

Fill in this information to identify the case:

Debtor 1 Gold's Holding Corp.

Debtor 2 _____
(Spouse, if filing)

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

Case number 20-31320-hdh11

E-Filed on 07/31/2020
Claim # 200

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?	<u>Home Depot U.S.A., Inc. d/b/a The Home Depot Pro</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small> Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small>	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	<u>Holland N. O'Neil, Foley & Lardner LLP</u> <small>Name</small> <u>2021 McKinney Avenue, Ste. 1600</u> <small>Number Street</small> <u>Dallas TX 75201</u> <small>City State ZIP Code</small> Contact phone <u>(214) 999-3000</u> Contact email <u>honeil@foley.com</u>	<u>Chantal Bouchard, Home Depot Pro</u> <small>Name</small> <u>701 San Marco Blvd., 13th Floor</u> <small>Number Street</small> <u>Jacksonville FL 32207</u> <small>City State ZIP Code</small> Contact phone <u>(904) 497-2578</u> Contact email <u>Chantal_Bouchard@homedepot.com</u>
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____	
		Filed on _____ <small>MM / DD / YYYY</small>
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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? \$ 627,463.39. 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.

See attached Ex. A

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 07/31/2020
MM / DD / YYYY

Chantal Bouchard

Signature

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

Name Chantal Bouchard
First name Middle name Last name

Title Director of Credit & Collection

Company Home Depot Pro
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 701 San Marco Blvd., 13th Floor
Number Street

Jacksonville FL 32207
City State ZIP Code

Contact phone (904) 497-2578 Email Chantal_Bouchard@homedepot.com

Attachment 1 - Gold's Gym - Exhibit A to Home Depo Proof of Claim.pdf
Description -

In re Gold's Holding Corp.
Case No. 20-31320
United States Bankruptcy Court for the Northern District of Texas

EXHIBIT A TO PROOF OF CLAIM

1. Claimant. Home Depot U.S.A., Inc. d/b/a The Home Depot Pro (“**Home Depot**”) files its proof of claim (the “**Claim**”) pursuant to 11 U.S.C. §§ 105(a), 501, and 502 and the Federal Rules of Bankruptcy Procedure 3002 and 3003. Prior to the Petition Date (defined below), Home Depot entered into an agreement with Gold’s Holding Corp. (“**GHC**” or the “**Debtor**”) whereby Home Depot supplied cleaning products, disinfectants and bathroom supplies to 21 of the Debtor’s locations.

2. Debtor: The Debtor filed for bankruptcy on May 4, 2020 (“**Petition Date**”), commencing Case Number 20-31320 in the United States Bankruptcy Court for the Northern District of Texas.

3. Indebtedness: Home Depot possesses a pre-petition unsecured claim against the Debtor in the amount of \$627,463.390, consisting of:

Summary Invoice No.	Balance
2136316	\$1,321.20
2142216	\$52,731.56
2150091	\$51,484.93
2154224	\$56,514.95
2158325	\$41,380.19
2162483	\$46,384.73
2167902	\$59,429.57
2176442	\$45,407.68
2180686	\$60,145.02
2185258	\$49,980.09
2191025	\$22,144.92
2195428	\$37,371.33
2199842	\$23,254.03
2204471	\$23,459.08
2210298	(\$13,147.64)
2214772	(\$2,262.04)
2219179	\$19,222.45
2229644	(\$203.57)
2229644	\$54,252.58
2234137	(\$1,261.84)
2238664	(\$118.99)
#N/A	(\$26.84)
TOTAL	\$627,463.39

Home Depot can provide additional evidence supporting its claim at any hearing on the same.

4. Reservation of Rights: Home Depot reserves any and all rights it has or may have in law and in equity and any and all rights it has or may have under state law and federal law. Home Depot further reserves all rights to amend or supplement this proof of claim and to assert setoff and/or recoupment as appropriate.

5. Notices: All notices to Home Depot are to be sent to:

Home Depot Pro
Attn: Chantal Bouchard
Director of Credit & Collection
701 San Marco Blvd., 13th Floor
Jacksonville, FL 32207

with copies to:

Foley & Lardner, LLP
c/o Holland N. O'Neil
2021 McKinney Avenue, Ste. 1600
Dallas, TX 75201

6. Payments: All payments and distributions to Home Depot with respect to this proof of claim are to be made as follows:

Home Depot Pro
Attn: Chantal Bouchard
Director of Credit & Collection
701 San Marco Blvd., 13th Floor
Jacksonville, FL 32207

7. Miscellaneous: This proof of claim is filed under compulsion of the bar date established in this bankruptcy case solely out of an abundance of caution to protect Home Depot from forfeiture of its claim within this bankruptcy proceeding. The amounts set forth in this proof of claim shall not be construed as an admission by Home Depot as to the amounts due and owing outside of this bankruptcy proceeding. The filing of this proof of claim is not: (a) a waiver or release of and/or Home Depot's rights or remedies against any person, entity or property; (b) a consent by Home Depot to entry of final judgment by this Court in any core

proceeding commenced in this bankruptcy case, consistent with the United States Supreme Court's holding in *Stern v. Marshall*, 131 S. Ct. 2594 (2011); (c) a waiver of the right to move to withdraw the reference or otherwise challenge the jurisdiction of this Court; (d) a waiver of the right to a jury trial; (e) an election of a remedy which waives or otherwise affects any other remedy; or (f) a waiver of the right to assert a different or enhanced classification of priority for its Claim in respect of the other claims asserted in this bankruptcy case.