

Fill in this information to identify the case:

Debtor 1 Fresh Acquisitions, LLC

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Texas, Dallas Division

Case number 21-30721-hdh11

E-Filed on 05/10/2021
Claim # 57

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?		<u>ARIZONA DEPARTMENT OF REVENUE</u> Name of the current creditor (the person or entity to be paid for this claim)	
		Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?		Where should payments to the creditor be sent? (if different)
	<u>Office of the Arizona Attorney General</u> Name <u>c/o Tax, Bankruptcy and Collection Sct 2005 N C</u> Number Street <u>Phoenix</u> <u>AZ</u> <u>85004</u> City State ZIP Code Contact phone <u>(602) 542-8811</u> Contact email <u>BankruptcyUnit@azag.gov</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		 Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____
4. Does this claim amend one already filed?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 2 7 9 5

7. How much is the claim? \$ 3,573.06. Does this amount include interest or other charges?
☒ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

Taxes

9. Is all or part of the claim secured? ☒ No
☐ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____

Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ 0.00

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☒ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ 0.00

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ 0.00

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ 0.00

☒ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ 2,220.05

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ 0.00

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ 0.00

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 05/10/2021
MM / DD / YYYY

Lorraine Averitt

Signature

Print the name of the person who is completing and signing this claim:

Name Lorraine Averitt

First name

Middle name

Last name

Title

Bankruptcy Collector

Company

Arizona Department of Revenue

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

1600 W. Monroe 7th Floor

Number

Street

Phoenix

City

AZ

State

85007

ZIP Code

Contact phone

(602) 716-7806

Email laveritt@azdor.gov

Attachment 1 - 6056855 Fresh Acquisitions, LLC CH11.pdf

Description -



STATE OF ARIZONA - PROOF OF CLAIM FOR ARIZONA DEPARTMENT OF REVENUE

United States Bankruptcy Court for the Northern District of Texas (Dallas)

ORIGINAL

In the Matter of: **FRESH ACQUISITIONS LLC**

DBA: **FURR'S FAMILY DINING**

Case Number 21-30721-SGJ11
Chapter: Bankruptcy Chapter 11
Taxpayer ID: 46-5412795
LIC: 21034755
Tax Type: TPT WTH
Petition Date: 04/20/2021

Total Priority:	\$2,220.05
Total General Unsecured:	\$1,353.01
Amount Due as of this Statement:	\$3,573.06

- The undersigned is the agent of the Arizona Department of Revenue and is authorized to make this proof of claim on its behalf.
- The Debtor was at the time of the filing of the petition initiating this case, and still is, indebted to the State of Arizona.
- The amount of all payments on this claim have been credited and deducted for the purpose of making this claim.
- The grounds for the liability are for taxes due under the Arizona Revised Statutes.
 - Secured Lien(s) in the event there is insufficient property for the lien to attach, all claims so entitled will be treated as priority under 11 USC Section 507(a)(8).

b. Unsecured Priority under Section 507(a)(8) of the Bankruptcy Code

Tax Type	Memo	Period	Tax	Penalty	Interest	Total
WTH		09/30/2015	\$1,395.72	\$0.00	\$0.00	\$1,395.72
WTH		12/31/2015	\$824.33	\$0.00	\$0.00	\$824.33
Total Section Priority:						\$2,220.05

- Amounts claimed as Priority under Section 1305
- Unsecured General Claims

Tax Type	Memo	Period	Tax	Penalty	Interest	Total
TPT		11/30/2016	\$77.29	\$7.73	\$16.04	\$101.06
TPT		01/16/2017	\$20.00	\$0.00	\$0.00	\$20.00
TPT		07/31/2017	\$694.50	\$69.45	\$122.52	\$886.47
TPT		08/31/2017	\$0.00	\$345.48	\$0.00	\$345.48
Total General Unsecured:						\$1,353.01
Amount Due as of this Statement:						\$3,573.06

- No note or other negotiable instrument has been received for the account or any part of it, except
- No judgement has been rendered on this claim, except...
- The Department may have a right to setoff. The Department does not waive such right.
- Make checks payable to the "ARIZONA DEPARTMENT OF REVENUE".
- All tax returns shall be filed directly with the Arizona Department of Revenue, Bankruptcy Section.

ARIZONA DEPARTMENT OF REVENUE

Signed: Lorraine Averitt

Dated: 05/10/2021

Lorraine Averitt

Office of the Arizona Attorney General
All notices, correspondence, pleadings and payments will be sent to the following address:
c/o: Tax, Bankruptcy and Collection Section
2005 N Central Ave. Suite 100
Phoenix, AZ 85004
Phone: 602-542-1719