UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

In re	)	
	)	
Rainbow Food Group, Inc ,	)	Chapter 11
	)	Case No 03-10967
	)	(Jointly administered under 03-10945)
Debtor	)	

WITHDRAWAL OF PROOF OF CLAIM

The North Dakota Office of Tax Commissioner through its attorney, Donnita A Wald, hereby withdraws its Proof of Claim filed with the Court on September 30, 2003, in the amount of $22 04

Dated this 12th day of December, 2003

Donnita A Wald
Special Assistant Attorney General
Office of State Tax Commissioner
State Capitol-Eighth Floor
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0599

State Bar Board Id 4919

UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

In re	)	
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Rainbow Food Group, Inc ,	)	Chapter 11
	)	Case No 03-10967
	)	(Jointly administered under 03-10945)
Debtor	)	

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

Deb Klemmer, being first duly sworn on oath, does depose and say

That she is a citizen of the United States, over the age of twenty-one years, and not a party to the above-entitled action,

That on the 12th day of December, 2003, this affiant deposited in the State Capitol mailing department of the United States Post Office at Bismarck, North Dakota, a true and correct copy of the following document filed in the above entitled action

WITHDRAWAL OF PROOF OF CLAIM

That a copy of the above document was securely enclosed in an envelope, with first-class postage duly prepaid, and addressed as follows

Natalie Hoyer Keller
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, Illinois 60801

To the best of your affiant's knowledge, information, and belief, such address as given above was the actual post office address of the parties intended to be so served

That the above document was duly mailed in accordance with the provisions of the North Dakota Rules of Civil Procedure

Dated this 12th day of December, 2003, at Bismarck, North Dakota

Deb Klemmer

Subscribed and sworn to before me this 12th day of December, 2003

NEVA M CARLISLE
Notary Public
State of North Dakota
My Commission Expires Feb 7, 2009

Neva M Carlisle, Notary Public

STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
STATE CAPITOL, 600 E BOULEVARD AVE , DEPT 127, BISMARCK, NORTH DAKOTA 58505-0599
701 328 2770 FAX 701 328 3700 Hearing/Speech Impaired 800 366 6888 (TTY Relay North Dakota)
http //www ndtaxdepartment com

RICK CLAYBURGH
COMMISSIONER

December 12, 2003

Bankruptcy Management Corporation
P O Box 900
El Segundo, CA 90245-0900

Re Rainbow Food Group, Inc
Bankruptcy Case No 03-10967

Enclosed for filing in the above-entitled matter, please find the original of the following

1 WITHDRAWL OF PROOF OF CLAIM

2 AFFIDAVIT OF SERVICE BY MAIL

Sincerely,

Donnita A Wald
Special Assistant Attorney General

DAW dk
Enclosure

United States Bankruptcy Court for the District of Delaware

PROOF OF CLAIM FOR THE NORTH DAKOTA OFFICE OF STATE TAX COMMISSIONER

THIS SPACE FOR COURT USE ONLY

FILED
SEP 30 2003
BMC

In the Matter of

Rainbow Food Group, Inc

Case Number

03-10967
(Jointly Administered under 03-10945)

Name and Address of Creditor

Office of State Tax Commissioner
State Capitol - Eighth Floor
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0599

Taxpayer Id and Tax Type

880-44-0079-01 Withholding Tax

☐ Check here if this claim replaces/amends a previously filed claim dated

1 The undersigned is the agent of the Office of State Tax Commissioner and is authorized to make this proof of claim on its behalf
2 The Debtor was at the time of the filing of the petition initiating this case and still is indebted to the State of North Dakota
3 The amount of all payments on this claim has been credited and deducted for the purpose of making this claim
4 The grounds for the liability is for taxes due under the North Dakota Century Code
5 No note or other negotiable instrument has been received for the account or any part of it except
6 No judgment has been rendered on this claim except
7 This claim is not subject to any setoff or counterclaim except

A Unsecured Priority Claims Under Section 507(a)(8) of the Bankruptcy Code

TAX TYPE	TAX PERIOD	TAX DUE	PENALTY TO PETITION DATE	INTEREST TO PETITION DATE	TOTAL
Withholding Tax	12 02	16 71	5 00	33	22 04

Total Amount of Unsecured Priority Claims $22 04

B Unsecured General Claims

TAX TYPE	TAX PERIOD	TAX DUE	PENALTY TO PETITION DATE	INTEREST TO PETITION DATE	TOTAL

Total Amount of Unsecured General Claims $

TOTAL AMOUNT OF CLAIM $22 04

STATE OF NORTH DAKOTA, WAYNE STENEHJEM, ATTORNEY GENERAL

SIGNED _____ Dated September 24, 2003

DONNITA A WALD
TITLE Special Assistant Attorney General and
Counsel for State Tax Commissioner

Telephone Number (701) 328 2777
State Bar Board Id 04914

Fleming Companies Claim
14448