

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK (MANHATTAN)**

PROOF OF CLAIM

(AMENDED)

In re:
Jennifer Convertibles, Inc.

Case Number:
10-13779 (ALG)

NOTE: See Reverse for List of Debtors/Case Numbers/ important details. 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.

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Name of Creditor and Address: the person or other entity to whom the debtor owes money or property

Penn Mar Associates, LLC
c/o Bregman, Berbert, Schwartz & Gilday, LLC
7315 Wisconsin Avenue, Suite 800 West
Bethesda, MD 20814

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

RECEIVED

DEC 29 2010

BMC GROUP

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.
THIS SPACE IS FOR COURT USE ONLY

Creditor Telephone Number (301) 656-2707

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

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

Claim Number (if known): 262

Filed on: 10/22/10

Payment Telephone Number ()

1. AMOUNT OF CLAIM AS OF DATE CASE FILED \$ 133,966.98 (\$128,672.35 general unsecured claim and \$5,294.63 administrative priority claim.)

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 qualifies as an administrative expense under 11 U.S.C. § 503(b)(9), complete item 6.

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: Amount due (including rejection damages) under Shopping Center Lease (as amended) for 3230 Donnell Dr., Penn Mar Shopping Center, Forestville, MD 20747.

(See instructions #2 and #3a on reverse side.)

3. LAST FOUR DIGITS OF ANY NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:

3a. Debtor may have scheduled account as:

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 set off and provide the requested information
Nature of property or right of setoff:

Describe:

Real Estate Motor Vehicle Other

Value of Property: \$

Annual Interest Rate: % if any: \$

Secured Claim Amount: \$

Unsecured Claim Amount: \$

Amount of arrearage and other charges as of time case filed included in secured claim,

DO NOT include the priority portion of your claim here.

5. PRIORITY CLAIM

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.

Administrative

Unsecured Priority Claim Amount: \$ 5,294.63

Include **ONLY** the priority portion of your unsecured claim here.

You **MUST** specify the priority of the claim:

- Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- 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).
- Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).

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

Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (2) (Administrative rent due under Secs. 503(b)(1)(A) and 365(d)(3).)
* 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.

6. AMOUNT OF CLAIM THAT QUALIFIES AS AN ADMINISTRATIVE EXPENSE UNDER 11 U.S.C. § 503(b)(9): \$

See instruction #8 on reverse side

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

8. SUPPORTING DOCUMENTS: Attach redacted copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of evidence of perfection of a security interest. (See instruction 8 and definition of "redacted" on reverse side.) If the documents are not available, please explain.

DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim. **Enclosed.**

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

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before :00 pm, prevailing Eastern Time on _____, 2010 for Non-Governmental Claimants OR on or before _____, 2010 for Governmental Units.

BY MAIL TO:
BMC Group, Inc
Attn: Jennifer Convertibles Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

BY HAND OR OVERNIGHT DELIVERY TO:
BMC Group, Inc
Attn: Jennifer Convertibles Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

THIS SPACE FOR COURT USE ONLY

Jennifer Convertibles
00360

DATE
12/28/2010

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.
Laurence H. Berbert, attorney for Landlord/Creditor

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

In re: :
:
JENNIFER CONVERTIBLES, INC. : **Case No. 10-13779 (ALG)**
: **Chapter 11**
Debtor :

CALCULATION OF CLAIM OF PENN MAR ASSOCIATES, LLC UNDER SHOPPING CENTER LEASE (AS AMENDED) WITH JENNIFER CONVERTIBLES, INC.

I. Pre-Petition Claim (through 7/17/10)

Balance due as of 3/31/10	\$218.80
Rent due for 4/2010 – 6/2010 (3 mos. x \$8,206.67/mo. ¹)	24,620.01
Rent due 7/1/10 – 7/17/10 (17/31 mos. x \$8,206.67/mo.)	4,500.43
Late Charges for 4/2010 – 7/2010 (4 mos. x \$100.00/mo.)	400.00
2009 CAM reconciliation (annual)	52.03
2010 CAM reconciliation (snow)	489.92
2009 Insurance reconciliation (credit)	<u>(86.39)</u>
Subtotal:	<u>\$30,194.80</u>

¹ Monthly Rent currently consists of Minimum Rent (\$6,666.67), Real Estate Tax Charge (\$577.00), Insurance Charge (\$40.00), trash charge (\$63.00), CAM Charge (\$696.00) and Merchants Association Security Charge (\$164.00). All amounts other than Minimum Rent are subject to periodic adjustments and reconciliation. Accordingly, the Monthly Rent is subject to change.

II. Rejection Damages Claim (7/18/10 – 7/17/11)

Rent due 7/18/10 – 7/17/11 ² (12 mos. x \$8,206.67/mo.)	\$98,480.04
2010 Real Estate Tax reconciliation (credit)	(2.49)
Subtotal:	<u>\$98,477.55</u>
Total Pre-Petition Claim:	<u>\$128,672.35³</u>

² Calculated in accordance with Section 502(b)(6) of the Code. (The scheduled Lease expiration date was 4/30/12.)

³ This figure is exclusive of (i) Landlord/Creditor's claim for administrative rent which is due in the amount of \$5,294.63 (consisting of (a) "stub" rent for 7/18/10 – 7/31/10 which is due in the amount of \$3,706.24, and (b) rent for 12/1/10 – 12/6/10 which is due in the amount of \$1,588.39 (Landlord/Creditor received Debtor's letter tendering possession of the Premises, with enclosed keys, via UPS on 12/6/10)), (ii) attorney's fees, (iii) interest, (iv) unreconciled Additional Rent, (v) utility charges, and (vi) any and all other amounts that may be due or come due under the Shopping Center Lease (as to all of which Landlord/Creditor reserves all claims, rights and remedies).

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

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GWENDOLYN M. ALLEN (MD)

December 28, 2010

lberbert@bregmanlaw.com

Via FEDERAL EXPRESS

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

Re: Debtor: Jennifer Convertibles, Inc.
Case No: 10-13779(ALG)
Chapter 11

Dear Sir/Madam:

Enclosed you will find the following:

1. An original Amended Proof of Claim (and attached Exhibit A) for my client, Penn Mar Associates, LLC, to be filed in case no. 10-13779 (ALG) (Jennifer Convertibles, Inc.).
2. A copy of the Proof of Claim to be stamped and returned to my office.
3. A self-addressed stamped envelope.

BMC Group, Inc.
December 28, 2010
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Thank you for your help.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: 

Laurence H. Berbert

Enclosures

cc: Ms. Overton (via e-mail)

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