

Fill in this information to identify the case:

Debtor 1 Gold`s St. Louis, LLC

Debtor 2 _____
(Spouse, if filing)

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

Case number 20-31333-hdh11

E-Filed on 08/11/2020
Claim # 219

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?** Four Store Partners, L.L.C.
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? <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)
	<p><u>David A. Sosne</u> Name</p> <p><u>8909 Ladue Road</u> Number Street</p> <p><u>St. Louis</u> <u>MO</u> <u>63124</u> City State ZIP Code</p> <p>Contact phone <u>(314) 991-4999</u></p> <p>Contact email <u>dsosne@scw.law</u></p> <p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</p>	<p><u>Tim Crowley</u> Name</p> <p><u>9645 Clayton Road, Suite 200</u> Number Street</p> <p><u>St. Louis</u> <u>MO</u> <u>63124</u> City State ZIP Code</p> <p>Contact phone <u>(314) 991-1119</u></p> <p>Contact email <u>tcrowley@netleaseholdings.com</u></p>

4. **Does this claim amend one already filed?** No
 Yes. Claim number on court claims registry (if known) 166 Filed on 07/15/2020
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?** \$ 1,408,264.91. **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.
Lease of Real Estate

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 08/11/2020
MM / DD / YYYY

Timothy G. Crowley
Signature

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

Name Timothy G. Crowley
First name Middle name Last name

Title President of Crowley Financial Corporation, Manager

Company Four Store Partners, L.L.C.
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 - Gold's Gym St. Louis Exhibits.pdf

Description -

EXHIBIT 1
SUMMARY OF PROOF OF CLAIM
FOUR STORE PARTNERS, L.L.C.
GOLD'S ST. LOUIS, LLC
CASE NO. 20-31333

BACKGROUND:

In November 30, 2016, Four Store Partners, L.L.C., a Missouri limited liability company, as landlord, entered into a lease with Debtor Gold's St. Louis, LLC, as tenant, with regard to certain premises located at 14885 Clayton Road, Chesterfield, Missouri 63017 (the "Premises"). The lease and any amendments and modifications are referred to as the "Four Store Lease". Copies of the Lease and First Amendment to Lease were provided with the original filed proof of claim.

LANDLORD:

Four Store Partners, L.L.C., a Missouri limited liability company ("Landlord").

AMOUNT CLAIMED:

\$1,408,264.91. See attached spreadsheet with calculations of same.

RESERVATIONS AND EXPLANATIONS

Landlord continues to sustain damages. The damages incurred exceed the cap set forth in §502(b)(6) of the Bankruptcy Code.

Landlord reserves the right to amend this claim as circumstances warrant. Further, the Four Store Lease was guaranteed by *Gold's Gym International, Inc.* As a result, Landlord is also filing a proof of claim in the *Gold's Gym International, Inc.*, Case Number 20-31319.

Debtor - Gold's St. Louis, LLC
 Current Execution - Amendment to Lease - December 13, 2019
 Current Commencement - November 30, 2016
 Current Expiration - March 31, 2029

Petition Date - May 4, 2020
 Surrender Date - May 4, 2020
 Rejection Date - May 4, 2020

Pre-Petition

Description of Charge

Unpaid April and May Rent Charges, including tax, insurance, utilities, CAM \$ 77,540.00

PRE-PETITION TOTAL \$ 77,540.00

Lease Components Subject to 502(b)(6) Caps - One Year Cap Applied

Rents

Effective Date	Ending Date	Monthly Rent	Total	Comment
5/5/2020	11/30/2020	\$ 38,770.00	\$ 265,967.42	Includes only amounts due for year after Petition Date (pro rated)
12/1/2020	5/4/2021	\$ 40,311.67	\$ 205,459.49	
Total Rents			\$ 471,426.91	

Additional Rent Pursuant to Lease

CAM and Taxes

Effective Date	Ending Date	Monthly CAM	Total	Comment
5/5/2020	5/4/2020	\$ 5,079.00	\$ 60,948.00	Includes only amounts due after Petition Date (pro rated for stub period)
Total CAM			\$ 60,948.00	

Capped Component of Lease Rejection Claim \$ 532,374.91

Lease Components Not Subject to Caps

Attorneys' Fees and Court Costs	\$ 5,000.00	Estimated
Costs of Reletting*	\$ 691,500.00	Estimated (not yet liquidated)
Rekeying Premises	\$ 100.00	Estimated (not yet liquidated)
Costs to Remove Signage	\$ 1,750.00	Estimated (not fully liquidated as of claim date)
Damages to Premises (charges to repair/clean/remove items)	\$ 100,000.00	Estimated (not fully liquidated as of claim date)
Waste	Unknown	
TOTAL	\$ 1,330,724.91	
Balances Due Pre-petition	\$ 77,540.00	Does not include service charges, interest, or adjustments due to reconciliation

TOTAL CLAIM \$ 1,408,264.91 Subject to adjustment pending full liquidation of claim amounts and damages

* 37,000 square feet at \$15.00 plus 6% lease commission