

**UNITED STATES BANKRUPTCY COURT Southern District of New York (Manhattan)**

**PROOF OF CLAIM**

Name of Debtor:  
In re: **Jennifer Convertibles, Inc.**

Case Number:  
**10-13779**

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.

Name of Creditor (the person or other entity to whom the debtor owes money or property):  
**Abill Realty Corp.**

Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:

c/o David W. Novack, Esq.  
195 Route 46 West, Suite 11  
Totowa, New Jersey 07512

**RECEIVED**  
**OCT 25 2010**  
**BMC GROUP**

Court Claim Number: s320  
(if known)

Telephone number:  
(973) 237-1010

Filed on: \_\_\_\_\_

Name and address where payment should be sent (if different from above):

**Abill Realty Corp.**  
255 Route 46  
Totowa, New Jersey 07512

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.

Telephone number:  
(973) 256-8865

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 51,927.76

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.

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.

2. Basis for Claim: Leasehold Tenancy  
(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: Jennifer Leather  
(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:  Real Estate  Motor Vehicle  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.)

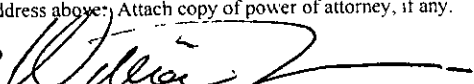
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date:  
**10/21/2010**

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.

William J. Spina, VP



FOR COURT USE ONLY

**Jennifer Convertibles**  
  
00301

\*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.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

**Items to be completed in Proof of Claim form**

**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**4. Secured Claim:**

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).**

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

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.

**7. Documents:**

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

**Date and Signature:**

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

**DEFINITIONS**

**INFORMATION**

**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10)

**Claim**

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the agent of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. §506(a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. §507(a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may contact BMC Group (info@bmcgroup.com).

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

Abill Realty Corporation  
Customer Open Balance

Jennifer Leather

12/31/2008 S.Guard	\$ 621.84
12/31/2008 CAM	\$ 1,846.34
12/23/2009 S.Guard	\$ 442.50
12/31/2009 CAM	\$ 1,790.10
2/1/2010 Rent	\$ 6,000.00
3/1/2010 Rent	\$ 6,000.00
3/30/2010 S.Guard	\$ 381.16
3/31/2010 CAM	\$ 2,683.63
4/1/2010 Rent	\$ 6,000.00
5/1/2010 Rent	\$ 6,000.00
6/1/2010 Rent	\$ 6,000.00
7/1/2010 Rent	\$ 3,600.00
7/2/2010 S.Guard	\$ 574.24
7/18/2010 CAM	\$ 1,491.20
7/18/2010 Sprinkler	\$ 881.31
7/18/2010 Taxes	\$ 6,894.36
7/18/2010 S.Guard	\$ 111.60
7/18/2010 CAM	\$ 609.48

Total \$ 51,927.76

ABILL REALTY CORPORATION  
255 ROUTE 46 WEST  
TOTOWA, NEW JERSEY 07512

February 27, 2009

LEASE MODIFICATION

JENNIFER CONVERTIBLES, INC.  
D/B/A/ JENNIFER LEATHER  
419 CROSSWAYS PARK DRIVE  
WOODBURY, N.Y. 11797

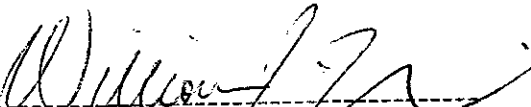
RE: Lease dated January, 1995 (as amended to date, "The Lease") by and between ABILL REALTY CORPORATION AND JENNIFER LEATHER-TOTOWA NJ INC. and further extended on October 7, 2004 successor in interest to JENNIFER CONVERTIBLES, INC.(TENANT) regarding the premises (2500 sq ft) located at 205 Route 46, Totowa, new jersey.

1. Landlord and Tenant hereby agree to modify the lease by decreasing the rent from January 1, 2009 – June 30, 2010. The new rent for these eighteen (18) months will be \$72,000.00 per annum or \$6,000.00 monthly.
2. Landlord shall have the right to elect to terminate the Lease upon not less than sixty(60) days' prior written notice to Tenant; provided, however, any such notice of termination by Landlord must be given to Tenant on or prior to June 30, 2010 and if Landlord fails to provide such written notice of termination to Tenant on or prior to such date, Landlord shall be deemed to have waived its right to so terminate the Lease.
3. All other terms and conditions of the lease shall remain in full force and effect:

Acknowledged and agreed by:

ABILL REALTY CORPORATION

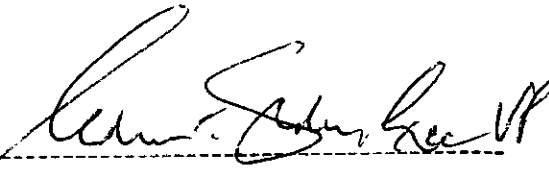
JENNIFER CONVERTIBLES, INC.

By 

Name WILLIAM J. SPINA

Title Vice Pres

Date March 5<sup>th</sup>, 2009

By 

Name EDWARD B. JORDAN

Title EXECUTIVE V.P

Date March 6, 2009

ABILL REALTY CORPORATION  
255 ROUTE 46  
TOTOWA, N.J. 07512

October 7, 2004

JENNIFER CONVERTIBLES, INC.  
D/B/A JENNIFER LEATHER  
419 CROSSWAYS PARK DRIVE  
WOODBURY, N.Y. 11797

RE: LEASE DATED JANUARY, 1995 (AS AMENDED TO DATE, "THE LEASE") BY AND BETWEEN ABILL REALTY AND JENNIFER LEATHER-TOTOWA NJ INC., SUCCESSOR IN INTEREST TO JENNIFER CONVERTIBLES, INC. ("TENANT") REGARDING THE PREMISES (2500sq ft ) LOCATED AT 205 ROUTE 46, TOTOWA, NEW JERSEY.

EFFECTIVE 3/1/2005 LANDLORD AND TENANT AGREE TO EXTEND THE LEASE UNTIL 6/30/2012 UNDER THE SAME TERMS AND CONDITIONS EXCEPT FOR THE FOLLOWING RENT SCHEDULE.

<u>TERMS</u>	<u>SQ.FT. RATE</u>	<u>ANNUAL RATE</u>	<u>MONTHLY RATE</u>
3/1/2005-6/30/2006	\$28.66	\$71,650.00	\$5,970.83
7/1/2006-6/30/2007	\$29.52	\$73,800.00	\$6,150.00
7/1/2007-6/30/2008	\$32.50	\$81,250.00	\$6,770.83
1/1/2008-6/30/2009	\$33.48	\$83,700.00	\$6,975.00
7/1/2009-6/30/2010	\$34.48	\$86,200.00	\$7,183.33
7/1/2010-6/30/2011	\$35.51	\$88,775.00	\$7,397.92
7/1/2011-6/30/2012	\$36.58	\$91,450.00	\$7,620.83

ACKNOWLEDGED AND AGREED BY:

ABILL REALTY CORP.

BY: 

WILLIAM J. SPINA  
VICE PRESIDENT

JENNIFER CONVERTIBLES, INC.

BY: 

NAME: EDWARD B. SEIDMAN  
TITLE: EXECUTIVE VICE PRESIDENT

cc: lease file

DAVID W. NOVACK  
MEMBER NJ AND NY BARS

DAVID W. NOVACK, L.L.C.  
ATTORNEY AT LAW  
195 ROUTE 46 WEST  
SUITE 11  
TOTOWA, NEW JERSEY 07512  
TELEPHONE (973) 237-1010  
TELECOPIER (973) 237-1020

October 22, 2010

VIA EXPRESS MAIL

BMC Group Inc.  
Attn: Jennifer Convertibles Claims Processing  
18750 Lake Drive East  
Chanhassen, Minnesota 55317-3020

Re: In re Jennifer Convertibles, Inc.  
Case No.: 10-13779  
Claim Nos.: s320 and s321

Dear Sir/Madam:

Please be advised that this office represents the Debtor, Abill Realty Corporation, in connection with the above-referenced matter. Enclosed please find an original and one (1) copy of a Proof of Claim and supporting documentation in connection with each of the above-referenced Claims (s320 and s321). Kindly return the extra copies of the filed Proof of Claim stamped "Received" to this office in the self-addressed return envelopes provided.

Thank you for your attention and anticipated cooperation in this matter. Please call if you have any questions.

Very truly yours,



David W. Novack

DWN:mas  
Enclosures