

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

**PROOF OF CLAIM**



Bar Date Ref #

In re **FLEMING COMPANIES, INC.** Case Number **03-10945 (MFW)**

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**

City of Fresno Finance Dept  
2600 Fresno St # 2156  
Fresno, CA 93721-3620

0354653000000

- 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 **559 621-7001**

CREDITOR TAX ID # <b>9406000338</b>	ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR <b>EIN 48-0222760</b>	Check here if this claim <input type="checkbox"/> replaces or amends a previously filed claim dated _____
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**1 BASIS FOR CLAIM**

<input type="checkbox"/> Goods sold	<input type="checkbox"/> Personal injury/wrongful death	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)
<input type="checkbox"/> Services performed	<input checked="" type="checkbox"/> Taxes	<input type="checkbox"/> Wages, salaries, and compensation (Fill out below)
<input type="checkbox"/> Money loaned	<input type="checkbox"/> 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**

\$ _____ (unsecured)	\$ _____ (secured)	\$ <b>10,700.42</b> (unsecured priority)	\$ <b>10,700.42</b> (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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**FILED FOR COURT USE ONLY**

**SEP 26 2003**

**BMC**

Fleming Companies Claim

14382

DATE SIGNED **9/25/03**

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):

*Gregory S Miles*

## **Attachment "A"**

### **Fleming Co Inc EIN 48-0222760**

City of Fresno Business Tax Cert No 60374 (Business Control No )  
City of Fresno Business Tax Cert No 165253 and  
City of Fresno Business Tax Cert No 165254

#### **Account Status for BCN 60374**

Based on reported gross receipts for the eight quarters next preceding the unreported quarter, that is, based on reported gross for all of calendar years 2001 and 2002, the average quarterly gross was 5,327,164

The tax on that average figure is \$3,779 38

Also, there is a \$142 18 balance of late fee due for Apr-May-June 2002

Total claim for this account is for \$3,921 56

#### **Account Status for BCN 165253 (dba FOOD 4 LESS, 4590 N First)**

Filed the last quarterly return showing tax due of \$4,376 54 (ok), without a remittance (See Exhibit 1)

Note acct had unapplied credit of \$476 78,  
(Late penalty and Interest calculated after applying credit)

Total claim for this account would be \$3,899 86

#### **Account Status for BCN 165254 (dba FOOD 4 LESS, 1177 Fresno St )**

Filed the last quarterly return showing tax due of \$4,571 71 (ok), without a remittance (See Exhibit 2)

This account has and unapplied credit of \$1,692 71,  
(Late penalty and Interest calculated after applying credit )

Total claim for this account would be \$2,879 00

Grand Total for all 3 accounts (claim total) = **\$10,700 42**

# Exhibit 1

0165253 - 03-82252 PYMT DUE/POSTMARKED BY 04/30/2003 BUSINESS TAX RETURN  
FOOD 4 LESS #8844 4590 N FIRST ST

Sold use of 6/10/03

Line 1	TOTAL GROSS RECEIPTS (01/01/03 thru 03/31/03)	\$ 4870685 92	Line 4	ADJUSTED GROSS RECEIPTS	\$ 4710800 20
Line 2	ALCOHOLIC BEVERAGE SALES	\$ 159825 52			
Line 3	REFUNDS	\$ -	Line 5	TOTAL AMOUNT DUE	\$ 4376 54

0382252 03 000000000 000000000 0

Please complete if credit charge

Please DO NOT clip or staple  
when enclosing payment

Visa  MasterCard  Discover  American Express   
Credit Card Number Expires Month Year

Prepared By [Signature]  
01 Rev 04/2003

Date 4/30/2003  
6 2820

Falsification of information is subject to the penalty of perjury  
CITY OF FRESNO BUSINESS TAX RETURN

# Exhibit 2

0165254 - 03-82251 PYMT DUE/POSTMARKED BY 04/30/2003  
FOOD 4 LESS # 8845

BUSINESS TAX RETURN

1177 FRESNO ST

Sold on 6/16/03

Line 1 TOTAL GROSS RECEIPTS  
(01/01/03 thru 03/31/03)

\$ 5098539.48

Line 4 ADJUSTED GROSS RECEIPTS

\$ 4920654.53

Line 2 ALCOHOLIC BEVERAGE SALES

\$ 177884.95

Line 3 REFUNDS

\$ -

Line 5 TOTAL AMOUNT DUE

\$ 457171

0382251 03 000000000 000000000 8

Please complete if credit charge

Please DO NOT clip or staple  
when enclosing payment

Visa  MasterCard  Discover  American Express

Credit Card Number  Expires     
Month Year

Prepared By [Signature]  
01 Rev 04/2003

Date 4/30/2003  
6 2819

Falsification of information is subject to the penalty of perjury  
CITY OF FRESNO BUSINESS TAX RETURN



Hilda Cantu Montoy  
City Attorney

September 25, 2003


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

In re Fleming Companies, Inc  
Case Number 03-10945 (MFW)

Dear Clerk

Please file the enclosed Proof of Claim (original plus one copy) regarding the above-referenced matter. Please return a file stamped copy in the self-addressed stamped envelope provided.

Sincerely,



PAULETTE R. NAVARRO  
Legal Secretary to James C. Sanchez  
Chief Assistant City Attorney

Enclosures      Proof of Claim  
                         Self-addressed stamped envelope

pm[28422pm/rs]