

**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 21-30721-11

E-Filed on 06/03/2021  
Claim # 154

# 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?** Del Amo Fashion Center Operating Company, L.L.C.  
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor The Torrance Company

2. **Has this claim been acquired from someone else?**  No  
 Yes. From whom? \_\_\_\_\_

3. <b>Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	<u>Ronald M. Tucker</u> Name <u>Simon Property Group - Bankruptcy 225 West W</u> Number Street <u>Indianapolis IN 46204</u> City State ZIP Code Contact phone <u>(317) 263-2346</u> Contact email <u>rtucker@simon.com</u>	<u>Del Amo Fashion Center Operating Co LLC</u> Name <u>PO Box 409657</u> Number Street <u>Atlanta GA 30384</u> City State ZIP Code Contact phone _____ Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		

4. **Does this claim amend one already filed?**  No  
 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?**  No  
 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: 5 2 4 3

7. How much is the claim? \$ 519,383.43. 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.  
lease of non-residential real property

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. \$ 316,797.35

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).

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).

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).

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

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

Other. Specify subsection of 11 U.S.C. § 507(a)(2) that applies.

**Amount entitled to priority**

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

\$ 100.00

\* 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 06/03/2021  
MM / DD / YYYY

Ronald M. Tucker

Signature

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

Name Ronald M. Tucker  
First name Middle name Last name

Title Vice President/Bankruptcy Counsel

Company Simon Property Group  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

Attachment 1 - 5243 Hometown Buffet.pdf

Description -

6/03/21 MEXINB  
 12:46:31 QPADEV0025

---COMMENTS SUPPRESSED---

\* \* TENANT DETAIL SUMMARY \* \*

By Tenant

CM8075 PAGE 1  
 V000414 CO

TENANT: HOMBU/ Hometown Buffet  
 LEASE: HOMBU// Hometown Buffet  
 PROJECT: 5243 Del Amo Fashion Center Torrance CA

----- INACTIVE SPACE -----

-----  
 EXECUTION DATE: 7/05/2000 LEASE STATUS: Terminated Lease LEASE ID CORP ADDRESS LEASE ID BILLING ADDRESS  
 LEASE START DATE: 2/08/2001 LEASE TYPE: Lease OCB RESTAURANT CO, LLC  
 LEASE END DATE: 12/31/2021 SECURITY DEPOSIT: .00 UNKNOWN  
 REPLACEMENT DATE: CORP NAME: OCB Restaurant Co.  
 INSURANCE EXP: Terms: . SAN ANTONIO TX 78248-  
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--SPACE INFO-- SEQ #: 1 SPACE TYPE: NST | --OVERAGE RENT INFO-- FREQUENCY DAYS  
 FLOOR:01 UNIT:LL09 UNIT TYPE: OUT OPEN 2/08/2001 | SALES REPORTING Monthly 0  
 SQ FT RENTABLE SPACE START 2/08/2001 CLOSE 3/19/2020 | AUDITED STATEMENT Annually 45  
 LEASE 11,280 SPACE END 3/19/2021 VACATE 3/19/2021 | PAYMENT  
 ACTUAL 11,280 RCD 2/08/2001 TERM 3/19/2021 | SALES YEAR Jan - Dec  
 SIC 0302 Restaurant without Liquor

----RENT PERIOD INFO---  

Start Dt	End Date	Ann Rent	Rent Sq/Ft	Monthly Rent	---BREAK POINT INFO---	Sls Cat	Chg Typ	Ovrg%	Product Sls Base	Ovrg%	Product Sls Base
7/01/07	12/31/11	BMR 169,200.00	15.00	14,100.00	1/01/04 12/31/06	RET	BOV	3.000	3,500,000		
1/01/12	12/31/16	BMR 180,480.00	16.00	15,040.00	1/01/07 12/31/11	RET	BOV	3.000	3,749,000		
1/01/17	4/30/21	BMR 191,760.00	17.00	15,980.00	1/01/12 12/31/16	RET	BOV	3.000	4,000,018		
3/20/21	4/30/21	BMR 191,760.00	-17.00	15,980.00	1/01/17 12/31/19	RET	BOV	3.000	4,250,019		
					1/01/20 3/19/20	RET	BOV	3.000	4,250,019		
					---BREAK POINT INFO---	Sls Cat	Chg Typ	Ovrg%	Product Sls Base	Ovrg%	Product Sls Base
					1/01/22 12/31/26	RET	BOV	3.000	4,499,920.00		

---CURRENT MONTHLY OBLIGATIONS---  

Charge Description	Ann Amt	Sq/Ft	Monthly Pay	Eff Date	End Date	Recovery Information
BMR Base Minimum Rent Fi	191,760.00	17.00	15,980.00	MON 1/01/17	4/30/21	RET Real Estate Tax Reimbursement Specified % X Current Cost
HCP HVAC Plant	902.40	.08	75.20	MON 7/01/07	4/30/21	
OFE Oprng Costs Fixed -	85,512.00	7.58	7,126.00	MON 1/01/21	4/30/21	Rented/Occ %
RET R/E Tax	26,457.12	2.35	2,204.76	MON 1/01/17	4/30/21	Cap/Max: Y Rate: 100% Amt:
CURRENT OBLIGATION:	304,631.52	27.01	25,385.96			
		% OF LAST YR SALES				
Current Effective Rent:	191,760.00	35.32%	This year (Est):		.00	
Total Ancillaries:	112,871.50	20.79%	Last year sales:		542,950.97	
Total Charges:	304,631.52	56.11%	2nd Prev Yr sls:		2,895,591.91	
Effective Rent/Sq Ft:	27.00					

Lease Summary

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 Tenant HOMBU/ Hometown Buffet From 1/01/60 To 6/03/21 Scan Deposits All Zero  
 Project 5243 Del Amo Fashion Center  
 Lease HOMBU// Hometown Buffet \*\*\* ALL Charges \*\*\*  
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Date	Document	Check#	Description	Amount	Outstanding
1/01/20	R 0094202	003	Oprtnng Costs Fixed - Existing	6786.67	75.20
3/01/20	R 0176031	002	Base Minimum Rent Fixed	15980.00	15980.00
3/01/20	R 0176031	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
3/01/20	R 0176031	004	R/E Tax	2204.76	2204.76
4/01/20	R 0217773	001	HVAC Plant	75.20	75.20
4/01/20	R 0217773	002	Base Minimum Rent Fixed	15980.00	15980.00
4/01/20	R 0217773	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
4/01/20	R 0217773	004	R/E Tax	2204.76	2204.76
5/01/20	R 0250234	001	HVAC Plant	75.20	75.20
5/01/20	R 0250234	002	Base Minimum Rent Fixed	15980.00	15980.00
5/01/20	R 0250234	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
5/01/20	R 0250234	004	R/E Tax	2204.76	2204.76
6/01/20	R 0288491	001	HVAC Plant	75.20	75.20
6/01/20	R 0288491	002	Base Minimum Rent Fixed	15980.00	15980.00
6/01/20	R 0288491	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
6/01/20	R 0288491	004	R/E Tax	2204.76	2204.76
7/01/20	R 0327644	001	HVAC Plant	75.20	75.20
7/01/20	R 0327644	002	Base Minimum Rent Fixed	15980.00	15980.00
7/01/20	R 0327644	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
7/01/20	R 0327644	004	R/E Tax	2204.76	2204.76
8/01/20	R 0363623	001	HVAC Plant	75.20	75.20
8/01/20	R 0363623	002	Base Minimum Rent Fixed	15980.00	15980.00
8/01/20	R 0363623	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
8/01/20	R 0363623	004	R/E Tax	2204.76	2204.76
9/01/20	R 0400489	001	HVAC Plant	75.20	75.20
9/01/20	R 0400489	002	Base Minimum Rent Fixed	15980.00	15980.00
9/01/20	R 0400489	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
9/01/20	R 0400489	004	R/E Tax	2204.76	2204.76
10/01/20	R 0438060	001	HVAC Plant	75.20	75.20
10/01/20	R 0438060	002	Base Minimum Rent Fixed	15980.00	15980.00
10/01/20	R 0438060	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
10/01/20	R 0438060	004	R/E Tax	2204.76	2204.76

Lease Summary

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 Tenant HOMBU/ Hometown Buffet From 1/01/60 To 6/03/21 Scan Deposits All Zero  
 Project 5243 Del Amo Fashion Center  
 Lease HOMBU// Hometown Buffet \*\*\* ALL Charges \*\*\*  
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Date	Document	Check#	Description	Amount	Outstanding
11/01/20	R 0475070	001	HVAC Plant	75.20	75.20
11/01/20	R 0475070	002	Base Minimum Rent Fixed	15980.00	15980.00
11/01/20	R 0475070	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
11/01/20	R 0475070	004	R/E Tax	2204.76	2204.76
12/01/20	R 0512568	001	HVAC Plant	75.20	75.20
12/01/20	R 0512568	002	Base Minimum Rent Fixed	15980.00	15980.00
12/01/20	R 0512568	003	Oprtnng Costs Fixed - Existing	6786.67	6786.67
12/01/20	R 0512568	004	R/E Tax	2204.76	2204.76
1/01/21	R 0547926	001	HVAC Plant	75.20	75.20
1/01/21	R 0547926	002	Base Minimum Rent Fixed	15980.00	15980.00
1/01/21	R 0547926	003	Oprtnng Costs Fixed - Existing	7126.00	7126.00
1/01/21	R 0547926	004	R/E Tax	2204.76	2204.76
2/01/21	R 0584251	001	HVAC Plant	75.20	75.20
2/01/21	R 0584251	002	Base Minimum Rent Fixed	15980.00	15980.00
2/01/21	R 0584251	003	Oprtnng Costs Fixed - Existing	7126.00	7126.00
2/01/21	R 0584251	004	R/E Tax	2204.76	2204.76
3/01/21	R 0620584	001	HVAC Plant	75.20	46.09
3/01/21	R 0620584	002	Base Minimum Rent Fixed	15980.00	9794.19
3/01/21	R 0620584	003	Oprtnng Costs Fixed - Existing	7126.00	4367.55
3/01/21	R 0620584	004	R/E Tax	2204.76	1351.30
Cumulative Total				333335.65	316797.35

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 End of report



# Rejection Claim Calculation

Rpt ID: BK13

As of 06/03/21

Run Date: 06/03/21 at 12:50 PM EDT

Tenant **Hometown Buffet - HOMBU/**  
Cause # **21-30721 Lead Case**

Lease	Property	Rejection Date	Lease Expiration Date	Months Remaining on Lease Term	Monthly Obligations Amount	Obligations through End of Lease Term	Total Annual Charges	15 % of Rent for Remaining Lease Term	Three Years of Rent
Hometown Buffet - HOMBU//	Del Amo Fashion Center - 5243	04/20/2021	12/31/2021	8	\$25,310.76	\$202,486.08			

Rejection Date is not null

Page 1 of 2

THIS DOCUMENT CONTAINS TRADE SECRET INFORMATION OWNED BY SIMON. UNAUTHORIZED DISCLOSURE IS STRICTLY PROHIBITED AND MAY RESULT IN SERIOUS LEGAL CONSEQUENCES.

Date of Filing: 04/20/2021 Lease(s) selected: Hometown Buffet - HOMBU//