

Fill in this information to identify the case:

Debtor 1 Hammons of Sioux Falls, LLC
Debtor 2 (Spouse, if filing)
United States Bankruptcy Court for the: District of Kansas
Case number 16-21172

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? Sheraton LLC
2. Has this claim been acquired from someone else? No
3. Where should notices and payments to the creditor be sent? Sheppard Mullin Richter & Hampton, LLP
4. Does this claim amend one already filed? No
5. Do you know if anyone else has filed a proof of claim for this claim? No

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? \$ _____ 0.00. 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.

See attached addendum.

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 12/9/2016
MM / DD / YYYY



Signature

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

Name Michael T. Driscoll
First name Middle name Last name

Title _____

Company Sheppard Mullin Richter & Hampton, LLP
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 30 Rockefeller Plz.
Number Street

New York NY 10112
City State ZIP Code

Contact phone 212-653-8700 Email mdriscoll@sheppardmullin.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS AT KANSAS CITY

In re:

Hammons of Sioux Falls, LLC,
Debtor.

Chapter 11

Case No. 16-21172

(Jointly Administered)

ADDENDUM TO PROOF OF CLAIM OF SHERATON LLC

A. CREDITOR INFORMATION

All communications regarding the Proof of Claim filed by Sheraton LLC. ("Sheraton") should be addressed to Michael T. Driscoll, Esq., Sheppard Mullin Richter & Hampton LLP, 30 Rockefeller Plaza, New York, New York 10112, Telephone (212) 653-8700.

B. CLAIM INFORMATION

1. Basis for Claim. Sheraton entered into a certain franchise agreement (the "Franchise Agreement") with Hammons of Sioux Falls, LLC (the "Debtor").¹ Pursuant to the Franchise Agreement, the Debtor is required to pay Sheraton for franchise, marketing, royalty and other fees and reimbursable amounts in accordance with the terms set forth therein.

2. Amount and Classification of Claim. Sheraton holds a pre-petition unsecured claim in the amount of \$0.00.

3. Setoff. This claim is not subject to any known right of setoff held by the Debtor.

4. Reservation of Rights. Sheraton reserves its right to amend or further supplement this Proof of Claim in all respects, including, but not limited to, liquidating any unliquidated amounts, asserting a claim or claims for additional amounts due and/or claims based on alternative theories or liabilities, including but not limited to indemnification, contribution, or

¹ The Franchise Agreement is a commercially sensitive business document and is too voluminous to attach hereto. Upon information and belief, the Debtors are in possession of these documents; nonetheless, to the extent that the Debtors do not have copies of the referenced documents, the Debtors may request said documents from Sheraton's counsel, Sheppard Mullin Richter & Hampton LLP, Attn: Michael T. Driscoll, Esq., 30 Rockefeller Plaza, New York, New York 10012.

reimbursement, and asserting any claims for damages arising from events or conduct by the Debtor. Moreover, Sheraton hereby reserves the right to assert all or part of the claim as an administrative or other priority claim, and to file additional claim(s) or application(s) for payment of such administrative or priority claims.

To the extent that certain non-debtor entities have entered into agreements with Sheraton to guaranty the obligations of the Debtor, Sheraton reserves its right to seek satisfaction of those obligations with the non-debtor entity in another jurisdiction or proceeding.

Filing of this Proof of Claim is not: (a) a waiver or release of Sheraton's rights against any person, entity or property, including without limitation, any officers, directors or other principals of the Debtor; (b) a consent by Sheraton to the jurisdiction of this Court with respect to proceedings, if any, commenced in any case against or otherwise involving Sheraton; (c) a waiver or release of Sheraton's right to trial by jury in any proceeding as to any and all matters so triable herein, notwithstanding the designation or not of such matters as "core proceedings" pursuant to 28 U.S.C. § 157(b)(2); (d) a waiver or release of Sheraton's right to have any and all final orders in any and all non-core matters or proceedings entered only after *de novo* review by a United States District Court Judge; or (e) an election of remedy.