

**Fill in this information to identify the case:**

Debtor 1 Gold's Texas Holdings Group, Inc.

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

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

Case number 20-31337-hdh11

E-Filed on 09/03/2020  
Claim # 282

# 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

<p><b>1. Who is the current creditor?</b></p>	<p><u>Realty Income Corporation (Prue Road)</u></p> <p><small>Name of the current creditor (the person or entity to be paid for this claim)</small></p> <p>Other names the creditor used with the debtor _____</p>	
<p><b>2. Has this claim been acquired from someone else?</b></p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____</p>	
<p><b>3. Where should notices and payments to the creditor be sent?</b></p> <p><small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small></p>	<p><b>Where should notices to the creditor be sent?</b></p> <p><u>Realty Income Corporation</u></p> <p><small>Name</small></p> <p><u>Attn: Kirk Carson 11995 El Camino Real</u></p> <p><small>Number Street</small></p> <p><u>San Diego CA 92130</u></p> <p><small>City State ZIP Code</small></p> <p>Contact phone <u>(858) 284-5256</u></p> <p>Contact email <u>kcarson@realtyincome.com</u></p> <p><small>Uniform claim identifier for electronic payments in chapter 13 (if you use one):</small></p> <p>_____</p>	<p><b>Where should payments to the creditor be sent? (if different)</b></p> <p>_____</p> <p><small>Name</small></p> <p>_____</p> <p><small>Number Street</small></p> <p>_____</p> <p><small>City State ZIP Code</small></p> <p>Contact phone _____</p> <p>Contact email _____</p>
<p><b>4. Does this claim amend one already filed?</b></p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____</p> <p style="text-align: right;">Filed on _____</p> <p style="text-align: right;"><small>MM / DD / YYYY</small></p>	
<p><b>5. Do you know if anyone else has filed a proof of claim for this claim?</b></p>	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____</p>	

**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?** \$ 1,270,918.00. **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.  
Rejection Damages

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.** \$ 83,138.00

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 09/03/2020  
MM / DD / YYYY

Kirk Carson  
Signature

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

Name Kirk Carson, Esq.  
First name Middle name Last name

Title Senior Legal Counsel, AVP

Company Realty Income Corporation  
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 - 2677 2678 Gold's Gym 502b6 REJ Claim.pdf

Description -

CURRENT															3 YEAR	REMAINING RENT					502(b)(6) Calculation								
Bldg. ID	Lease Comm.	Lease Expire	Bldg. SF	Rejection Date	Rent		Taxes		Insurance		Holding Costs		CAM		Total Annual Rent, Tax, Ins, Holding & CAM	3 Years of Annual (T x 3)	REMAINING RENT					Test One:	Test Two:	Damages Under Lease	Admin Claim	Pre-petition Claim	Total Rejection Claim		
					Annual Rent	Monthly Base Rent	Annual Taxes	Monthly Taxes	Annual Insurance	Monthly Insurance	Annual Holding Costs	Monthly Holding Costs	Annual CAM Costs	Monthly CAM Costs			Rent	Tax	Insurance	Holding	CAM	Total Remaining	15 % of Total Remaining					Lessor of 3 Years vs 15%	Greater of Test One vs. Annual
2677	07/29/09	06/30/23	35,000	5/4/2020	\$352,968	\$29,414.00	\$143,355	\$11,946.28	\$6,773	\$564.41	\$48,780.00	\$4,065.00	\$0	\$0	\$551,876	\$1,655,629	\$1,113,937	\$474,933	\$21,998.39	\$154,091	\$0	\$1,764,960	\$264,744	\$264,744	\$551,876	\$635,904	\$0	\$83,138	\$1,270,918
2678	07/29/09	06/30/23	30,000	5/4/2020	\$504,936	\$42,078.00	\$112,418	\$9,368.20	\$5,805	\$483.78	\$40,080.00	\$3,340.00	\$0	\$0	\$663,240	\$1,989,719	\$1,593,535	\$372,440	\$18,855.76	\$126,609	\$0	\$2,111,439	\$316,716	\$316,716	\$663,240	\$70,341	\$0	\$109,243	\$842,824
					\$857,904	\$71,492	\$255,774	\$21,314	\$12,578	\$1,048	\$88,860	\$7,405	\$0	\$0	\$1,215,116	\$3,645,348	\$2,707,471	\$847,373	\$40,854	\$280,700	\$0	\$3,876,399	\$581,460	\$581,460	\$1,215,116	\$706,245	\$0	\$192,381	\$2,113,742