

Fill in this information to identify the case:

Debtor 1 _____
Debtor 2 (Spouse, if filing) _____
United States Bankruptcy Court for the: _____ District of _____
Case number _____

Official Form 410
Proof of Claim

12/15

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?

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?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Name _____
Number Street _____
City State ZIP Code _____
Contact phone _____
Contact email _____

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?

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? \$_____. 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.

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)?

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 all that apply:
- | | |
|---|---|
| <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 \$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). | \$ _____ |
| <input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) 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 type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies. | \$ _____ |

* Amounts are subject to adjustment on 4/01/16 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 **12/21/2016**



Signature

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

Name **Mark C. Moore**
First name Middle name Last name

Title **Attorney**

Company **Gardere Wynne Sewell LLP**
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address **2021 McKinney Avenue, Suite 1600**
Number Street

Dallas TX 75201
City State ZIP Code

Contact phone **214-999-3000** Email **mmoore@gardere.com**

EXHIBIT A TO PROOF OF CLAIM

1. Claimants: CoServ Gas, Ltd., d/b/a CoServ Gas (“**CoServ Gas**”) maintains offices at 7701 South Stemmons, Corinth, TX 76210. The proof of claim (the “**Claim**”) of CoServ Gas are filed pursuant to 11 U.S.C. §§ 105(a) and 501 and the Federal Rules of Bankruptcy Procedure 3002 and 3003. Prior to the Petition Date, CoServ provided gas services to the Debtor (defined below).

2. Debtor: JQH-Allen Development, LLC (the “**Debtor**”). The Debtor’s case number is 16-21147 in the United States Bankruptcy Court for the District of Kansas. This case is being jointly administered with several other bankruptcy cases of affiliated debtors in the same district.

3. Indebtedness: As of the date of the entry of the Order for Relief in this case, June 26, 2016 (the “**Petition Date**”), the outstanding indebtedness owing from the Debtor to CoServ Gas was as set forth below by account number:

Account No.	Type	Balance
410230	Gas	\$5,630.15
	Totals	\$5,630.15

4. Other Rights: The Claims described in this Attachment are legal, binding, enforceable, allowed, and not subject to any offset, defense, claim, counterclaim or any other diminution of any type, kind or nature, whatsoever. No portion of the Claim or any funds previously paid to CoServ Gas are subject to impairment, avoidance, subordination, or disallowance pursuant to the Bankruptcy Code (including, without limitation, Bankruptcy Code § 502) or applicable non-bankruptcy law. CoServ Gas expressly reserves the right in the future to assert any and all claims that it may have, including, without limitation, imposition of a constructive trust, equitable lien, security interest, subrogation, marshaling, or other legal or

In re JQH – Allen Development, LLC
Case No. 16-21174
United States Bankruptcy Court for the District of Kansas

equitable remedies to which it may be entitled. CoServ Gas additionally claims the benefit of (a) all adequate-protection security interests, liens, mortgages, and other rights and protections granted to it or received by it from and after the Petition Date by operation of law, orders of this Court, or otherwise; (b) all renew CoServ Gas, extensions, ratifications, supplements, amendments, corrections, and other prior or subsequent documentation evidencing or relating to the claims of CoServ Gas; and (c) any other filed or recorded documents. The filing of this proof of claim is not to be construed to as an election of remedies. CoServ Gas further reserves the rights (a) to amend, modify or supplement this proof of claim, including any exhibit, schedule or annex, or to file an amended proof of claim for the purpose of modifying or liquidating the amount of any interest, fees, costs and expenses accrued or incurred subsequent to the Petition Date or any contingent or unliquidated claims or rights of CoServ Gas set forth herein; (b) file additional proofs of claim; and (c) against third parties.

5. Notices: All notices to CoServ Gas are to be sent to:

CoServ Gas
ATTN: Revenue Recovery
7701 South Stemmons
Corinth, TX 76210

with copies to:

Gardere Wynne Sewell LLP
c/o Mark C. Moore
2021 McKinney Avenue, Suite 1600
Dallas, TX 75201

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

CoServ Gas
ATTN: Revenue Recovery
7701 South Stemmons
Corinth, TX 76210

In re JQH – Allen Development, LLC
Case No. 16-21174
United States Bankruptcy Court for the District of Kansas

Re: *In re JQH-Allen Development*

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 CoServ Gas 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 CoServ Gas 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 CoServ Gas's rights or remedies against any person, entity or property; (b) a consent by CoServ Gas to the jurisdiction of this Court with respect to the subject matter of the claim or any objection or other proceeding commenced in this bankruptcy case against or otherwise involving CoServ Gas; (c) a consent by CoServ Gas 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); (d) a waiver of the right to move to withdraw the reference or otherwise challenge the jurisdiction of this Court; (e) a waiver of the right to a jury trial; (f) an election of a remedy which waives or otherwise affects any other remedy; or (g) 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.

Gardere01 - 9580279v.3

District of Kansas Claims Register

[16-21142 John Q. Hammons Fall 2006, LLC](#)

Judge: Robert D. Berger

Chapter: 11

Office: Kansas City

Last Date to file claims: 12/23/2016

Trustee:

Last Date to file (Govt):

Creditor: (8607557)
CoServ Gas
c/o Mark C. Moore
Gardere Wynne Sewell, LLP
2021 McKinney Ave., Ste. 1600
Dallas, TX 75201

Claim No: 245
Original Filed
Date: 11/15/2016
Original Entered
Date: 11/15/2016
Last Amendment
Filed: 12/22/2016
Last Amendment
Entered: 12/22/2016

Status:
Filed by: CR
Entered by: Sharon L. Stolte
Modified:

Amount claimed: \$5630.15

History:

[Details](#) [245-](#) 11/15/2016 Claim #245 filed by CoServ Gas, Amount claimed: \$5630.15 (Stolte, Sharon)
[1](#)

[Details](#) [245-](#) 12/22/2016 Amended Claim #245 filed by CoServ Gas, Amount claimed: \$5630.15 (Stolte, Sharon)
[2](#)

Description: (245-2) Proof of Claim filed for In re: JQH - Allen Development, LLC (16-21174)

Remarks:

Claims Register Summary

Case Name: John Q. Hammons Fall 2006, LLC

Case Number: 16-21142

Chapter: 11

Date Filed: 06/26/2016

Total Number Of Claims: 1

Total Amount Claimed*	\$5630.15
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		