

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT Western District of Missouri		PROOF OF CLAIM
Name of Debtor: Gas-Mart USA, Inc.		Case Number: 15-41915
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Dan John Properties, LLC		COURT USE ONLY <input checked="" type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: 86 (If known) Filed on: 12-18-15 <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Name and address where notices should be sent: Ash Anos Freedman & Logan, c/o Lawrence M. Freedman 77 W. Washington Street, #1211 Chicago, IL 60602		
Telephone number: (312) 346-1390 email: lmfreedman@aflaw.com		
Name and address where payment should be sent (if different from above):		
Telephone number: email:		
1. Amount of Claim as of Date Case Filed: \$ see attached		Debtor reserves the right to amend the claim based upon, among other things, additional rejection damages.
If all or part of the claim is secured, complete item 4.		
If all or part of the claim is entitled to priority, complete item 5.		
<input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: Guarantee of past due rents and rejection damages (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account us: (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input checked="" type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input checked="" type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
		Amount entitled to priority: \$ 69,471
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

Gas-Mart USA, Inc. POC



00251

DEFINITIONS	INFORMATION
<p>Debtor A debtor is the person, corporation, or other entity that has filed a bankruptcy case.</p> <p>Creditor A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).</p> <p>Claim A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.</p> <p>Proof of Claim A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.</p> <p>Secured Claim Under 11 U.S.C. § 506 (a) A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.</p>	<p>A claim also may be secured if the creditor owes the debtor money (has a right to setoff).</p> <p>Unsecured Claim An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.</p> <p>Claim Entitled to Priority Under 11 U.S.C. § 507 (a) Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.</p> <p>Redacted A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.</p> <p>Evidence of Perfection Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.</p> <p>Acknowledgment of Filing of Claim To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.</p> <p>Offers to Purchase a Claim Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 <i>et seq.</i>), and any applicable orders of the bankruptcy court.</p>

DAN JOHN PROPERTIES, LLC

CALCULATION OF DAMAGES:

1. PRE PETITION RENT AND OTHER CHARGES:

August, 2014-October, 2015

Rent and late charges: \$35,992/month x 7 months =	\$251,994
Rent and late charges: \$36,622/month x 8 mo =	\$292,976
Real Estate Taxes for 2014	\$ 43,362
Insurance for July, 2015-October, 2015	\$ 4,000
Real Estate Taxes for 2015 (10 months)	<u>\$ 36,135</u>
	\$628,467

2. POST PETITION RENT AND OTHER CHARGES:**

** This amount may be amended as the Court has not yet entered an Order rejecting the lease.

Rent and late charges for Nov and Dec, 2015	\$73,244
Property was just recently re-rented for Dec 2015	<u>-\$13,000</u>
	\$60,244
Real Estate Taxes for 2015 (2 months)	\$ 7,227
Insurance for two months	<u>\$ 2,000</u>
	\$69,471

3. REJECTION DAMAGES

The lease agreement provides for a term that was to run to 2/29/2024, or 98 months running from Jan 1, 2016 to 2/29/2024.

Rent during this period:	\$3,588,956
Insurance	\$ 98,000
Real Estate Taxes	<u>\$ 346,896</u>
Subtotal	\$4,033,852
Less Rent to be paid	<u>-\$ 455,000</u>
	\$3,358,852
Repairs (estimate)	65,000
Damages:	\$3,623,852 times 15% = \$543,577.80

ADMINISTRATIVE CLAIM: \$69,471

UNSECURED NONPRIORITY CLAIM: \$1,172,044.80

Western District of Missouri Claims Register

[15-41915-abf11 Gas-Mart USA, Inc.](#)

Judge: Arthur B. Federman **Chapter:** 11
Office: Kansas City **Last Date to file claims:** 12/29/2015
Trustee: **Last Date to file (Govt):**

<i>Creditor:</i> (15583759) Dan John Properties, LLC c/o Lawrence M. Freedman 77 West Washington Street, Suite 1211 Chicago, IL 60602	Claim No: 86 <i>Original Filed</i> Date: 12/18/2015 <i>Original Entered</i> Date: 12/18/2015 <i>Last Amendment Filed:</i> 12/28/2015 <i>Last Amendment Entered:</i> 12/28/2015	<i>Status:</i> Filed by: CR Entered by: Erlene W. Krigel Modified:
Amount claimed: \$1172044.80 Priority claimed: \$69471.00		

History:

[Details](#) [86-1](#) 12/18/2015 Claim #86 filed by Dan John Properties, LLC, Amount claimed: \$1042082.64 (Krigel, Erlene)

[Details](#) [86-2](#) 12/28/2015 Amended Claim #86 filed by Dan John Properties, LLC, Amount claimed: \$1172044.80 (Krigel, Erlene)

Description: (86-1) past due rents and rejection damages

(86-2) Rent and other charges, including rejection damages

Remarks: (86-2) Court has not yet ruled on rejection of lease

Claims Register Summary

Case Name: Gas-Mart USA, Inc.
Case Number: 15-41915-abf11
Chapter: 11
Date Filed: 07/02/2015
Total Number Of Claims: 1

Total Amount Claimed*	\$1172044.80
Total Amount Allowed*	

*Includes general unsecured claims

The values are reflective of the data entered. Always refer to claim documents for actual amounts.

	Claimed	Allowed
Secured		
Priority	\$69471.00	
Administrative		