IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DELAWARE

IN RE

FLEMING COMPANIES INC

	Bankruptcy Case No	03-10945
Debtor(s)	Chapter	11

WITHDRAWAL OF PROOF OF CLAIM

COMES NOW the creditor Kansas Department of Revenue, and hereby withdraws its Proof of Claim for delinquent Kansas taxes in the amount of $ 7070 98 filed herein on September 29, 2003

Robert W Challquist S C No 20837
KANSAS DEPARTMENT OF REVENUE
P O Box 12005
Topeka, Kansas 66612-2005
Phone (785) 296-6124

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Withdrawal was mailed this 30th day of January , 2004 by the United States Mail, postage prepaid, to the following

Kirkland & Ellis

Stang Pachulski, Ziehl, Young

Sandra G Morris

Sandra G Morris

rvcrsgm

BWPOC

Claim 14537

FORM B10 (Official Form 10)(4/01)

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE		PROOF OF CLAIM
Name of Debtor 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 A "request" for payment of an administrative expense may be filed pursuant to 11 U S C § 503		
Name of Creditor (The person or other entity to whom the debtor owes money or property) Kansas Department of Revenue	[ ]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	
Name and address where notices should be sent Kansas Department of Revenue Civil Tax Enforcement P O Box 12005 Topeka, KS 66612 2005 Telephone number 785-296 6124	[ ]Check box if you have never received any notices from the bankruptcy court in this case [ ]Check box if the address differs from the address on the envelope sent to you by the court	This Space is for Court Use Only
Account or other number by which creditor identifies debtor 48-0222760	Check here if this claim [ ] replaces [ ] amends a previously filed claim, dated	

1 Basis for Claim

☐ Money loaned
☐ Personal injury/wrongful death
■ Taxes *
☐ Other
* see attachment exhibit A'

☐ Retiree benefits as defined in 11 U S C § 1114(a)
☐ Wages salaries, and compensation (fill out below)
Your SS #
Unpaid compensation for services performed
from _____ (date) to _____ (date)

2 Date debt was incurred * see exhibit 'A'

3 If court judgment, date obtained

4 Total Amount of Claim at Time Case Filed $7,070 98
If all or part of your claim is secured or entitled to priority also complete line 5 or 6 below
[X] Check this box if claim includes interest or other changes 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 (including a right of setoff)
Brief Description of Collateral
[ ] Real Estate ☐ Motor Vehicle
☐ Other
Value of Collateral $ *see below
* Any and all of debtor(s) right, title and interest to real property

Amount of arrearage and other changes at time case filed included in secured claim if any
$0 00

6 Unsecured Priority Claim
[X] Check this box if your have an unsecured priority claim
Amount entitle to priority $7,070 98
Specify the priority of the claim

☐ Contributions *to* an employee belenfit 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)*
[X] 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 adjustments on 4/1/04 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 the filing of your claim enclose a stamped self-addressed envelope and copy of this proof of claim

This Space is for COURT USE ONLY

SEP 30 2003

DMC

Fleming Companies Claim

14537

Date	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)
September 29 2003	[signature]

Penalty for presenting fraudulent claim Fine of up to $500 000 or imprisonment for up to 5 years or both 18 U S C §§ 152 and 3571

Statement of Account - Exhibit "A"

Debtor	FLEMING COMPANIES INC
DBA	FLEMING FOODS LINCOLN
Address	1945 Lakepointe Drive
	Lewisville, TX 75057-6426
Tax Type	Cigarette Tax
Tax ID No	48-0222760/108465
Account Status	Active
Bankruptcy Case No	03-10945
Case Filing Date	April 1, 2003
Date Prepared	September 29, 2003
Prepared By	RVCRKJA

Chapter	11
Prepetition	X
Postpetition	
Conversion	
Amended	

PERIOD/DESCRIPTION*	TAX	PENALTY**	INTEREST**	TOTAL	SECURED
3/31/03 Invoice # 1521	7,070 98	0 00	0 00	7,070 98	
				0 00	
				0 00	
				0 00	
				0 00	
				0 00	
				0 00	
				0 00	
				0 00	
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				0 00	
				0 00	
				0 00	
				0 00	
				0 00	

Total tax and interest as a priority claim	$	7,070 98
Total tax, penalties and interest as a secured claim	$	0 00
Total tax, penalties and interest as a general unsecured claim	$	0 00
Total tax, penalties and interest as a post petition/administrative claim	$	0 00
Grand total	$	7,070 98

*ANR Assessment -no return filed
*DISC Discrepancy
*ENR Estimate-no return filed
*LR Late return
*RAR Revenue Agent Report
*RC Returned Check
*RWP Return without payment
*SOR Shortage on return

**K S A 79-2968
**K S A 79-32,107
**K S A 79-3228
**K S A 79-3615
**K S A 79-3706
**K S A 79-741a03a
**K S A 79-4105