

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

Debtor 1 North Avenue Associates LLC

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

United States Bankruptcy Court for the: Northern District of Illinois

Case number 18-30054

**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? Acuity, a Mutual Insurance Company  
 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?  
 Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

<p><b>Where should notices to the creditor be sent?</b></p> <p><u>Kohner, Mann &amp; Kailas, S.C.</u>                  Name _____  <u>4650 North Port Washington Road</u>                  Number Street _____  <u>Milwaukee WI 53212</u>                  City State ZIP Code _____                  Contact phone <u>414-962-5110</u>                  Contact email <u>evonhelms@kmksc.com</u></p>	<p><b>Where should payments to the creditor be sent? (if different)</b></p> <p>_____                  Name _____                  _____                  Number Street _____                  _____                  City State ZIP Code _____                  Contact phone _____                  Contact email _____</p>
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Uniform claim identifier for electronic payments in chapter 13 (if you use one):  
 \_\_\_\_\_

4. Does this claim amend one already filed?  
 No  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_ Filed on \_\_\_\_\_ 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? \$ 39,127.86. 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.  
post-petition insurance premiums

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. \$ \_\_\_\_\_

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:

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	Amount entitled to priority \$ _____
<input type="checkbox"/> 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).	\$ _____
<input type="checkbox"/> 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).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input checked="" type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( <u>2</u> ) that applies.	\$ <u>39,127.86</u>

\* 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 08/05/2019  
MM / DD / YYYY

  
 \_\_\_\_\_  
 Signature

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

Name Eric R. von Helms  
First name Middle name Last name

Title Attorney in Fact / Agent

Company Kohner, Mann & Kailas, S.C.  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 4650 North Port Washington Road  
Number Street

Milwaukee WI 53212  
City State ZIP Code

Contact phone 414-962-5110 Email evonhelms@kmksc.com

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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In Re:	)	CHAPTER 11
	)	
NORTH AVENUE ASSOCIATES LLC	)	Case No. 18-30054
d/b/a Home Owners Bargain Outlet,	)	(Jointly Administered)
	)	
Debtors and Debtors in Possession	)	Hon. Jacqueline P. Cox

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**WITHDRAWAL OF PROOF OF CLAIM OF ACUITY,  
A MUTUAL INSURANCE COMPANY**

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Notice is given that Acuity, a Mutual Insurance Company (“Acuity”), hereby withdraws its claim in the above bankruptcy proceedings of Debtor North Avenue Associates LLC (“Debtor”) as follows:

Claim Amount:	\$39,127.86
Claim Number:	59
Claim Date:	August 5, 2019

I hereby withdraw the above-reference claim in its entirety and authorize the Clerk of this Court, or the duly appointed claims agent, to reflect this withdrawal on the official claims register for the Debtor.

Dated: July 13, 2020

KOHNER, MANN & KAILAS, S.C.  
Attorneys for Acuity, a Mutual Insurance Company

By: /s/ Eric R. von Helms  
Eric R. von Helms  
Illinois ARDC #: 6273329

Post Office Address:  
4650 North Port Washington Road  
Milwaukee, Wisconsin 53212  
Telephone: (414) 962-5110  
Facsimile: (414) 962-8725  
Email: [evonhelms@kmksc.com](mailto:evonhelms@kmksc.com)

**ATTACHMENT TO PROOF OF CLAIM  
OF ACUITY, A MUTUAL INSURANCE COMPANY**

Acuity, a Mutual Insurance Company (“Acuity”) submits its proof of claim in the bankruptcy proceedings of Debtor North Avenue Associates LLC (“Debtor”) as a priority claim pursuant to 11 U.S.C. § 507(a)(2). The claim is entitled to an administrative priority, under 11 U.S.C. § 507(a)(2) and 11 U.S.C. § 503(b), as a result of the claim being for post-petition insurance premiums which were actual and necessary costs for preserving the Chapter 11 estate of Debtor.

The claim of Acuity, in the amount of \$39,127.86, should be allowed in its entirety as a timely-filed administrative priority claim.

## ACCOUNT SUMMARY

Insured: North Avenue Associates LLC  
 Account: Z97229  
 Term: 05-01-2018 to 05-01-2019

<u>Process</u>	<u>Effective</u>	<u>Transaction</u>	<u>Charge</u>	<u>Credit</u>
<u>Date</u>	<u>Date</u>			
09/28/18	09/26/18	Policy Reinstated Without Lapse: Written Premium Credit Workers' Compensation	+\$40,524.00	
09/28/18		One Time ACH Payment		-\$6,757.65
10/26/18		Payment Received		-\$6,759.27
11/02/18		Chargeback due to refused payment Service Charge	+\$6,759.27 +\$25.00	
11/05/18		One Time ACH Payment		-\$13,538.54
12/03/18		Payment Received		-\$5,071.95
02/11/19	02/09/19	Non-payment cancellation credit 4 payments at \$5.00 service charge		-\$15,120.00
		Balance due	+\$80.86	
02/20/19		Manual Endorsement Credit Changed cancellation date to 01-01-19		-\$7,287.00
04/02/19		Audit processed for the period of 05-01-18 to 01-01-19 resulting in additional premium: Workers' Compensation		+\$46,334.00
		Balance due	+\$39,127.86	

# Northern District of Illinois Claims Register

[18-30054 North Avenue Associates LLC](#)

**Honorable Judge:** Jacqueline P. Cox      **Chapter:** 11  
**Office:** Eastern Division                      **Last Date to file claims:**  
**Trustee:**    **Last Date to file (Govt):**

*Creditor:* (28075690)      **Claim No:** 59      *Status:*  
 Acuity, A Mutual Insurance      *Original Filed*      *Filed by:* CR  
 Company      *Date:* 08/05/2019      *Entered by:* Eric R von Helms  
 c/o Kohner, Mann & Kailas, S.C.      *Original Entered*      *Modified:*  
 4650 North Port Washington      *Date:* 08/05/2019  
 Road  
 Milwaukee, Wisconsin  
 53212

Amount claimed: \$39127.86  
 Priority claimed: \$39127.86

*History:*

[Details](#)    [59-1](#) 08/05/2019 Claim #59 filed by Acuity, A Mutual Insurance Company, Amount claimed: \$39127.86 (von Helms, Eric)

*Description:* (59-1) post-petition insurance premiums

*Remarks:*

## Claims Register Summary

**Case Name:** North Avenue Associates LLC  
**Case Number:** 18-30054  
**Chapter:** 11  
**Date Filed:** 10/25/2018  
**Total Number Of Claims:** 1

<b>Total Amount Claimed*</b>	\$39127.86
<b>Total Amount Allowed*</b>	

\*Includes general unsecured claims

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

	Claimed	Allowed
<b>Secured</b>		
<b>Priority</b>	\$39127.86	
<b>Administrative</b>		