

**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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Contact email

\_\_\_\_\_  
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:

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.

Amount entitled to priority

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* 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 11/15/2016  
MM / DD / YYYY

  
\_\_\_\_\_  
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: Denton County Electric Cooperative, Inc. d/b/a CoServ Electric (“**CoServ Electric**”) and CoServ Gas, Ltd., d/b/a CoServ Gas (“**CoServ Gas**”) maintain offices at 7701 South Stemmons, Corinth, TX 76210. The proofs of claim (the “**Claims**”) of CoServ Electric and CoServ Gas are filed pursuant to 11 U.S.C. §§ 105(a) and 501 and the Federal Rules of Bankruptcy Procedure 3002 and 3003. From July 2015 to August 2015, CoServ provided electrical services to the Debtor (defined below).

2. Debtor: John Q. Hammons Fall 2006, LLC (the “**Debtor**”). The Debtor’s case number is 16-21142 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 Electric and CoServ Gas was as set forth below by account number:

<b>Account No.</b>	<b>Type</b>	<b>Balance</b>
410230	Gas	\$5,630.15
1368000373	Electric	\$46,186.37
117880	Electric	\$27,613.92
105450	Electric	\$2,399.82
	<b>Totals</b>	<b>\$81,830.26</b>

4. CoServ Electric’s Setoff: Prior to the filing of these Claims, but after the Petition Date, CoServ and the Debtor sought and received Bankruptcy Court approval for CoServ to set off \$20,000 in pre-petition rebate owed to the Debtor on account of an LED lighting upgrade performed thereby. CoServ Electric set this amount off against the indebtedness owed for Account No. 1368000373, reducing that proof of claim amount to \$26,186.37.

*In re John Q. Hammons Fall 2006, LLC*  
Case No. 16-21142  
United States Bankruptcy Court for the District of Kansas

5. 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 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 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 equitable remedies to which it may be entitled. CoServ 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, extensions, ratifications, supplements, amendments, corrections, and other prior or subsequent documentation evidencing or relating to the claims of CoServ; 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 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 set forth herein; (b) file additional proofs of claim; and (c) against third parties.

6. Notices: All notices to CoServ are to be sent to:

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

*with copies to:*

*In re John Q. Hammons Fall 2006, LLC*  
Case No. 16-21142  
United States Bankruptcy Court for the District of Kansas

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

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

CoServ Electric  
ATTN: Revenue Recovery  
7701 South Stemmons  
Corinth, TX 76210  
Re: *In re John Q. Hammons Fall*

8. 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 Electric and/or 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 Electric or 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 CoServ Electric's and/or CoServ Gas's rights or remedies against any person, entity or property; (b) a consent by CoServ Electric and/or 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 Electric and/or CoServ Gas; (c) a consent by CoServ Electric and/or 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

*In re John Q. Hammons Fall 2006, LLC*  
Case No. 16-21142  
United States Bankruptcy Court for the District of Kansas

a different or enhanced classification of priority for its Claim in respect of the other claims asserted in this bankruptcy case.

Gardere01 - 9580279v.2

# 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:* (8607500)  
CoServ Electric  
c/o Mark C. Moore  
Gardere Wynne Sewell, LLP  
2021 McKinney Ave., Ste. 1600  
Dallas, TX 75201

**Claim No:** 244  
*Original Filed*  
*Date:* 11/15/2016  
*Original Entered*  
*Date:* 11/15/2016

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

Amount claimed: \$26186.37

*History:*

[Details](#) [244-](#) 11/15/2016 [1](#) Claim #244 filed by CoServ Electric, Amount claimed: \$26186.37 (Stolte, Sharon )

*Description:*

*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

<b>Total Amount Claimed*</b>	\$26186.37
<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>		
<b>Administrative</b>		