

**UNITED STATES BANKRUPTCY COURT** Southern District of New York

**PROOF OF CLAIM**

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

Case Number:  
**10-3779(ALG)**

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):  
**Walnut Associates Limited Partnership**

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

Name and address where notices should be sent:  
**c/o Nelson C. Chang, Esq.  
47 Jackson Street  
Saugus, MA 01906**

**RECEIVED**

**OCT 29 2010**

Court Claim Number: \_\_\_\_\_  
(If known)

Telephone number:  
**(781) 233-8200**

**BMC GROUP**

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

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

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:

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

1. Amount of Claim as of Date Case Filed: \$ 38,260.08

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.

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.

Specify the priority of the claim.

2. Basis for Claim: rent due under lease  
(See instruction #2 on reverse side.)

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

3. Last four digits of any number by which creditor identifies debtor: \_\_\_\_\_

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).

3a. Debtor may have scheduled account as: \_\_\_\_\_  
(See instruction #3a on reverse side.)

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

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.

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).

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: \$ \_\_\_\_\_

Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(\_\_\_\_).

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.)

Amount entitled to priority:

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

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

\*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.

If the documents are not available, please explain:

FOR COURT USE ONLY

Date:  
**10/23/2010**

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.

Jennifer Convertibles



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**Nelson C. Chang, Atty. for Walnut Associates LP**

# Law Offices of Nelson C. Chang

47 Jackson Street, Saugus, Massachusetts 01906-3761

telephone 781-233-8200 fax 781-233-1920 e-mail changlaw@verizon.net

October 23, 2010

BMC Group, Inc.  
Attn: Jennier Convertibles Claims Processing  
PO Box 3020  
Chanhassen, MN 55317-3020

re: Jennifer Convertibles, Inc.

10-3779(ALG)

Dear Sir/Madam:

Enclosed find the Proof of Claim of Walnut Associates, Limited Partnership for the above bankruptcy. Please note that although, the Proof contains a rental charge for the period of time of July 18 to July 31, 2010 in the amount of \$2,959.34, it is my client's position that portion of the post petition rent is owed and due to my client as "stub rent" pursuant to Section 365(d)(3) of the U.S. Bankruptcy code. As support for this position please see In Re Stone Barn Manhattan, LLC f/k/a Steve & Bary's, LLC, et al., 2008 Bankr. Lexis 3260(Bankr. S.D.N.Y).

Thank you for your cooperation. Enclosed find a stamped self addressed envelope for a return of a copy of the Proof of Claim.

Thank you for your cooperation.

Very truly yours,

  
Nelson C. Chang

(enc. 3)