FORM B10 (Official Form 10)(9/97)

UNITED STATES BANKRUPTCY COURT **NORTHERN** DISTRICT OF **ILLINOIS**

PROOF OF CLAIM

Name of Debtor
KMART CORPORATION, ET AL.

Case Number 02-B02474
Jointly Administered

NOTE: This form should not be used to make a claim for an administrative expense arising after commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 USC § 503.

FILED
RECEIVED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
MAR 28 2002
KENNETH S. GARDNER, CLERK
MAILROOM - LL

Name of Creditor (The person or entity to whom the debtor owes money or property):
New Plan Excel Realty Trust, Inc. t/a Washtenaw Fountain Plaza, Ypsilanti, MI

Name and address where notices should be sent:
c/o David L. Pollack
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street - 51st Floor
Philadelphia, PA 19103

Telephone number: 215-864-8325

☐ 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.
☐ Check box if you have never received any notices from the bankruptcy court in this case.
☐ Check box if this address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:

Check here ☐ replaces
if this claim amends a previously filed claim, dated: _____

1. Basis for Claim
☐ Goods sold
☐ Services performed
☐ Money loaned
☐ Personal injury/wrongful death
☐ Taxes
x **Other RENT DUE – SHOPPING CENTER LEASE**

☐ Retiree benefits, as defined in 11 U.S.C. § 1114(a)
☐ Wages, salaries, and compensation (fill out below)
Your SS#: _____ _____ _____
Unpaid compensation for services performed
from _____ (date) to _____ (date)

2. Date debt was incurred: VARIOUS

3. If court judgment, date obtained: N/A

4. Total Amount of Claim at Time Case Filed: **$1,485,964.70**

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.
☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.
☐ Check this box if your claim is secured by collateral (including a right of setoff).
Brief description of collateral:
☐ Real Estate ☐ Motor Vehicle
☐ Other _____

Value of Collateral: _____

Amount of arrearage and other charges at time case filed included in secured claim, if any: $ _____

6. Unsecured Priority Claim.
Check this box if you have an unsecured priority claim
Amount entitled to priority $
Specify the priority of the claim:
☐ Wages, salaries or commissions (up to $4000)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 USC § 507(a)(3).
☐ Contributions to an employee benefit plan - 11 USC § 507(a)(4).
☐ Up to $1800* of deposits toward purchase, lease or rental of property or services for personal, family or household use - 11 USC § 507(a)(6).
☐ Alimony, maintenance or support owed to a spouse, former spouse or child - 11 USC § 507(a)(7).
☐ Taxes or penalties owed to governmental units - 11 USC § 507(a)(8).
☐ Other - Specify applicable paragraph of 11 USC § 507(a)(____).
** Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

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

8. Supporting Documents: *Attach copies of supporting documents,* such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien.
DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim.

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Date 3/28/2002

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

JEFFREY MEYERS, ESQ.

Penalty for presenting fraudulent claim: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 USC §§ 152 and 3571

1284
3/28/02

PHL_A #1601256 v1

KP

Schedule "A" to Proof of Claim of
New Plan Excel Realty Trust, Inc.
(Washtenaw Fountain Plaza)

1. UNSECURED CLAIM [§502]

Rentals and other charges due up to the petition date (1/22/2002) per itemized statement attached as Exhibit A.	$ 156,160.71
Rejection damages limited as per 502(b)(6). See statement attached as Exhibit A.	$1,329,803.99
TOTAL UNSECURED CLAIM	$1,485,964.70

CLAIMANT RESERVES THE RIGHT TO AMEND THIS CLAIM.

K Mart Bankruptcy
Washtenaw Fountain Plaza
Ypsilanti, MI
Lease # 104001

Summary of Claim

Pre-Filing Arrears

R E Tax Reconciliation	07/01/98-12/31/99	$ (21,134.57)Credit
Repair HVAC	12/01/99	127.20
CAM Adjustment	07/16/99-07/17/00	7,889.46
CAM Reconciliation	08/01/00-07/31/01	52,216.80
Window Repair & Administrative Fee	09/01/00	117.02
Payment on Account	01/30/01	(12.48)Credit
County Tax Reconciliation	01/01/01-01/22/02	37,661.86
School Tax Reconciliation	07/01/01-01/22/02	53,258.55
CAM Reconciliation	08/01/01-01/22/02	26,036.87
Total		$ 156,160.71

Rejection Claim - Rent and Additional Rent 01/22/2002-06/30/2014
$ 8,865,359.95 x .15 = $ 1,329,803.99