

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS

JAN -9 2019

**JEFFREY P. ALLSTEADT, CLERK
TEAM - CA**

Fill in this information to identify the case:

Debtor 1 Belvidere Associates LLC

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Illinois

Case number 18-30043

Official Form 410

Proof of Claim

04/16

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>Mall at Lake Plaza, LLC</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>Washington Prime Group Inc.</u>	
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? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Ronald E. Gold, Frost Brown Todd LLC</u> Name <u>301 East Fourth Street</u> Number Street <u>Cincinnati</u> <u>OH</u> <u>45202</u> City State ZIP Code Contact phone <u>513-651-6800</u> Contact email <u>rgold@fbtllaw.com</u>	Where should payments to the creditor be sent? (if different) Name Number Street City State ZIP Code Contact phone Contact email
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) _____	
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? _____

Filed on _____
MM / DD / YYYY

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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ <u>367,372.45</u> . Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> 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. <u>Lease. See attached Addendum.</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> 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) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ <u>7,372.45</u>
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

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

☒ 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 \$2,850* 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 \$12,850*) 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

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/19 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 01/08/2019
MM / DD / YYYY

Stephen Ifeduba
Signature

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

Name Stephen E. Ifeduba
First name Middle name Last name

Title Vice President, Corporate and Litigation Counsel

Company Mall at Lake Plaza, LLC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 180 East Broad Street
Number Street

Columbus OH 43215
City State ZIP Code

Contact phone 614-887-5625 Email stephen.ifeduba@washingtonprime.c

Print

Save As...

Add Attachment

Reset

Belvidere Associates LLC (the “Debtor”)
United States Bankruptcy Court for the Northern District of Illinois
Case No. 18-30043

ADDENDUM TO PROOF OF CLAIM

1. Mall at Lake Plaza, LLC (the “Claimant”) is the owner of, or the managing agent for the owner of, certain real property in which the Debtor leased retail space (the “Leased Premises”) from the Claimant pursuant to a written lease (as subsequently amended and/or modified, the “Lease Agreement”).¹ Specifically, the Debtor leased retail space from the Claimant at Lake Plaza in Waukegan, Illinois.

2. On October 25, 2018, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of Illinois.

3. Pursuant to the *Lease Rejection Notice* [Docket No. 180], the Lease Agreement was rejected as of December 31, 2018.

4. The Claimant holds an unsecured claim against the Debtor in an amount not less than \$367,372.45, representing: (i) \$7,372.45 in pre-petition amounts due and owing the Claimant by the Debtor under the Lease Agreement; and (ii) \$360,000 in rejection damages. The Claimant is also entitled to any additional amounts due and owing by the Debtor for percentage rent pursuant to the Lease Agreement. An itemization of the amounts due and owing under the Lease Agreement is attached hereto as **Exhibit A**.

5. The Claimant reserves its rights, including, but not limited to, its rights of netting, recoupment, and setoff. The Claimant also reserves its rights regarding all other claims and/or defense that the Claimant may possess and/or assert against the Debtor.

¹ Copies of the Lease Agreement and related documents are voluminous and are available upon request by a party in interest.

6. The Claimant reserves the right to amend or supplement this proof of claim from time to time and at any time.

7. The filing of this proof of claim is not: (a) a waiver or release of the Claimant's rights; (b) a waiver or release of any right or claim of the Claimant arising out of any other claim, of any nature whatsoever, which the Claimant has against the Debtor or any of its affiliates; (c) a waiver or release of any rights of the Claimant under any provision of the Bankruptcy Code or applicable non-bankruptcy law; (d) an election of any remedy to the exclusion, express or implied, of any other remedy; (e) a consent that this claim is a debt which is subject to discharge in this or any other subsequent bankruptcy proceeding; (f) a ratification or consent to any obligations or liability based upon or arising out of any transactions between the Claimant and the Debtor; (g) a waiver or release of any rights of the Claimant to have any and all final orders in any and all noncore matters entered only after de novo review by a U.S. District Court; (h) a waiver or release of any right to a jury trial; or (i) a waiver or release of any rights of the Claimant to have the reference withdrawn in this matter or proceeding. All of the foregoing rights and claims are hereby preserved without exception and with no purpose of confessing or conceding any of the foregoing in any way by this filing or by any other participation in this case.

Collection Workout for Legal
HOME OWNERS BARGIN OUTLET - LAKE PLAZA - PRE-PETITION
2/22/2016 - 10/24/2018

Lease Information: If payment not received when due:
Late Fee: > \$250.00 per month

Monthly Charges					Late Charges		
Date	BRT	ORT	PMT	PRT	Total Charges	Late Fee	Total Amount Due
Feb-16	(23,380.00)	0.00	0.00	0.00	(23,380.00)	0.00	(23,380.00)
Mar-16	(19,129.00)	0.00	0.00	0.00	(19,129.00)	0.00	(42,509.00)
May-16	0.00	0.00	8,502.00	0.00	8,502.00	250.00	(33,757.00)
Jun-16	0.00	0.00	4,251.00	(37,250.21)	(32,999.21)	0.00	(66,756.21)
Jul-16	4,251.00	0.00	0.00	0.00	4,251.00	250.00	(62,255.21)
Aug-16	4,251.00	0.00	0.00	0.00	4,251.00	250.00	(57,754.21)
Sep-16	4,251.00	0.00	0.00	0.00	4,251.00	250.00	(53,253.21)
Oct-16	4,251.00	0.00	0.00	(9,733.11)	(5,482.11)	0.00	(58,735.32)
Nov-16	4,251.00	0.00	0.00	0.00	4,251.00	250.00	(54,234.32)
Dec-16	4,251.00	47,077.76	0.00	0.00	51,328.76	250.00	(2,655.56)
Mar-18	0.00	9,778.01	0.00	0.00	9,778.01	250.00	7,372.45
Total					\$5,622.45	\$1,750.00	\$7,372.45

Total Charges: \$5,622.45
Interest & Late Fee: \$1,750.00
Total Due: \$7,372.45

Collection Workout for Legal
HOME OWNERS BARGIN OUTLET - LAKE PLAZA - REJECTION
1/1/2019 - 12/31/2019

Lease Information: If payment not received when due:
Late Fee: > \$250.00 per month

Monthly Charges		Late Charges		
Date	BRT	Total Charges	Late Fee	Total Amount Due
Jan-19	30,000.00	30,000.00	0.00	30,000.00
Feb-19	30,000.00	30,000.00	0.00	60,000.00
Mar-19	30,000.00	30,000.00	0.00	90,000.00
Apr-19	30,000.00	30,000.00	0.00	120,000.00
May-19	30,000.00	30,000.00	0.00	150,000.00
Jun-19	30,000.00	30,000.00	0.00	180,000.00
Jul-19	30,000.00	30,000.00	0.00	210,000.00
Aug-19	30,000.00	30,000.00	0.00	240,000.00
Sep-19	30,000.00	30,000.00	0.00	270,000.00
Oct-19	30,000.00	30,000.00	0.00	300,000.00
Nov-19	30,000.00	30,000.00	0.00	330,000.00
Dec-19	30,000.00	30,000.00	0.00	360,000.00
Total	\$360,000.00	\$360,000.00	\$0.00	\$360,000.00

Total Charges:	\$360,000.00
Interest & Late Fee:	\$0.00
Total Due:	<u>\$360,000.00</u>

Northern District of Illinois Claims Register

[18-30043 Belvidere Associates LLC](#)

Honorable Judge: Jacqueline P. Cox

Chapter: 11

Office: Eastern Division

Last Date to file claims:

Trustee:

Last Date to file (Govt):

<i>Creditor:</i>	(27204950) History	Claim No: 40	<i>Status:</i>
MALL AT LAKE PLAZA LLC.		<i>Original Filed</i>	<i>Filed by:</i> CR
RONALD E. GOLD		<i>Date:</i> 01/09/2019	<i>Entered by:</i> Kimetha Collier
301 EAST FOURTH ST.		<i>Original Entered</i>	<i>Modified:</i>
CINCINNATI, OH 45209		<i>Date:</i> 01/09/2019	

Amount claimed: \$367372.45

History:

[Details](#) [40-1](#) 01/09/2019 Claim #40 filed by MALL AT LAKE PLAZA LLC., Amount claimed: \$367372.45 (Collier, Kimetha)

Description:

Remarks:

Claims Register Summary

Case Name: Belvidere Associates LLC

Case Number: 18-30043

Chapter: 11

Date Filed: 10/25/2018

Total Number Of Claims: 1

Total Amount Claimed*	\$367372.45
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		
Administrative		