

UNITED STATES BANKRUPTCY COURT District of Delaware

PROOF OF CLAIM

Name of Debtor:

HMP Services Holding Sub III, LLC

Case Number:

10-13618 BLS

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):

Steven P. Kartzman, Chapter 7 Trustee for Dubrow, Inc.

COURT USE ONLY

Name and address where notices should be sent:

Mellinger, Sanders & Kartzman, LLC
101 Gibraltar Drive, Suite 2F
Morris Plains, New Jersey 07950

Telephone number: (973) 267-0220 email: abrief@mksklaw.net

Check this box if this claim amends a previously filed claim.

Court Claim Number: _____
(If known)

Filed on: _____

Name and address where payment should be sent (if different from above):

Telephone number: _____ email: _____

RECEIVED
SEP 30 2013
BMC GROUP

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.

1. Amount of Claim as of Date Case Filed: \$ 28,672.31

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.

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: Avoidable Transfers Under 11 U.S.C. 547(b)
(See instruction #2)

3. Last four digits of any number by which creditor identifies debtor:

3a. Debtor may have scheduled account as:

(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.

Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe:

Value of Property: \$ _____

Annual Interest Rate _____% Fixed or Variable (when case was filed)

Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:

\$ _____

Basis for perfection: _____

Amount of Secured Claim: \$ _____

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.

Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).

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).

Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).

Amount entitled to priority:

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).

Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).

Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).

\$ _____

*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 c

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)



7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7. and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

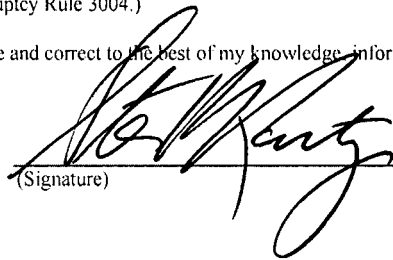
8. Signature: (See instruction #8)

Check the appropriate box.

- I am the creditor. I am the creditor's authorized agent. I am the trustee, or the debtor, or their authorized agent. I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Steven P. Kartzman
 Title: Chapter 7 Trustee
 Company: Mellinger, Sanders & Kartzman, LLC
 Address and telephone number (if different from notice address above):

 9/19/83
 (Signature) (Date)

Telephone number: _____ email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:
 Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:
 Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:
 State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:
 State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering 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. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:
 State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:
 Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:
 If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:
 Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).
 If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:
 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.

7. Documents:
 Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:
 The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

INFORMATION

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

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).

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.

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.

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.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

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.

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.

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.

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.

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.

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 *et seq.*), and any applicable orders of the bankruptcy court.

MELLINGER, SANDERS & KARTZMAN, LLC

101 Gibraltar Drive, Suite 2F
Morris Plains, New Jersey 07950

Tel. (973) 267-0220

By: Adam G. Brief, Esq.

Attorneys for Steven P. Kartzman,

Chapter 7 Trustee/Plaintiff

In re: DUBROW, INC., d/b/a PRESTIGE GRAPHICS Debtor.	UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Case No. 10-37465 NLW Chapter 7 The Honorable Novalyn L. Winfield
STEVEN P. KARTZMAN, as Chapter 7 Trustee, Plaintiff, v. PITMAN, Defendant.	Adv. Pro. No. 13-_____ NLW ADVERSARY COMPLAINT FOR AVOIDANCE AND RECOVERY OF TRANSFERS OF PROPERTY PURSUANT TO 11 U.S.C. §§ 544, 547, 548, 549 & 550 AND OTHER RELIEF

Steven P. Kartzman, the duly appointed Trustee in Bankruptcy (the "Trustee") for the estate of Dubrow, Inc. d/b/a Prestige Graphics (the "Debtor"), by and through his counsel Mellinger, Sanders & Kartzman, LLC, with an address at 101 Gibraltar Drive, Suite 2F, Morris Plains, New Jersey, 07950, states as follows:

JURISDICTION AND VENUE

1. An involuntary petition for relief under Chapter 7 of the United States Bankruptcy Code was filed against the Debtor on September 3, 2010 (the "Petition Date"). On October 8, 2010, the Bankruptcy Court entered an order converting the Debtor's case to a case under

Chapter 11 of the Bankruptcy Code. Thereafter, on August 30, 2012, the Debtor's case was converted back to a case under Chapter 7 of the Bankruptcy Code.

2. On August 30, 2012, Plaintiff Steven P. Kartzman was appointed to serve as the Chapter 7 Trustee, with the duties described in 11 U.S.C. § 704.

3. This Court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157.

4. This is a core proceeding over which this Court has jurisdiction pursuant to 28 U.S.C. §§ 157(b)(2)(A), (F) and (O).

5. The venue is proper in this core proceeding pursuant to 28 U.S.C. § 1409.

6. This matter is brought pursuant to the equitable powers of the Court pursuant to 11 U.S.C. §§ 105(a), 502, 544, 547, 548, 549 and 550 and Bankruptcy Rule 7001, *et seq.*

BACKGROUND INFORMATION

7. Upon information and belief, Defendant PITMAN (the "Defendant"), is a pre-petition vendor that provided goods, services and/or materials to the Debtor.

8. The Debtor's books and records disclose that on one or more dates within the 90 day period prior to the Petition Date, the Debtor transferred the sum of \$43,953.62 to the Defendant (collectively, the "Pre-Petition Transfers"). A schedule of the Pre-Petition Transfers is annexed hereto as Exhibit A. Plaintiff reserves the right to supplement and amend the allegations of this Complaint including, without limitation, the monetary amounts being sought by including all transfers to the Defendant within the 90 day period preceding the Petition Date.

9. Between the Petition Date and the date that the Debtor's case was converted to a case under Chapter 7 of the Bankruptcy Code on August 30, 2012, the Debtor continued to operate its business as a debtor in possession (the "Post-Petition Period"). The Debtor's books

and records reveal that during the Post Petition Period, the Debtor transferred the approximate sum of \$4,285.77 to the Defendant (the "Post-Petition Transfers"). A schedule of the Post-Petition Transfers is annexed hereto as Exhibit B. Plaintiff reserves the right to supplement and amend the allegations of this Complaint including, without limitation, the monetary amounts being sought by including all transfers to the Defendant during the Post-Petition pre-conversion period. Upon information and belief, some or all of the Post-Petition Transfers were made to satisfy pre-petition debts.

10. The Pre-Petition Transfers involved an interest of the Debtor in property.

11. The Pre-Petition Transfers were made to or for the benefit of the Defendant, who was a creditor of the Debtor.

12. The Pre-Petition Transfers were made on account of an antecedent debt owed by the Debtor to the Defendant.

13. The Pre-Petition Transfers were made during the 90-day period preceding the Petition Date.

14. At the time of the Pre-Petition Transfers, the Debtor's liabilities exceeded its assets.

15. Alternatively, at the time of the Pre-Petition Transfers, the Debtor was unable to pay its debts as they became due.

16. The Pre-Petition Transfers enabled the Defendant to receive more than it would receive if this case were not one under Chapter 7 of the Bankruptcy Code, the Pre-Petition Transfers had not been made and Defendant received payment of the debt to the extent provided by the provisions of the Bankruptcy Code.

17. The Pre-Petition Transfers were made with actual intent to hinder, delay, or defraud creditors of the Debtors.

18. The Pre-Petition Transfers were made without the Debtor receiving a reasonably equivalent value in exchange, and the remaining assets of the Debtor were unreasonably small in relation to the Debtor's business, and/or the Debtor should reasonably have believed that the Debtor would incur debts beyond its ability to pay as they became due.

19. The Debtor made the Pre-Petition Transfers without receiving a reasonably equivalent value in exchange and the Debtor was insolvent or became insolvent at the time of the Pre-Petition Transfers.

20. Alternatively, the Pre-Petition Transfers were made to an insider on account of an antecedent debt, the Debtor was insolvent at the time and the Defendant had reasonable cause to believe that the Debtor was insolvent.

21. Alternatively, the Debtor received less than a reasonably equivalent value in exchange for the Pre-Petition Transfers and was insolvent or became insolvent at the time of the Pre-Petition Transfers.

22. Alternatively, the Debtor received less than a reasonably equivalent value in exchange for the Pre-Petition Transfers and was engaged in a business for which the Debtor's remaining property was unreasonably small.

23. Alternatively, the Debtor received less than a reasonably equivalent value in exchange for the Pre-Petition Transfers and the Debtor incurred debts beyond the Debtor's ability to repay.

24. Plaintiff, as Chapter 7 Trustee may avoid transfers of the Debtors' property that are voidable pursuant to state law.

25. The Post-Petition Transfers are voidable by the Trustee as same were not authorized by the Bankruptcy Code nor by Court Order of the Bankruptcy Court.

FIRST COUNT [11 U.S.C. § 547]

26. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

27. The Pre-Petition Transfers involved an interest of the Debtor in property.

28. The Pre-Petition Transfers were made during the 90-day period preceding the Petition Date.

29. The Pre-Petition Transfers were made to or for the benefit of the creditor of the Debtor.

30. The Pre-Petition Transfers were made on account of an antecedent debt owed by the Debtor to the Defendant.

31. The Pre-Petition Transfers were made while the Debtor was insolvent.

32. The Pre-Petition Transfers enabled the Defendant to receive more than it would receive if this case were not one under Chapter 7 of the Bankruptcy Code, the Pre-Petition Transfers had not been made and Defendant received payment of the debt to the extent provided by the provisions of the Bankruptcy Code.

33. Pursuant to Section 550(a) of the Bankruptcy Code, the Trustee may recover from the Defendant the Pre-Petition Transfers for the benefit of the estate.

WHEREFORE, Plaintiff Steven P. Kartzman demands judgment against Defendant as follows:

- (a) Determining that the Pre-Petition Transfers are preferences and avoidable pursuant to 11 U.S.C. § 547;

- (b) ordering that the Pre-Petition Transfers are hereby avoided;
- (c) directing that Defendant surrender and deliver a sum equal to the amount of the Pre-Petition Transfers to the Plaintiff forthwith;
- (d) for costs of suit;
- (e) for pre and post judgment interest; and
- (f) for such other relief as the Court may deem just and equitable.

SECOND COUNT [11 U.S.C. § 548]

34. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

35. Upon information and belief, the Debtor made the Pre-Petition Transfers (i) with actual intent to hinder, delay or defraud the other creditors of the Debtor; or (ii) received less than reasonably equivalent value in exchange for such Pre-Petition Transfers and was insolvent on the date such Pre-Petition Transfers were made, and/or was engaged in a business or transaction, or was about to engage in a business or transaction for which any property remaining with the Debtor was an unreasonably small capital, and/or intended to incur, or believed or reasonably should have believed that the Debtor would incur, debts that would be beyond its ability to pay as such debts matured.

36. As a result of the Debtor's aforesaid actions, the Pre-Petition Transfers were fraudulent pursuant to Section 548(a)(1) of the Bankruptcy Code.

37. Pursuant to Section 550 of the Bankruptcy Code, Plaintiff may recover from Defendant the Pre-Petition Transfers for the benefit of the estate.

WHEREFORE, Plaintiff Steven P. Kartzman demands judgment against Defendant as follows:

- (a) Determining that the Pre-Petition Transfers were fraudulent and avoidable pursuant to 11 U.S.C. § 548;
- (b) ordering that the Pre-Petition Transfers are hereby avoided;
- (c) directing that Defendant surrender and deliver a sum equal to the amount of the Pre-Petition Transfers to the Plaintiff forthwith;
- (d) for costs of suit;
- (e) for pre and post judgment interest; and
- (f) for such other relief as the Court may deem just and equitable.

THIRD COUNT [11 U.S.C. § 544(b)]

38. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

39. Plaintiff represents the interest of creditors of the Debtor's estate whose claims arose both before and after the Pre-Petition Transfers.

40. As a result of the Debtor's aforesaid actions, the Pre-Petition Transfers were fraudulent pursuant to N.J.S.A. § 25:2-25(a) and/or (b).

41. Pursuant to Section 544(b) of the Bankruptcy Code, Plaintiff may avoid the Pre-Petition Transfers.

42. Pursuant to Section 550 of the Bankruptcy Code, Plaintiff may recover from the Defendant the Pre-Petition Transfers for the benefit of the estate.

WHEREFORE, Plaintiff Steven P. Kartzman demands judgment against Defendant as follows:

- (a) Determining that the Pre-Petition Transfers were fraudulent pursuant to N.J.S.A. § 25:2-25(a) and/or (b);

- (b) determining that the Pre-Petition Transfers are avoidable pursuant to 11 U.S.C. § 544;
- (c) ordering that the aforesaid fraudulent Pre-Petition Transfers are hereby avoided;
- (d) directing that Defendant surrender and deliver a sum equal to the amount of the Pre-Petition Transfers to the Plaintiff forthwith;
- (e) for costs of suit;
- (f) for pre and post judgment interest; and
- (g) for such other relief as the Court may deem just and equitable.

FOURTH COUNT [11 U.S.C. § 544(b)]

43. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

44. The Debtor did not receive reasonably equivalent value in exchange for the Pre-Petition Transfers.

45. The Debtor was insolvent at the time that it made the Pre-Petition Transfers or became insolvent as a result of the Pre-Petition Transfers.

46. As a result of Debtor's aforesaid actions, the Pre-Petition Transfers were fraudulent pursuant to N.J.S.A. § 25:2-27(a).

47. Pursuant to Section 544 of the Bankruptcy Code, Plaintiff may avoid the Pre-Petition Transfers.

48. Pursuant to Section 550 of the Bankruptcy Code, Plaintiff may recover from Defendant the Pre-Petition Transfers for the benefit of the estate.

WHEREFORE, Plaintiff Steven P. Kartzman demands judgment against Defendant as follows:

- (a) Determining that the Pre-Petition Transfers were fraudulent pursuant to N.J.S.A. § 25:2-27(a);
- (b) determining that the Pre-Petition Transfers are avoidable pursuant to 11 U.S.C. § 544;
- (c) ordering that the aforesaid fraudulent Pre-Petition Transfers are hereby avoided;
- (d) directing that Defendant surrender and deliver a sum equal to the amount of the Pre-Petition Transfers to the Plaintiff forthwith;
- (e) for costs of suit;
- (f) for pre and post judgment interest; and
- (g) for such other relief as the Court may deem just and equitable.

FIFTH COUNT [11 U.S.C. § 549]

49. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

50. Pursuant to Bankruptcy Code Section 549(a), Plaintiff may avoid a transfer of property of the estate that occurs after the Petition Date and that is not authorized by the Bankruptcy Code or specifically by order of the Bankruptcy Court.

51. The Post-Petition Transfers occurred after the Petition Date.

52. By way of the Post-Petition Transfers, the Debtor transferred property of the estate.

53. The Post-Petition Transfers were not authorized by the Bankruptcy Code or by order of the Bankruptcy Court.

54. Pursuant to Section 550(a) of the Bankruptcy Code, Plaintiff may recover from the Defendant the Post-Petition Transfers for the benefit of the estate.

WHEREFORE, Plaintiff Steven P. Kartzman demands judgment against Defendant as follows:

- (a) Determining that the Post-Petition Transfers are avoidable pursuant to 11 U.S.C. § 549(a);
- (b) ordering that the Post-Petition Transfers are hereby avoided;
- (c) directing that Defendant surrender and deliver a sum equal to the amount of the Post-Petition Transfers to the Plaintiff forthwith;
- (d) for costs of suit;
- (e) for pre and post judgment interest; and
- (f) for such other relief as the Court may deem just and equitable.

SIXTH COUNT [11 U.S.C. § 550]

55. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

56. Pursuant to 11 U.S.C. § 550, to the extent that a transfer is avoided under 11 U.S.C. §§ 544, 547, 548 or 549, the Trustee may recover the property transferred or the value of such property.

57. Either the transfers at issue or the value of the transfers may be recovered by Plaintiff, as Trustee.

WHEREFORE, Plaintiff Steven P. Kartzman demands judgment against Defendant, as follows:

- (a) Voiding the transfer of the sums described;

- (b) for the sums described;
- (c) for pre and post judgment interest, attorneys' fees and costs of suit; and
- (d) for such other relief as the Court may deem just and equitable.

SEVENTH COUNT [11 U.S.C. 502(d)]

58. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

59. The Defendant was either the initial, mediate or immediate transferee of the Pre-Petition Transfers.

60. Pursuant to 11 U.S.C. § 502(d), any claims of the Defendant against the Debtor must be disallowed until such time as the Defendant pays to Plaintiff an amount equal to the aggregate amount of all the Pre-Petition Transfers, plus interest thereon and costs.

WHEREFORE, the Plaintiff respectfully requests that this Court grant judgment as follows:

- (a) Pursuant to 11 U.S.C. § 502(d), disallowing any proof of claim of the Defendant asserted in the Debtor's main bankruptcy case; and
- (b) for such other relief as the Court may deem just and equitable.

EIGHTH COUNT [Legal Fees Under Rule 7008(b)]

61. Plaintiff repeats and realleges the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

62. Plaintiff has and will incur significant legal expenses in order to pursue the claims set forth in this Complaint.

63. Plaintiff is entitled to reasonable attorneys' fees pursuant to Fed. R. Bankr. P. 7008(b).

WHEREFORE, Plaintiff Steven P. Kartzman requests judgment against the Defendant as follows:

- (a) Compelling the Defendant to pay Plaintiff's reasonable attorneys' fees pursuant to Fed. R. Bankr. P. 7008(b);
- (b) granting such other relief as the Court may deem just and equitable.

RESERVATION OF RIGHTS

Plaintiff reserves the right to bring all other claims or causes of action that Plaintiff may have against the Defendant, on any and all grounds, as allowed under the law or in equity.

Respectfully submitted,
MELLINGER, SANDERS & KARTZMAN, LLC
Attorneys for Plaintiff, Steven P. Kartzman
Chapter 7 Trustee

By: /s/ Adam G. Brief
ADAM G. BRIEF

Dated:

Exhibit A

Exhibit B

Vendor	Bank Acct.	Entry	Written Date	Cleared Date	Number	Memo	Credit Amt.
	Post Petition Transfers						
Dubrow Inc.	Wach-8907	Check	3/15/2011	3/15/2011	435	Pitman	4,285.77
						Pitman Total	4,285.77

Mellinger, Sanders & Kartzman, LLC

ATTORNEYS AT LAW

101 GIBRALTAR DRIVE
SUITE 2F
MORRIS PLAINS, N.J. 07950

(973) 267-0220

FAX (973) 267-3979

LOUIS P. MELLINGER
MICHAEL S. SANDERS
STEVEN P. KARTZMAN
ADAM G. BRIEF, COUNSEL TO THE FIRM

NICOLE CORONA
SEYMOUR RUDENSTEIN (1933-1983)
JACOB MELLINGER (1928-2001)

BARRY E. LEVINE
OF COUNSEL

E-MAIL SKARTZMAN@MSKLAW.NET
ABRIEF@MSKLAW.NET
NCORONA@MSKLAW.NET

Essex County Office
46 Essex Street
Millburn, N.J. 07041
Telephone (973) 218-0220

**PLEASE RESPOND TO:
MORRIS PLAINS**

September 25, 2013

Via U.S. First Class Mail

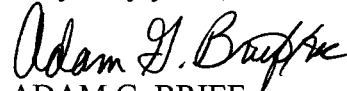
BMC Group, Inc.
Attn: Claims & Noticing Agent
18675 Lake East Drive
Chanhassen, MN 55317

**Re: HMP Services Holding Sub III, LLC
Case No. 10-13618 BLS**

Dear Sir or Madam::

Kindly file the annexed Proof of Claim in the above referenced case. Please also return a stamped "filed" copy in the enclosed envelope. Thank you.

Very truly yours,


ADAM G. BRIEF

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Attn: Claims & Noticing Agent
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