

UNITED STATES BANKRUPTCY COURT Southern District of New York	PROOF OF CLAIM
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Name of Debtor: Ashley Furniture Homestore / Jennifer Convertibles	Case Number: 10-13779
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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): Steven Weber	<input checked="" type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: Steven Weber 16 Swan Lane Levittown, NY 11756	Court Claim Number: <u>100000485</u> <i>(if known)</i>
Telephone number: (516) 731-1986	Filed on: <u>07/29/2010</u>

RECEIVED
AUG 29 2011
BMC GROUP

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.
Telephone number:	<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ <u>1,650.30</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.
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2. Basis for Claim: <u>Damaged Goods</u> <small>(See instruction #2 on reverse side.)</small>	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
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3. Last four digits of any number by which creditor identifies debtor: _____	<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).
3a. Debtor may have scheduled account as: _____ <small>(See instruction #3a on reverse side.)</small>	<input type="checkbox"/> 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. 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: \$ _____	<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)(____).
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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. <i>(See instruction 7 and definition of "redacted" on reverse side.)</i> DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:	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>
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Date: <u>08/24/2011</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. 	FOR COURT USE ONLY Jennifer Convertibles 00405
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Mail original proof of claim form and copies of supporting documentation to:

If by regular mail:

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

If by messenger or overnight delivery:

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

Be sure to follow the instructions for Proof of Claim Form. The following Debtor Names and Case Numbers are provided for your ease of reference in properly completing Proofs of Claim.

Debtor Name	Case Number
Jennifer Convertibles, Inc.	10-13779
Jennifer Convertibles Boylston MA, Inc.	10-13780
Jennifer Chicago, Ltd.	10-13781
Elegant Living Management, Ltd.	10-13782
Hartsdale Convertibles, Inc.	10-13783
Jennifer Management III Corp.	10-13784
Jennifer Purchasing Corp.	10-13785
Jennifer Management II Corp.	10-13786
Jennifer Management V Ltd.	10-13787
Jennifer Convertibles Natick, Inc.	10-13788
Nicole Convertibles, Inc.	10-13789
Washington Heights Convertibles, Inc.	10-13790

Once received by BMC Group, a "Received" stamped copy of the proof of claim will be returned to the claimant within (3) business days of docketing **only** if the claimant encloses a stamped, self addressed envelope with a copy of the proof of claim.

**SUFFOLK COUNTY SECOND DISTRICT COURT,
LINDENHURST, NEW YORK**

WEBER, STEVEN,

Plaintiff(s),

-against-

ASHLEY FURNITURE HOMESTORE,

Defendant.

HON. JAMES P. FLANAGAN

INDEX NO.: BASC 485-10

IT IS HEREBY ORDERED The court vacates the arbitrator's award from November, 2010 and the judgment entered therein as there was an automatic stay in effect at that time under 11 U.S.C.S. §362 (a). Consequently, this action is dismissed. (*See Carr v McGriff*, 8 AD3d 420).

Dated: April 20, 2011

Mailed: 4-20-11


James P. Flanagan, J.D.C. #82

SECOND DISTRICT COURT SMALL CLAIMS
CERTIFICATE OF DISPOSITION BASC 10-0000485()

WEBER, STEVEN

REMARKS

PER THE ORDER OF THE HON. JAMES P FLANAGAN
DATED 4-20-11, JUDGMENT IS VACATED.

VS

ASHLEY FURNITURE HOMESTORE,

NOW ON MOTION OF: ATTORNEY FOR THE PLAINTIFF/CREDITOR

PHONE #

DEFENDANT/DEBTOR & ADDRESS

ASHLEY FURNITURE HOMESTORE

1821 RTE. 110,
E. FARMINGDALE, NY 11735-

PLAINTIFF/CREDITOR & ADDRESS

WEBER, STEVEN

16 SWAN LANE,
LEVITTOWN, NY 11756-

JUDGMENT RENDERED & DOCKETED AT THE SECOND DISTRICT COURT OF SUFFOLK COUNTY,
IN THE STATE OF NEW YORK, ON 01-11-2011 AT 15:25 FOR THE AMOUNT STATED BELOW

DAMAGES \$ 1542.30
COSTS \$ 108.00
JUDGMENT TOTAL \$ 1650.30

S. P. Campo

CLERK OF THE DISTRICT COURT

CERTIFICATE OF DISPOSITION

I, THE UNDERSIGNED CLERK OF THE SECOND DISTRICT COURT OF SUFFOLK COUNTY, HELD AT LINDENHURST,
IN THE STATE OF NEW YORK, DO HEREBY CERTIFY THAT THE ABOVE IS A CORRECT TRANSCRIPT OF THE
JUDGMENT. I FURTHER CERTIFY THAT ABOVE JUDGMENT HAS BEEN VACATED
AS DETAILED IN THE REMARKS COLUMN ABOVE. IN TESTIMONY WHEREOF, I HAVE HEREUNTO
SET MY NAME AND AFFIXED MY OFFICIAL SEAL ON THIS DATE: 04-20-2011

S
SUSAN M. GENOVA

CLERK OF THE DISTRICT COURT

CERTIFICATE MUST BE SIGNED WITH AN ORIGINAL SIGNATURE AND AFFIXED WITH THE COURT SEAL
*****DO NOT MAKE ANY CHANGES TO THIS DOCUMENT*****

INDEX # BASC 10 0000485

The People of the State of New York

TO THE SHERIFF OF THE COUNTY OF SUFFOLK, GREETINGS:

WHEREAS, Judgment was rendered on the 11th day of January, 2011 in an action in a District Court in said County, before 2nd District Court Judge between WEBER, STEVEN, 16 SWAN LANE, LEVITTOWN, NY 11756 Plaintiff and ASHLEY FURNITURE HOMESTORE, 1821 RTE 110, E FARMINGDALE, NY 11735 Defendant in favor of the said plaintiff against the said Defendant for the sum of \$1,650.30 as appears to us by the certified transcript of such Judgment filed and docketed in the office of the Clerk of the County of Suffolk on the 28th day of January, 2011 and the sum of \$1,650.30 with interest from 01/11/2011 is now actually due thereon.

Pursuant to subdivision (l) of NYS CPLR §5205, two thousand five hundred dollars of an account containing direct deposit or electronic payments reasonably identifiable as statutorily exempt payments, as defined in paragraph two of subdivision (l) of NYS CPLR§ 5205, is exempt from execution and that the garnishee cannot levy upon or restrain two thousand five hundred dollars in such an account.

Pursuant to subdivision (i) of NYS CPLR§5222, an execution shall not apply to an amount equal to or less than ninety percent of the greater of two hundred forty times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or two hundred forty times the state minimum hourly wage prescribed in section six hundred fifty-two of the labor law as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents.

NOW THEREFORE WE COMMAND YOU that you satisfy the said Judgment out of the real or personal property and debts due him/her/it of the said Judgment debtor, who is not deceased, within our County; belonging to such Judgment debtor on the day when the said transcript was filed and docketed in your County, or at any time thereafter, in whose hands so ever the same may be, and return this execution within sixty days after its receipt by you to the Clerk of the County of Suffolk.

WITNESS, Hon. Robert W. Doyle, Justice, at the Court House at Riverhead, in said County, the 18th day of February, 2011.

Prospective Sheriff's fees are included in costs

Judith A. Pascale

Clerk

1 64561/92Mce

Suffolk County Court

WEBER, STEVEN,
against

ASHLEY FURNITURE HOMESTORE

EXECUTION AGAINST THE PROPERTY ON
JUSTICE'S JUDGMENT

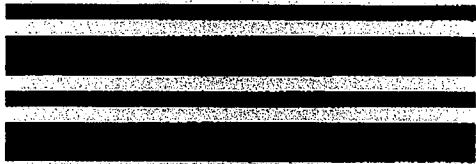
Sheriff of the County of Suffolk, levy and collect \$1,650.30 with interest from the 11th day of January, 2011 besides your fees and \$5.00 paid for this execution.

Judith A. Pascale
Clerk

Received _____

_____ Sheriff

Filed _____



SUFFOLK COUNTY CLERK
RECORDS OFFICE
RECORDING PAGE

Type of Instrument: TRANSCRIPT OF JUDGMENT FILING	Filed:	01/28/2011
Number of Pages: 0	At:	09:23:58 AM
Receipt Number : 11-0010069	Seq Num:	96

EXAMINED AND CHARGED AS FOLLOWS

Judgement Fee: \$10.00

Received the Following Fees For Above Instrument

Exempt	NO	
Fees Paid		\$10.00

THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

JUDITH A. PASCALE
County Clerk, Suffolk County

SECOND DISTRICT COURT SMALL CLAIMS JUDGMENT

BASC 10-0000485()

10
Fall
10/10

WEBER, STEVEN

VS

ASHLEY FURNITURE HOMESTORE,

JUDGMENT AWARDED:

AFTER A DEFAULT AT ARBITRATION

AMOUNT AWARDED.....	\$ 1444.69	
INTEREST FROM .04-12-2010..	\$ 97.61	
ATTORNEYS FEES.....	\$.00	
TOTAL DAMAGES.....	\$ 1542.30	
COSTS BY STATUTE.\$.00*	
FILING FEE.....\$	20.00	* REMARKS *
SHERIFFS FEE.....\$	67.00	PROSPECTIVE
SERVICE FEE.....\$.00	FEES
TRANS/FILING FEE.\$	16.00	INCLUDED
NOTICE OF TRIAL..\$.00	IN COSTS
EXECUTION COST. \$	5.00	
OTHER COSTS.....\$.00	*
TOTAL COSTS.....	\$ 108.00	
JUDGMENT TOTAL.....	\$ 1650.30	

NOW ON MOTION OF:ATTORNEY FOR THE PLAINTIFF/CREDITOR

PHONE #

DEFENDANT/DEBTOR & ADDRESS

ASHLEY FURNITURE HOMESTORE

1821 RTE. 110,
E. FARMINGDALE, NY 11735-

PLAINTIFF/CREDITOR & ADDRESS:

WEBER, STEVEN

16 SWAN LANE,
LEVITTOWN, NY 11756-

FILED
JUDITH A. PASCALE
CLERK OF
SUFFOLK COUNTY
DATE 1/28/2011
SEQ # 96

JUDGMENT RENDERED & DOCKETED AT THE SECOND DISTRICT COURT OF SUFFOLK COUNTY, IN THE STATE OF NEW YORK, ON 01-11-2011 AT 15:25 FOR THE AMOUNT STATED BELOW

DAMAGES \$ 1542.30
COSTS \$ 108.00
JUDGMENT TOTAL \$ 1650.30

CLERK OF THE DISTRICT COURT

Patricia Campo

TRANSCRIPT OF JUDGMENT

I, THE UNDERSIGNED CLERK OF THE SECOND DISTRICT COURT OF SUFFOLK COUNTY, HELD AT LINDENHURST, IN THE STATE OF NEW YORK, DO HEREBY CERTIFY THAT THE ABOVE IS A CORRECT TRANSCRIPT OF THE JUDGMENT DOCKETED AND NOTED ABOVE. I FURTHER CERTIFY THAT ALL DEFENDANTS, AND/OR DEBTORS, HAVE BEEN SUMMONED, PROOF OF WHICH IS FILED WITH THE ABOVE REFERENCED COURT. IN TESTIMONY WHEREOF, I HAVE HEREBY SET MY NAME AND AFFIXED MY OFFICIAL SEAL ON THIS DATE: 01-11-2011

CLERK OF THE DISTRICT COURT

Patricia Campo

**** TRANSCRIPT MUST BE SIGNED WITH AN ORIGINAL SIGNATURE AND AFFIXED WITH THE COURT SEAL TO VALIDATE THE TRANSCRIPT FOR FILING WITH COUNTY CLERK.****
*****DO NOT MAKE ANY CHANGES TO THIS DOCUMENT*****



Ashley Furniture HomeStore
 164 Glen Cove Rd. 700 Sunrise Highway
 Carle Place, NY 11514 Patchogue, NY 11772
 (516) 739-0880 (631) 714-3297
 88-12 Queens Blvd. 1821 Broad Hollow Rd.
 Elmhurst, NY 11373 Farmingdale, NY 11735
 (347) 289-9188 (631) 820-4350
 2233 Flatbush Ave.
 Brooklyn, NY 11234
 (718) 907-5266

CUSTOMER ID	SALES NO.	SALE DATE	PA
9174057770	4022420	04/12/2010	1

For customer service please call (516)941-2665
 or email us at CustomerCare@AshleyEast.com

SALE

SOLD TO:
 STEVEN WEBER
 16 SWAN LN
 c/s homestead LN
 LEVITTOWN, NY 11756
 9174057770 5164650396

DELIVER TO:
 STEVEN WEBER
 15 SWAN LN
 c/s homestead LN
 LEVITTOWN, NY 11756

SALESPERSON	DELIVERY	PAYMENT TERMS
BDR 1 - READY TO ROUTE	04/21/2010 1	CASH BEFORE DELIVERY

QTY SOLD STATUS	ITEM ID	ITEM DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	EA ZGM-PLUSH-KG	GMASTER-738015/M32AWFK PLUSH TOUCH FLEECE-KING	69.99	69.99
1 B/O	EA 0553761M	SEALY 0553761M P SE BUR ROSE CFEPT KNG MATT	770.00	770.00
2 B/O	EA 0400031B	SEALY 0400031B 08 POST COMMON TWN XL BOX	200.00	400.00
1	EA *DELIVERY	DELIVERY CHARGES	89.99	89.99

SALE REMARKS:
 15%off Mattress protector as per
 Rob BOXSPRING SIZE 9 INCH: ENDING
 LETTER: B=9" YOU'RE GONNA LOVE THIS
 PLACE!

PAYMENTS RECEIVED ON SALE:	
Cash	1,100.00
4-Visa/5-MC	344.69
TOTAL PAYMENTS:	1,444.69

I HAVE CHECKED THIS FOR ACCURACY AND VERIFIED THAT ALL THE STYLE NUMBERS AND DESCRIPTIONS ARE CORRECT.

I ACCEPT DECLINE THE WARRANTY PROTECTION PLAN.

BY SIGNING BELOW I HAVE READ, UNDERSTAND, AND AGREE TO THE TERMS & CONDITIONS STATED ON THE FRONT AND BACK.

SIGNATURE _____ DATE _____

SALE TOTAL	1,329.98
TAXABLE MISC. CHARGES	0.00
SALES TAX	114.71
NON-TAX MISC. CHARGES	0.00
GRAND TOTAL	1,444.69
PAYMENT RECEIVED	1,444.69
BALANCE DUE	0.00

SUFFOLK COUNTY DISTRICT COURT
SECOND DISTRICT COURT HELD AT BABYLON
ARBITRATION CASE REPORT

A. WEBER, STEVEN

B. INDEX #: BASC 10 0000485 ()
CALENDAR #:
PANEL #:
ARBITRATION # /

VS

ASHLEY FURNITURE HOMESTORE

C. Attorney for Plaintiff

D. Attorney for Defendant

Addresses for attorneys and all parties are listed on the attached page.

E. NATURE OF ACTION REFUND ON DEFECTIVE MERCHANDISE

F. NOTE OF ISSUE FILED 07-29-2010 G. AMOUNT DEMANDED: \$2000.00 (Costs for this action are \$20.00, additional fees will be added if a judgment and transcript are issued.)

II. To be completed by the Arbitrator and forwarded to the Arbitration Commission.

REPORT AND AWARD

The issues have come on to be heard in arbitration before:

M. J. Bial

on 09-22-2010, with the following appearances:

11/10/10

PLAINTIFF: in person ___ by attorney ___ failed to appear

DEFENDANT: ___ in person ___ by attorney failed to appear

The undersigned arbitrator does decide as follows after hearing or inquest on the facts:

Award in favor of Plaintiff against Defendant in the amount of

\$ 1,444.69⁹ together with interest from 4/12/10.

(Plus costs and disbursements above.)

___ Award in favor of Defendant against Plaintiff of no cause for action.

___ Award in favor of: Plaintiff dismissing the counterclaim/Defendant on the counterclaim in the sum of \$ _____ against Plaintiff. (Cross off one)

REMARKS:

Based upon the testimony the Defendant damaged the Plaintiff's mattress during delivery. As such a Plaintiff is entitled to a cost of the mattress.

H. Date of Report and Award 11/10/10

I. Date case assigned 11/10/10

J. Elapsed time of hearing 1/4 (Nearest Quarter Hour)

K. Copy Mailed to each attorney or pro se party ___ (as addressed on attached page)

Arbitrator

J. Bial
Arbitrator

NOV 15 2011

III. To be signed and dated by Arbitration Commissioner and forwarded to Clerk of the Court.

2011 JAN 30 AM 11:36
SUFFOLK COUNTY
DISTRICT COURT

BASC 10 0000485() 09-22-2010
WEBER, STEVEN
16 SWAN LANE
LEVITTOWN, NY 11756-

PLTF1

BASC 10 0000485() 09-22-2010
ASHLEY FURNITURE HOMESTORE
1821 RTE. 110
E. FARMINGDALE, NY 11735-

DEFT1
