

Fill in this information to identify the case:

Debtor 1 OCB Restaurant Company, LLC
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the: Northern District of Texas, Dallas Division
Case number 21-30726-11

E-Filed on 08/30/2021
Claim # 398

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? Fairfield Gateway, LP
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>Dustin P. Branch, Esq.</u> Name	_____ Name
<u>Ballard Spahr LLP 2029 Century Park East, Suite 1400</u> Number Street	_____ Number Street
<u>Los Angeles CA 90067-2915</u> City State ZIP Code	_____ City State ZIP Code
Contact phone <u>(424) 204-4400</u>	Contact phone _____
Contact email <u>branchd@ballardspahr.com</u>	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: _____

7. How much is the claim? \$ 506,662.86. 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.
Real Property Lease

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. \$ 250,163.34

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 08/30/2021
MM / DD / YYYY

Dustin P. Branch

Signature

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

Name Dustin P. Branch
First name Middle name Last name

Title Partner

Company Ballard Spahr LLP
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 - Buffets IV (Fresh Acquisitions)_Gateway Plaza_Rejection Claim_.pdf
Description -

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

Case number 21-30721

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?** Fairfield Gateway, LP
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? _____

Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<u>Dustin P. Branch, Esq./Ballard Spahr LLP</u> Name <u>2029 Century Park East, Suite 1400</u> Number Street <u>Los Angeles</u> <u>CA</u> <u>90067-2915</u> City State ZIP Code Contact phone <u>424.204.4400</u> Contact email <u>branchd@ballardspahr.com</u>	_____ Name _____ Number Street _____ 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: _____

7. How much is the claim? \$ 506,662.86. 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.
Real Property Lease

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. \$ 506,662.86

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

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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 08/28/2021
MM / DD / YYYY

Signature 

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

Name Dustin P. Branch
First name Middle name Last name

Title Partner

Company Ballard Spahr LLP
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 2029 Century Park East, Suite 1400
Number Street

Los Angeles CA 90067-2915
City State ZIP Code

Contact phone 424.204.4400 Email branchd@ballardspahr.com

PROOF OF CLAIM ATTACHMENT

CASE NAME: FRESH ACQUISITIONS, LLC

LOCATION: Gateway Plaza

CASE NUMBER: 21-30721

A. General Information:

1. Landlord Name: Fairfield Gateway, LP
2. Property Location: Fairfield, CA
3. Tenant Name: OCB Restaurant Company LLC
4. Space/Store/Bldg. No.: 340 Remaining term: 45.4 months
5. Petition Date: 4/20/2021
6. Lease Exp. Date: 1/31/2025
7. Lease Rej. Date: 4/20/2021

B. Claim Information:

	<u>Rent & Charges</u>	<u>Interest</u>	<u>Totals</u>
1. Unsecured Non-Priority Rejection Claim Amount: (Section 502(b)(6)(A))	\$256,499.52	n/a	\$256,499.52
2. Unsecured Non-Priority Pre-Petition Claim Amount: (Section 502(b)(6)(B))	\$248,779.82	\$1,383.52	\$250,163.34
Subtotal Unsecured Claims	\$505,279.34	\$1,383.52 ¹	\$506,662.86
3. Administrative Post-Petition Priority Claim Amount: (Section 503(b)(1)(A), 365(d)(3))	\$0.00	\$0.00	\$0.00
Subtotal Administrative Claims	\$0.00	\$0.00 ²	\$0.00
TOTAL CLAIM AMOUNT			<u><u>\$506,662.86</u></u> ³

¹ Interest calculated at 10.% through 04/19/21, based on a 365 day year.

² Interest calculated at 10.% through 08/30/21, (the Claims Bar Date) based on a 365 day year.

³ Claimant reserves the right to supplement or amend this claim from time to time and at any time hereafter.

PRE-PETITION CHARGES

CASE NAME: FRESH ACQUISITIONS, LLC

LOCATION: Gateway Plaza

CASE NUMBER: 21-30721

<u>DATE OF CHARGE</u>	<u>DESCRIPTION OF CHARGE</u>	<u>AMOUNT DUE</u>	<u>INTEREST¹</u>	<u>TOTAL AMOUNT DUE</u>
3/31/2021	Balance on Account	\$226,850.04	\$1,305.16	\$228,155.20
3/31/2021	Balance on Account - Sign Pylon Rent	\$2,820.96	\$16.23	\$2,837.19
4/1/2021	Pro-rated Base Rent (4/1/21 - 4/19/21)	\$6,396.67	\$35.05	\$6,431.72
4/1/2021	Pro-rated CAM (4/1/21 - 4/19/21)	\$1,130.03	\$6.19	\$1,136.22
4/1/2021	Pro-rated CAM - FL&S (4/1/21 - 4/19/21)	\$235.44	\$1.29	\$236.73
4/1/2021	Pro-rated CAM - Insurance (4/1/21 - 4/19/21)	\$221.29	\$1.21	\$222.50
4/1/2021	Pro-rated CAM - Taxes (4/1/21 - 4/19/21)	\$1,285.39	\$7.04	\$1,292.43
4/1/2021	Pro-rated CAM - Utilities (4/1/21 - 4/19/21)	\$1,710.00	\$9.37	\$1,719.37
4/1/2021	Pro-rated Pylon Sign (4/1/21 - 4/19/21)	\$44.97	\$0.25	\$45.22
4/1/2021	Pro-rated Sign Rent (4/1/21 - 4/19/21)	\$316.03	\$1.73	\$317.76
	Pylon/Sign Rent (4/19/21 - 12/31/21)	\$4,769.00	\$0.00	\$4,769.00
	Attorney's fees	\$3,000.00	\$0.00	\$3,000.00
		\$248,779.82	\$1,383.52	
				<u><u>\$250,163.34</u></u>

TOTAL PRE-PETITION CHARGES: \$250,163.34

¹ Interest calculated at 10.% through 04/19/21, the day before the petition date.

REJECTION DAMAGES

CASE NAME: FRESH ACQUISITIONS, LLC

LOCATION: Gateway Plaza

CASE NUMBER: 21-30721

TOTAL RENT REMAINING FOR LEASE TERM

(BASIS: 365 DAYS PER YEAR)

TOTALS - ALL RENT STEPS

TOTAL RENT - ALL STEPS = \$971,889.42

TOTALS - RENT STEP 1 Daily rent: \$702.74

Start date: 04/20/21 Period rent: \$971,889.42

End date: 01/31/25 No. of days: 1383

RENT CAPS (choose > one)

15% of remaining term: \$145,783.41

1 yr rent & add'l rent: \$256,499.52

Remaining rent if term is less than one year: \$0.00

TOTALS - RENT STEP 2 Daily rent: \$237.86

Start date: 01/00/00 Period rent: \$0.00

End date: 01/00/00 No. of days: 0

ACTUAL RESERVED RENT

Total rent & add'l rent: \$971,889.42

Actual reserved rent: \$971,889.42

TOTALS - RENT STEP 3 Daily rent: \$237.86

Start date: 01/00/00 Period rent: \$0.00

End date: 01/00/00 No. of days: 0

Rejection Claim Amount: \$256,499.52

TOTALS - RENT STEP 4 Daily rent: \$237.86

Start date: 01/00/00 Period rent: \$0.00

End date: 01/00/00 No. of days: 0

TOTALS - RENT STEP 5 Daily rent: \$237.86

Start date: 01/00/00 Period rent: \$0.00

End date: 01/00/00 No. of days: 0

TOTALS - RENT STEP 6 Daily rent: \$237.86

Start date: 01/00/00 Period rent: \$0.00

End date: 01/00/00 No. of days: 0

TOTALS - RENT STEP 7 Daily rent: \$237.86

Start date: 01/00/00 Period rent: \$0.00