

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 07/01/2021
Claim # 221

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?** Futura Building Systems
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor Futura Enterprises, Inc.

2. **Has this claim been acquired from someone else?** No
 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>Jacqueline Montejano</u> Name	<u>Irving Napert</u> Name
	<u>Montejano Law Firm, PLLC 2626 Cole Ave., Suite 300</u> Number Street	<u>Futura Enterprises, Inc. 11857 Judd Court, Ste.</u> Number Street
	<u>Dallas TX 75204</u> City State ZIP Code	<u>Dallas TX 75243</u> City State ZIP Code
	Contact phone <u>(214) 919-7791</u>	Contact phone <u>(214) 891-1924</u>
	Contact email <u>Jackie@MontejanoLaw.com</u>	Contact email <u>inapert@futuraenterprises.com</u>
	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: _____

7. How much is the claim? \$ 55,354.03. 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.
Services Performed

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).

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)() that applies.

Amount entitled to priority

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

\$ 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 07/01/2021
MM / DD / YYYY

Jacqueline Montejano

Signature

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

Name Jacqueline Montejano
First name Middle name Last name

Title Managing Partner

Company Montejano Law Firm, PLLC
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 - 2020-9 (SEPT) 4 Furr's Fresh Buffet Inv. No. 442 (\$7,973.81).pdf

Description - Invoice No. 442 for Construction Services (Furr's Fresh Buffet; McAllen, TX)

Futura Building Systems
11857 Judd Court, Ste 214
Dallas, TX 75243 US
214-891-1924

INVOICE

BILL TO

Furr's Fresh Buffet
Restaurant
c/o Fresh Acquisitions LLC
120 Chula Vista
Hollywood Park, TX 78232

INVOICE # 442

DATE 09/04/2020

TERMS Due on receipt

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Roof Materials	Roofing Materials	1	629.32	629.32T
Roof Labor - Field Contract	Roof Repair Labor	1	4,932.06	4,932.06T
Workman's Comp	Workman's comp insurance charged to job	1	577.04	577.04T
Overhead	Overhead	1	613.84	613.84T
Profit	Profit	1	613.85	613.85T

Tarping & Roof Repair of Furr's FRG-204

SUBTOTAL 7,366.11
TAX (8.25%) 607.70
TOTAL 7,973.81
BALANCE DUE **\$7,973.81**



Futura Building Systems
 Futura Enterprises, Inc.
 11857 Judd Court, Suite 214
 Dallas, TX 75243
 214-891-1924

Furr's Fresh Buffet
901 W Expressway 83, McAllen, TX
Job 289 - Roof Repairs
Materials/Labor

Sales Tax Paid at Purchase		Non-Taxable		Item	Inv
Date	Vendor	Cost Amount	Vendor	Amount	Payments
7/31/2020	Lowes	277.59		Misc Repair Materials	
7/31/2020	Lowes	86.85		Misc Repair Materials	
7/31/2020	Home Depot	258.91		Misc Repair Materials	
8/1/2020	Home Depot	39.85		Misc Repair Materials	
8/3/2020	Home Depot REFUND	(134.04)		Misc Repair Materials	
8/29/2020	Home Depot	143.64		Misc Repair Materials	
9/5/2020	Home Depot REFUND	(43.48)		Misc Repair Materials	
(sitr PAID) Materials Subtotal		629.32	Non-Taxable Materials Subtotal	-	-
Project Supervisor:					
Additional Labor:					
WO80120		\$2,700.18	Tarpling		Misc Labor - Field Contract
WO83120		\$935.76	Tarpling		Misc Labor - Field Contract

Inv 442

WO90320	\$1,296.12				Misc Labor - Field Contract	Inv 442
WO100820	\$3,037.44				Misc Labor - Field Contract	
	\$7,969.50					
Total Labor	\$7,969.50					
Workers Comp	\$734.38					
Taxable Materials & Labor Total	\$9,333.20					
Non-Taxable Materials	\$0.00					
Overhead 10%	\$933.32					
Profit 10%	\$933.32					
Project cost to date	\$11,199.84					
Sales Tax	\$923.99					
Total Cost to Date	\$12,123.83					
Amount owner paid to date					\$0.00	
Balance Owed					\$12,123.83	

Attachment 2 - 2020-9 (SEPT) 4 Furr's Fresh Buffet Inv. No. 443 (\$5,646.23).pdf

Description - Invoice No. 443 for Construction Services (Furr's Fresh Buffet; McAllen, TX)

Futura Building Systems
11857 Judd Court, Ste 214
Dallas, TX 75243 US
214-891-1924

INVOICE

BILL TO

Furr's Fresh Buffet
Restaurant
c/o Fresh Acquisitions LLC
120 Chula Vista
Hollywood Park, TX 78232

INVOICE # 443
DATE 09/04/2020

TERMS Due on receipt

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Misc. Repair Materials	Misc. Repairs Materials	1	174.65	174.65T
Rough Plumbing Materials	Rough Plumbing Materials Purchased	1	1,122.40	1,122.40T
Paint Materials	Paint, stain, varnish, etc	1	77.83	77.83T
Rough Plumbing Labor - 1099 Sub	Rough Plumbing Labor	1	1,683.60	1,683.60T
Misc. Labor - Field Contract	Misc. Repair Labor - Futura WO90220	1	1,171.38	1,171.38T
Workman's Comp	Workman's comp insurance charged to job	1	116.74	116.74T
Overhead	Overhead	1	434.66	434.66T
Profit	Profit	1	434.66	434.66T

SUBTOTAL 5,215.92
TAX (8.25%) 430.31
TOTAL 5,646.23
BALANCE DUE **\$5,646.23**



Futura Building Systems

Futura Enterprises, Inc.

11857 Judd Court, Suite 214

Dallas, TX 75243

214-891-1924

Furr's Fresh Buffet

901 W Expressway 83, McAllen, TX

Job 289 - Misc. Repairs

Materials/Labor

Sales Tax Paid at Purchase

Date	Vendor	Cost Amount	Non-Taxable Vendor	Amount	Payments	Item
8/31/2020	Home Depot	353.14				Misc Repair Materials
8/31/2020	Home Depot REFUND	(227.12)				Misc Repair Materials
9/1/2020	\$1127.00 - Mike's Plumbing Labor	450.80				Rough Plumbing Materials
9/2/2020	Sherwin Williams	676.20				Rough Plumbing Labor - 1099 Sub
9/2/2020	\$294.00 - Mike's Plumbing Labor	77.83				Paint Supplies
9/2/2020	\$1385.00 - Mike's Plumbing Labor	117.60				Rough Plumbing Materials
9/2/2020	Home Depot	176.40				Rough Plumbing Labor - 1099 Sub
		554.00				Rough Plumbing Materials
		831.00				Rough Plumbing Labor - 1099 Sub
		48.63				Misc Repair Materials
						Inv 443

(sltx PAID) Materials Subtotal

3,058.48

Non-Taxable Materials Subtotal

Project Supervisor:

\$0.00

Additional Labor:

WO90220

\$1,171.38

Misc Labor - Field Contract

Inv 443



Futura Building Systems

Futura Enterprises, Inc.

11857 Judd Court, Suite 214

Dallas, TX 75243

214-891-1924

Furr's Fresh Buffet

901 W Expressway 83, McAllen, TX

Job 289 - Misc. Repairs

Materials/Labor

Sales Tax Paid at Purchase

Date	Vendor	Cost Amount	Non-Taxable Vendor	Amount	Payments	Item
		\$1,171.38				
		\$1,171.38				
		\$116.74				
		\$4,346.60				
		\$0.00				
		\$434.66				
		\$434.66				
		\$5,215.92				
		\$430.31				
		\$5,646.23				
						\$0.00
						\$5,646.23

Total Labor

Workers Comp

Taxable Materials & Labor Total

Non-Taxable Materials

Overhead 10%

Profit 10%

Project cost to date

Sales Tax

Total Cost to Date

Amount owner paid to date

Balance Owed

Attachment 3 - 2020-10-(OCT) 20 Furr's Fresh Buffet Inv. No 478 (\$4,150.02).pdf

Description - Invoice No. 478 for Construction Services (Furr's Fresh Buffet; McAllen, TX)

Futura Building Systems

11857 Judd Court, Ste 214
Dallas, TX 75243 US
214-891-1924

INVOICE

BILL TO

Furr's Fresh Buffet
Restaurant
c/o Fresh Acquisitions LLC
120 Chula Vista
Hollywood Park, TX 78232

INVOICE # 478

DATE 10/20/2020

TERMS Due on receipt

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Roof Labor - Field Contract	Roof Repair Labor	1	3,037.44	3,037.44T
Workman's Comp	Workman's comp insurance charged to job	1	157.34	157.34T
Overhead	Overhead	1	319.48	319.48T
Profit	Profit	1	319.48	319.48T

SUBTOTAL	3,833.74
TAX (8.25%)	316.28
TOTAL	4,150.02
BALANCE DUE	\$4,150.02

Attachment 4 - 2021-2 (FEB) 9 Fresh Acquisitions Inv. No. 1003 (\$37,583.97).pdf

Description - Invoice No. 442 for Fire Restoration Services (Zio's Italian Kitchen, Springfield, MO)



Futura Building Systems

FUTURA ENTERPRISES, INC.

11857 Judd Ct., Ste 214

Dallas, TX 75243

Phone 214-891-1924 Fax 214-361-9056

INVOICE

DATE: February 9, 2021
INVOICE # 1003

BILL TO:

Fresh Acquisitions LLC

120 Chula Vista

Hollywood, TX 78232

PROJECT: Futura Expenses

Zio's

Springfield, MO

DESCRIPTION	AMOUNT
TRAVEL:	\$3,633.37
Airfare, Auto Rental, Cash, Fuel	
MEALS:	\$716.20
LODGING:	\$2,873.96
MISC:	
SkyMeasure	\$61.82
Brady Folbre - consulting fee	\$1,000.00
EMPLOYEE:	
Donald Beal - Project Supervisor	\$3,384.62
Gary Moffatt - Estimator	5,850.00
Brad Johnson - Project Supervisor	3,000.00
Henry Guilarte - Project Manager	\$800.00
Irving Napert	10,000.00
OVERHEAD 10%	3,132.00
PROFIT 10%	3,132.00
Balance Due	
TOTAL	\$37,583.97

Make all checks payable to Futura Enterprises, Inc.

If you have any questions concerning this invoice, contact Irving Napert
214-769-9270

THANK YOU FOR YOUR BUSINESS!

Job 288 - Zio's, Springfield MO

July 24 - 25, 2020	Residence Inn				129.71
7/25/20	Chili's				30.16
7/25/20	Waffle House				21.97
7/25/20	Sam's Club Fuel				43.10
					224.94
Brad Trip to Springfield					
July 30 - Aug 6, 2020	Residence Inn				1,806.92
7/29/20	Cash for trip - Irving				250.00
7/30/20	Fuel				23.46
7/30/20	Hooters - Food				31.11
7/31/20	Rapid Roberts - Food				8.81
7/31/20	Hooters - Food				21.34
7/31/20	Cash for trip - Brad				200.00
8/1/20	Hooters - Food				18.68
8/2/20	Hooters - Food				27.47
8/3/20	Hooters - Food				27.53
8/4/20	Hooters - Food				20.11
8/5/20	Shell - Fuel				40.00
8/5/20	Hooters - Food				31.76
8/6/20	Rapid Roberts - Food				13.22
8/7/20	Rapid Roberts - Food				6.92
8/7/20	Quick Trip - Fuel				24.24
8/11/20	Quick Trip - Fuel				45.29
8/12/20	SkyMeasure - Springfield				61.82
					2,658.68
Rick Rannabarger & Irving					
9/11/20 - 9/13/20	American Airlines				770.65
9/9/20	Cash for trip - Irving				300.00
					Incl car rental

9/11/20 - 9/13/20	Residence Inn	335.69	
		1,406.34	
Gary Moffatt			
11/12/20	Flame Steakhouse - Food	213.76	
11/12 - 11/13	Residence Inn	304.18	
11/12 - 11/13	Auto rental	135.64	
11/13/20	American Airlines	60.00	
		713.58	
Henry Guilarte & Irving			
1/13/21	FD Grillhouse - Food	81.32	
1/13/21	FD Grillhouse - Food	30.55	
1/13/21	TGI Fridays	45.28	
1/13/21	Avis Rent-a-Car	174.62	
1/13/21	American Airlines	918.40	
1/13/21	Cash for trip - Irving	250.00	
1/13 - 1/14/21	Residence Inn	297.46	
1/14/21	Firehouse Subs - Food	22.00	
1/15/21	Avis Rent-a-Car	365.62	
1/15/21	Smokein Bob's - Food	64.21	
1/15/21	Kum & Go - Fuel	13.00	
1/15/21	Tiger Mart - Fuel	20.00	
		2,282.46	
Misc Expenses			
12/18/20	Brady Folbre - Consult Fee	1,000.00	
1/22/21	Donald Beal - Proj Supervisor	307.68	
1/29/21	Donald Beal - Proj Supervisor	1,538.47	
2/5/21	Donald Beal - Proj Supervisor	1,538.47	

