

Fill in this information to identify the case:

Debtor 1 JOHN Q HAMMONS FALL 2006 LLC  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: District of Kansas  
Case number 16-21142

**FILED**  
Kansas City KS  
OCT 11 2016

Clerk  
U.S. Bankruptcy Court

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? Daikin Applied Americas Inc.  
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)  
Where should notices to the creditor be sent?  
Wagner, Falconer & Judd, Ltd.  
Name  
100 South 5th Street, Suite 800  
Number Street  
Minneapolis MN 55402  
City State ZIP Code  
Contact phone 612-339-1421  
Contact email manderson@wfjlawfirm.com  
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?  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? \_\_\_\_\_

JQH Ct ID  
00081

FILED

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**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: 0 6 0 1

7. How much is the claim? \$ 83,447.00. 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.  
Labor and materials for real property described in Exhibit A

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:** See attached Mechanic's Lien Statement Exhibit A  
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:** \$ 83,447.00  
**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 all that apply:

Amount entitled to priority

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ \_\_\_\_\_

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

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

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

\* 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 09/30/2016  
MM / DD / YYYY

  
\_\_\_\_\_  
Signature

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

Name Mark O. Anderson  
First name Middle name Last name

Title Attorney and Agent for Daikin Applied Americas Inc.

Company Wagner, Falconer & Judd, Ltd.  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 100 South 5th Street, Suite 800  
Number Street

Minneapolis MN 55402  
City State ZIP Code

Contact phone 612-339-1421 Email manderson@wfjlawfirm.com

RECEIVED  
AUG 29 2016  
BY: *[Signature]*

Prepared by and return to:  
John P. Mullen  
Boyce Law Firm, L.L.P.  
PO Box 5015  
Sioux Falls, SD 57117-8208 *2016/8/17/18*  
(605) 336-2424



Recorded *Aug 25, 2016* at *14:00* o'clock  
in Mechanics Liens File # *5924*

Jette D. Risty, Register of Deeds  
Minnehaha County, South Dakota  
By: *[Signature]* Deputy *[Signature]*

**STATEMENT OF CLAIM FOR MECHANIC'S, MINER'S,  
LABORER'S, OR MATERIALMAN'S LIEN AGAINST LEASEHOLD INTEREST AND  
BUILDING IMPROVEMENTS**

Notice is hereby given that Daikin Applied Americas Inc. intends to claim and hold a lien in the amount of Eighty Three Thousand Four Hundred Forty Seven Dollars and No Cents (\$83,447.00), plus accrued interest from June 30, 2016, until the date of filing of this lien, and statutory interest from the date of the filing of this lien, with the latter interest accruing pursuant to SDCL 44-9-6.1 at the rate of ten percent (10%) per annum.

1. That such amount is due and owing to the claimant for labor performed, or for skills, services, materials or machinery furnished for the following improvement to the Sheraton Hotel buildings/structures in Sioux Falls, South Dakota, to wit:

All labor and materials to provide and install a new BAC (Baltimore Aircoil Company) model number S3E-8518-05L Cooling Tower with 15 horsepower Inverter Premium Efficient Motor with specified design conditions, together with: cold water basin heaters with factory enclosure and disconnect switch; provision and installation of OSHA approved ladder, cage and safety handrails; all piping and necessary support beams, electrical and control wiring, re-insulation of new piping to the exterior unit; draining and refilling; crane and rigging; disposal of old cooling tower; freight, permitting and inspection fees, and start-up and testing and adjusting the new cooling tower; and applicable tax.

2. The name and post office address of the lien claimant is Daikin Applied Americas Inc., 13600 Industrial Park Blvd., Minneapolis, MN 55441.

3. The name and post office address of the entity for which the work was performed or materials furnished is Hammons of Sioux Falls, LLC and/or John Q. Hammons Hotel Management, LLC, 300 John Q. Hammons Parkway, Springfield, MO 65806.

4. The date when the first item of the claimant's contribution was made was March 10, 2016, and the last item of the claimant's contribution was made on May 24, 2016.

5. For informational purposes only in compliance with SDCL 44-9-16(5), the following is the legal description of the real property on which the improved buildings are located, to wit:

**Lot Four (4) in block Two (2) of Sioux Falls Center Addition to the City of Sioux Falls, Minnehaha County, South Dakota, according to the recorded plat in Plat Book 59, page 88.**

**Lot Seven (7) in block Two (2) of Sioux Falls Center Addition to the City of Sioux Falls, Minnehaha County, South Dakota, according to the recorded plat recorded in Plat Book 66, page 299.**

6. A. The name and address of the owner of the fee simple interest in real property, against which Daikin Applied is not claiming a lien, and cannot claim a lien, at the time of making this lien statement, according to the claimant's best information, is:

Real Property Fee Simple Owner Only: City of Sioux Falls, 224 W. 9<sup>th</sup> Street, Sioux Falls, SD 57104.

6. B. The name and address of the owner of both the building improvements and the leasehold interest which Daikin Applied does hereby lien is

Owner of the Sheraton Hotel Buildings and Operations under a recorded 99 year Ground Lease of the above described real property from the City of Sioux Falls: Hammons of Sioux Falls, LLC, 300 John Q. Hammons Parkway, Springfield, MO 65806. The leasehold interest that Daikin Applied liens is the interest that Hammons of Sioux Falls, LLC has in that certain Ground Lease with the City of Sioux Falls, South Dakota, dated May 19, 1997 and recorded with the Register of Deeds, Minnehaha County, on August 7, 1997, in Book 231 of Miscellaneous at page 197, by way of an assignment from The Revocable Trust of John Q. Hammons, Dated December 28, 1989, As Amended And Restated, to Hammons of Sioux Falls, LLC dated March 30, 2006 and recorded with the Register of Deeds, Minnehaha County, on April 14, 1997, in Book 253 of Miscellaneous at page 719. Daikin Applied is not asserting this claim for mechanic's lien against any interest in the property owned or held by the City of Sioux Falls.

7. Following is an itemized statement of the account upon which the lien is claimed:

Daikin Applied Americas Inc. agreed to complete a certain result at a certain price. The Agreement between Daikin Applied Americas Inc. and Hammons of Sioux Falls, LLC and/or John Q. Hammons Hotel Management, LLC sold a certain result at a

certain price. The certain result is identified in Page 1 of the Agreement as the Scope of Work identified in Proposal #TK-JDP011316 as:

All labor and materials to provide and install a new BAC (Baltimore Aircoil Company) model number S3E-8518-05L Cooling Tower with 15 horsepower Inverter Premium Efficient Motor with specified design conditions, together with: cold water basin heaters with factory enclosure and disconnect switch; provision and installation of OSHA approved ladder, cage and safety handrails; all piping and necessary support beams, electrical and control wiring, re-insulation of new piping to the exterior unit; draining and refilling; crane and rigging; disposal of old cooling tower; freight, permitting and inspection fees, and start-up and testing and adjusting the new cooling tower; and applicable tax.

The entire Scope of Work was sold at a certain price, which was \$83,447.00. This is sufficient itemization under the Ringgenberg doctrine. See Ringgenberg v. Wilmsmeyer, 253 N.W.2d 197 (S.D. 1977).

Dated this 24 day of August, 2016.

Daikin Applied Americas Inc.

By Joanne Lawson  
Joanne Lawson  
Its Financial Services Representative

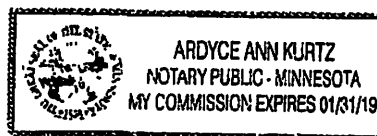
STATE OF MINNESOTA)  
: SS  
COUNTY OF HENNEPIN)

On this, the 24 day of August, 2016, before me, the undersigned officer, personally appeared Nancy Mundale, known to me be the Financial Services Representative of the corporation that is described in and that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Ardyce Ann Kurtz  
Notary Public – State of Minnesota  
My Commission Expires: 11/31/19



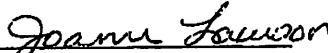
VERIFICATION

STATE OF MINNESOTA)

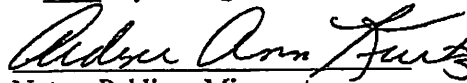
: SS

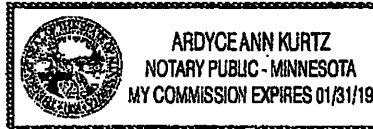
COUNTY OF HENNEPIN)

The undersigned, being first duly sworn, deposes and says that she has read the foregoing Lien Statement and knows the contents thereof; that the same is true to her own knowledge except as to those matters stated on information and belief, and as to those matters, she believes it to be true.

  
Joanne Lawson

Subscribed and sworn to before me this 24 day of August, 2016.

  
Notary Public -- Minnesota  
My Commission Expires: 11/31/19





PS Form 3800 August 2006 See Reverse for Instructions

City, State, ZIP+4<sup>®</sup>: Sioux Falls, SD 57104

Street, Apt. No., or PO Box No.: 224 W 4th St

Postmark: AUG 25 2016

Postage	\$3.30
Postmark	\$0.00
Return Receipt Fee	\$0.00
Restricted Delivery Fee	\$0.00
Endorsement Required	\$0.00
Restricted Delivery Fee	\$0.00
Endorsement Required	\$0.00
Total Postage & Fees	\$3.30

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SPRMFG TEL# 40 46806

PS Form 3800 August 2006 See Reverse for Instructions

City, State, ZIP+4<sup>®</sup>: Sioux Falls, SD 57104

Street, Apt. No., or PO Box No.: 100 S. Dakota Ave #200

Postmark: AUG 25 2016

Postage	\$3.30
Postmark	\$0.00
Return Receipt Fee	\$0.00
Restricted Delivery Fee	\$0.00
Endorsement Required	\$0.00
Restricted Delivery Fee	\$0.00
Endorsement Required	\$0.00
Total Postage & Fees	\$3.30

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SPRMFG TEL# 40 46806

PS Form 3800 August 2006 See Reverse for Instructions

City, State, ZIP+4<sup>®</sup>: Springfield, MO 65806

Street, Apt. No., or PO Box No.: 300 John Q. Hammons Bldg

Postmark: AUG 25 2016

Postage	\$3.30
Postmark	\$0.00
Return Receipt Fee	\$0.00
Restricted Delivery Fee	\$0.00
Endorsement Required	\$0.00
Restricted Delivery Fee	\$0.00
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SPRMFG TEL# 40 46806

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City, State, ZIP+4<sup>®</sup>: Springfield, MO 65806

Street, Apt. No., or PO Box No.: 300 John Q. Hammons Bldg

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RECEIVED  
AUG 25 2016  
3 (5289) [Signature]  
1021-5

Recorded Aug 25, 2016 at 14:00  
In Book ... of M.I., on Page ...  
5 of 5

05924



Mark O. Anderson  
email: manderson@wfjlawfirm.com

October 6, 2016

Clerk, U.S. Bankruptcy Court  
161 US Courthouse  
500 State Avenue  
Kansas City, KS 66101

Re: John Q. Hammons Fall 2006 LLC  
Case No. 16-21142  
Name of My Client: Daikin Applied Americas Inc.  
Amount of Claim: \$83,447.00

Dear Sir/Ms:

Enclosed for filing with your office in the above-entitled proceeding is the Proof of Claim with attached Statement of Account in the amount of \$83,447.00.

Please acknowledge receipt and filing on the extra copy of the Proof of Claim. Enclosed for your convenience is a stamped self-addressed return envelope.

IN ADDITION, PLEASE PLACE THE NAME AND ADDRESS OF THIS LAW FIRM ON THE MATRIX FOR THE ABOVE CASE SO THAT WE WILL RECEIVE ALL NOTICES.

Sincerely,

WAGNER, FALCONER & JUDD, LTD.

A handwritten signature in blue ink that reads "Mark O. Anderson".

Mark O. Anderson

MOA/bb  
Enc.

# 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):**

<i>Creditor:</i> (8586485) Daikin Applied Americas Inc. Wagner, Falconer &Judd. Ltd. 100 South 5th Street, Suite 800 Minneapolis, MN 55402	<b>Claim No: 122</b> <i>Original Filed</i> Date: 10/17/2016 <i>Original Entered</i> Date: 10/17/2016	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Terri Marshall <i>Modified:</i>
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Amount claimed: \$83447.00			
Secured claimed: \$83447.00			

*History:*

<a href="#">Details</a>	<a href="#">122-1</a>	10/17/2016	Claim #122 filed by Daikin Applied Americas Inc., Amount claimed: \$83447.00 (Marshall, Terri )
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<i>Description:</i> (122-1) Labor and materials for real property described in Exhibit A		
<i>Remarks:</i> (122-1) KSB Filed 10/1/16; ECF by Claims Agent 10/17/2016		

## 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

<b>Total Amount Claimed*</b>	\$83447.00
<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.**

	<b>Claimed</b>	<b>Allowed</b>
<b>Secured</b>	\$83447.00	
<b>Priority</b>		
<b>Administrative</b>		