture Trustee and any holder of Notes that wishes to assert a claim against the Debtors arising out of or relating to a Debt Instrument, other than a claim for the repayment of principal and/or interest on or under a Note, shall be required to file a Proof of Claim on or before the General Bar Date, unless another exception in this paragraph applies

Should the Court fix a date in the future after the General Bar Date by which time the Excluded Claims must be filed you will be so notified

Each Proof of Claim form must specifically set forth the full name of the Debtor and the proper case number, as set forth in the above caption of the Debtors Chapter 11 cases, and must be filed by delivering the Proof of Claim form with the original signature so that it is actually received by Bankruptcy Management Corporation at the following address 1330 East Franklin Avenue El Segundo, California 90245 (for overnight mail or hand delivery) or P O Box 900 El Segundo CA 90245-0900 (for regular mail), telephone 888-909-0100 at or before 4 00 p m Pacific Daylight Time on the General Bar Date, or at or before 4 00 p m Pacific Daylight Time on the Governmental Bar Date, October 1, 2003, if such claimant is a Governmental Unit

A Proof of Claim form is enclosed with this notice and may be used to file with respect to your Claims and/or Interests

**PLEASE TAKE FURTHER NOTICE THAT EXCEPT WITH RESPECT TO CLAIMS OF THE TYPE SET FORTH IN PARAGRAPHS (a) THROUGH (g) ABOVE AND GOVERNMENTAL UNITS (WHICH MUST FILE PROOFS OF CLAIM ON OR BEFORE 4 00 P M (PACIFIC DAYLIGHT TIME) ON OCTOBER 1, 2003), ANY CREDITOR WHO IS REQUIRED TO FILE A PROOF OF CLAIM BUT FAILS TO DO SO ON OR BEFORE 4 00 P M (PACIFIC DAYLIGHT TIME) ON SEPTEMBER 15, 2003, SHALL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH CLAIM (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO), AND THE DEBTORS AND THE DEBTORS' PROPERTY SHALL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH CLAIM, AND SUCH HOLDER SHALL NOT BE PERMITTED TO VOTE ON ANY PLAN OF REORGANIZATION OR PARTICIPATE IN ANY DISTRIBUTION IN THE DEBTORS' CHAPTER 11 CASES ON ACCOUNT OF SUCH CLAIM(S)**

In the event that the Debtors should amend their Schedules subsequent to the date hereof the Debtors shall give notice of such amendment to the holders of the claims affected thereby and such holders shall be afforded the later of the General Bar Date or thirty (30) days from the date on which such notice has been given to such holders (or such other time period as may be fixed by the Court) to file Proofs of Claim or forever be barred from doing so

In the event that a Claim arises with respect to the Debtors rejection of an executory contract or unexpired lease, the holder of such Claim will be afforded the later of the General Bar Date or thirty (30) days after the effective date of any order authorizing the rejection of the executory contract or unexpired lease to file a Proof of Claim or forever be barred from doing so

The Debtors Schedules may be examined and inspected by interested parties during regular business hours at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court District of Delaware 824 Market Street, 5<sup>th</sup> Floor Wilmington, Delaware 19801 The staff of the Bankruptcy Clerk's Office is prohibited by law from giving legal advice A copy of the Debtors Schedules may be obtained by contacting Bankruptcy Management Corporation at the following address 1330 East Franklin Avenue, El Segundo, California, 90245 (overnight mail or hand delivery), or P O Box 900 El Segundo, CA 90245-0900 (regular mail) telephone 1-888-909-0100 Creditors wishing to rely on the Schedules are responsible for determining whether their claims are accurately listed therein

**THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM AGAINST THE DEBTORS YOU SHOULD CONSULT WITH YOUR OWN PROFESSIONALS TO DETERMINE WHETHER YOU HOLD A CLAIM AGAINST THE DEBTORS YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTORS QUESTIONS CONCERNING THIS NOTICE SHOULD BE DIRECTED TO BANKRUPTCY MANAGEMENT CORPORATION, P O BOX 900, EL SEGUNDO, CA 90245-0900 (FOR REGULAR MAIL) OR 1330 E FRANKLIN AVE , EL SEGUNDO, CA 90245 (FOR OVERNIGHT OR HAND DELIVERY), TELEPHONE 888-909-0100**

Dated July 28, 2003

Fleming Companies, Inc , 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 Dungan 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

Debtors and Debtors in Possession