

Fill in this information to identify the case:

Debtor 1 Alamo Fresh Payroll, LLC  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: Northern District of Texas, Dallas Division  
Case number 21-30720-11

E-Filed on 07/28/2021  
Claim # 260

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? TEXAS WORKFORCE COMMISSION  
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?  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>OFFICE of ATTORNEY GENERAL</u> Name <u>Bankruptcy &amp; Collections Division PO Box 12548 MC-008</u> Number Street <u>Austin TX 78771</u> City State ZIP Code Contact phone <u>(512) 463-2173</u> Contact email <u>bankruptcytax@oag.texas.gov</u>	<u>TEXAS WORKFORCE COMMISSION</u> Name <u>Regulatory Integrity Division-SAU 101 E 15th St Room 556</u> Number Street <u>Austin TX 78778</u> City State ZIP Code Contact phone <u>(512) 463-2872</u> Contact email <u>rid.bankruptcy@twc.state.tx.us</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) 25 Filed on 04/28/2021  
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: 1 7 5 3

7. How much is the claim? \$ 40,780.20. 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.  
Unemployment 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: all taxes, fines, interests and fees owed by debtor  
**Basis for perfection:** Notice of State Tax Lien  
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:** \$ 40,780.20  
**Amount of the claim that is secured:** \$ 40,780.20  
**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:** \$ 40,780.20  
**Annual Interest Rate** (when case was filed) 4.00 %  
 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: All setoff rights under Texas law.

**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 07/28/2021  
MM / DD / YYYY

Leslie A Janega

Signature

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

Name Leslie Ann Janega  
First name Middle name Last name

Title Account Examiner

Company Texas Workforce Commission  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 101 E 15th St Room 556  
Number Street

Austin TX 78778  
City State ZIP Code

Contact phone (512) 305-9297 Email leslie.janega@twc.state.tx.us

Attachment 1 - 2nd amended C-100 w lien.pdf

Description -

AUSTIN, TEXAS 78778

CERTIFICATION OF DELINQUENT CONTRIBUTIONS, TAXES, ASSESSMENTS, PENALTIES  
AND/OR INTEREST DUE BY EMPLOYER NAMED BELOW FOR PERIODS SHOWN

Employer ALAMO FRESH PAYROLL LLC

INQUIRIES, NOTICES & CORRESPONDENCE:

Attorney General, State of Texas  
Collection Div., Bankruptcy Sec.  
P.O. Box 12548  
Austin, Texas 78711

PAYMENTS

Texas Workforce Commission  
Regulatory Integrity Div., Special Action Unit  
101 E 15th Street Rm. 556  
Austin, Texas 78778-0001

PERIOD (CALENDAR QUARTER)	TOTAL TAXABLE WAGES	TAX RATE (%)	CONTRIBUTION DUE	DELINQUENCY DATE	SEC. 213.021 LATE PAYMENT INTEREST (% of TAX)	SEC. 213.021 LATE PAYMENT INTEREST DUE	SEC. 213.025 JUDGMENT/ ASSESSMENT INTEREST (% of TAX)	SEC. 213.025 JUDGMENT/ ASSESSMENT INTEREST DUE	SEC 213.022 PENALTIES, FEES & OTHER CHARGES
2/21	\$23,889.44	4.41	\$234.20			\$0.00			
1/21*	\$426,956.43	4.41	\$12,808.59 bal	8/3/2021		\$0.00			
2/20	\$13,435.63	1.41	\$189.44	8/1/2020	13.5%	\$25.56			
1/20	\$1,713,097.77	1.41	\$24,154.68	5/16/2020	18.0%	\$3,352.35			
Lien fee									\$15.38
xx	xx	xx	\$37,386.91	xx	xx	\$3,377.91	xx	\$0.00	\$15.38

TOTAL AMOUNT DUE AS OF July-2021

FOR PERIODS SHOWN ABOVE:

\$40,780.20

Amounts claimed are for wages paid prior to petition filing date. Debt secured by state tax lien.

Tax, interest and fee claimed as secured debt.

\*The employer remitted payment at the 2020 tax rate of 1.41%. The employer's 2021 tax rate is 4.41%.

\*(NOTE: T.U.C.A., LABOR CODE, Sec. 213.021 and 213.025 provides for late payment interest on delinquent contributions or taxes and interest on contributions or taxes reduced to judgment or final assessment. Section 213.022 provides that penalties are assessed for late submission of or failure to submit Employer's Quarterly Report.)

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

The undersigned, an authorized representative of the Texas Workforce Commission, hereby certifies in accordance with T.U.C.A., LABOR CODE, Sec. 213.034, that the foregoing statement was made from reports or audits of the employer named above which are on file in the offices of the Texas Workforce Commission. The contributions, taxes, assessments, penalties, or interest shown to be due by the above statement are past due and unpaid and all just and lawful offsets, payments, and credits have been allowed.



/s/ Leslie Janega, Account Examiner

Regulatory Integrity Division, Texas Workforce Commission

EXHIBIT A

# NOTICE OF STATE TAX LIEN

175-3  
TWC Tax Account No.

8  
0  
7  
4  
9  
1  
4  
7  
0  
2  
9

Know all men by these presents, that the employing unit named below is subject to the provisions of the Texas Unemployment Compensation Act and is indebted to the State of Texas, through the Texas Workforce Commission, for Unemployment Taxes, Interest Taxes, and other charges, in the current amount of \$ 25,257.64 as scheduled below; plus any indebtedness of the same nature which may accrue or be incurred subsequent to the filing of this notice. The amounts shown below in the column headed "TAX" are tax exclusively and do not include penalty, interest, or any other charge.

ALAMO FRESH PAYROLL LLC  
2338 N LOOP 1604 W STE 350  
SAN ANTONIO TX 78248-4544

QUARTER OR DATE	TAX	OTHER CHARGES	QUARTER OR DATE	TAX	OTHER CHARGES	QUARTER OR DATE	TAX	OTHER CHARGES
1-20	24,154.68	1,086.96						
07-08-20	LIEN FEE	16.00						

This indebtedness consists of unpaid contributions (taxes), interest and penalty and other charges which are delinquent under the terms of said Act (and Commission Rules) and for which a lien is established under the provisions of the Texas Unemployment Compensation Act, Labor Code, as amended (Chapter 201 et seq), and Subchapter A of Chapter 113, Tax Code. Notice of the attachment of said lien upon all property, both real and personal, belonging to such employing unit or to any individual so indebted is herewith made pursuant to the Texas Unemployment Compensation Act, Labor Code, as amended (Chapter 201 et seq), and Subchapter A of Chapter 113, Tax Code.

Given under my hand and official seal of the Texas Workforce Commission on the 8th day of JULY, 2020



TEXAS WORKFORCE COMMISSION by

Angelo Ferrazzano, Regulatory Integrity Division

BEXAR	County Clerk certification and recording information - Please Return
RETURN TO: Texas Workforce Commission, 101 E. 15th Street, Rm 556, Austin, TX 78778-0001	

8  
0  
7  
4  
9  
1  
4  
7  
0  
3  
1

173-3



\*VG-126-2020-20200155143\*

**File Information**

**FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

**Document Number:** 20200155143  
**Recorded Date:** July 16, 2020  
**Recorded Time:** 11:24 AM  
**Total Pages:** 2  
**Total Fees:** \$16.00

**\*\* THIS PAGE IS PART OF THE DOCUMENT \*\***

**\*\* Do Not Remove \*\***

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on:  
7/16/2020 11:24 AM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk

EXHIBIT B - pg 2 of 2

