


ORIGINAL

UNITED STATES BANKRUPTCY COURT Southern District of New York		PROOF OF CLAIM
Name of Debtor: Jennifer Convertibles, et al.		Case Number: 10-13779-ALG (Jointly Administered)
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): KIR Cary Limited Partnership		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: c/o Morgan, Lewis & Bockius LLP 101 Park Avenue New York, New York 10178 Attn: Neil E. Herman, Esq. Telephone number: (212) 309-6000		
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Telephone number:		
1. Amount of Claim as of Date Case Filed: \$ <u>23,614.49</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* 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"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____). Amount entitled to priority: \$ _____ <i>*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
2. Basis for Claim: <u>Lease - see attachment</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. 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. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Date: <u>9/14/10</u>	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <u>Susan L. Masone authorized person</u> <u>SUSAN L. MASONE</u>	
		FOR COURT USE ONLY Jennifer Convertibles  00083

In re Jennifer Convertibles, Inc. et al.
Chapter 11, Case No. 10-13779 (ALG) (Jointly Administered)

ATTACHMENT TO PROOF OF CLAIM

JENNIFER CONVERTIBLES, INC.
CENTRUM @ CROSSROADS
CARY, NC

Claim of KIR Cary Limited Partnership
c/o Morgan, Lewis & Bockius LLP
101 Park Avenue
New York, NY 10178
Attn: Neil E. Herman, Esq.
(212) 309-6669

1. Below is a detail of the claim of KIR Cary Limited Partnership (the “Claimant”) relating to the rejected lease of non-residential real property located in Cary, North Carolina (the “Lease”), effective August 31, 2010. Pursuant to Section 365(d)(3) and/or Section 503(b) of the Bankruptcy Code, the Claimant’s total claim for pre-petition amounts due and owing is \$23,614.49, calculated as follows:

Pre-Petition:

May 2010	\$ 9,194.47
June 2010	9,194.47
July 2010	5,042.13
Real Estate Taxes 7/1/10-7/17/10	183.42
	<hr/>
	\$ 23,614.49

2. In addition to the above amounts, the following additional amounts are or may become due: (a) percentage rent not yet billed, (b) year end adjustments not yet billed, (c) deferred maintenance expenses in an unliquidated amount. The Claimant reserves the right to amend this proof of claim at any time.
3. In accordance with the terms of the Lease, and the United States Supreme Court’s recent decision in Travelers Cas. & Sur. Co. of Am. v. Pacific Gas & Elec. Co., 127 S.Ct. 1199 (2007), the Claimant fully reserves and preserves its right to seek all legal fees and expenses incurred in these bankruptcy cases.

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Morgan Lewis
C O U N S E L O R S A T L A W

September 15, 2010

VIA OVERNIGHT MAIL

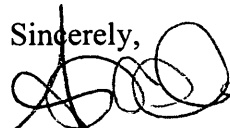
BMC Group, Inc.
18750 Lake Drive East
Chanhassen, MN 55317
Attn: Jennifer Convertibles Claims Processing

Re: In re Jennifer Convertibles, et al., Debtors
Chapter 11, Case No. 10-13779 (Jointly Administered)

Dear Sir/Madam:

Enclosed please find an original and two copies of Proofs of Claim which are being filed on behalf of KIR Cary Limited Partnership.

Please file stamp the copies and return same to me in the enclosed SASE Federal Express envelope. If you have any questions, please do not hesitate to contact me.

Sincerely,

Annie C. Wells

ACW/le
Encs.