

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

PROOF OF CLAIM
Chapter 11

In Re **Kmart Corporation, et al.**

Case Numbers **02-02462 through 02-02499**

Your claim is scheduled as follows

Name of Debtor (see attached for complete list of debtors)
KMART CORPORATION

Case Number:
02-02474

Class
NOT SCHEDULED

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.

Amount
NOT SCHEDULED

Name of Creditor (The person or other entity to whom the debtor owes money or property)

08 3433783

SAN JACINTO CHOICE GROUP LTD
6500 NORTH MAIN SUITE 210 **360 B; P.O. Box 442**
CROSBY, TX 77532

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 the address differs from the address on the envelope sent to you by the court.

If address differs from above, please complete the following:
Creditor Name: **SAN JACINTO CHOICE GROUP, LTD** Telephone # **281 328-6108**
Address: **P.O. Box 442; 6500 N. FM 2100 # 360 B**
City/St/Zip: **CROSBY, TX 77532**

10371223
This Space is for Court Use Only

Account or other number by which creditor identifies debtor
KMART STORE # 7594

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

1 Basis for Claim
 Goods sold
 Services performed
 Money loaned
 Personal injury/wrongful death
 Taxes
 Other **Real Estate Tax & Percent Rent for entire (date) 2001; Part of month**

Rethree benefits as defined in 11 USC § 1114(a)
 Wages, salaries, and compensation (fill out below)
Your SS # _____
Unpaid compensation for services performed from _____ to _____ **for store # 7594**

2. Date debt was incurred:
FROM JAN 1/2001 to DEC 31/2001 and

3. If court judgment date obtained:
from March 1/2001 to Jan 22/2002.

4. Total Amount of Claim at Time Case Filed:
\$ 77,036.78

Seventy Seven thousand thirty six dollars & 38/100.

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 _____

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 \$4,650), 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 \$ 2,100 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)()

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 acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim

This Space is for Court Use Only
RECEIVED TRUMBULL SERVICES COMPANY
APR 9 2002
4/9/02
BANKRUPTCY
2324 p.o.

Date
4/4/02

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)
Lamille H. Chehayes; Managing Partner



San Jacinto Choice Group, Ltd.

COMMERCIAL REAL ESTATE • ACQUISITION • DEVELOPMENT • MANAGEMENT • MARKETING

VIA CERTIFIED MAIL, RRR
Article #70000520002597505652

March 12, 2002

Mr. Wyndel Harvey
Burr Wolff
3355 West Alabama Suite 600
Houston, Texas 77098
Tel (713)986-5038
Fax (713)986-5001

*Supporting documents
1*

RE: 2001 Property Tax Escalations
K-Mart #7594
INC # 675-TX01-075940-LR01
5607 Uvalde Road
Houston, Texas 77049

Dear Mr. Harvey,

Enclosed please find the 2001 property taxes which totaled **\$110,360.42** for the San Jacinto Plaza Shopping Center and your pro-rata share of these costs amounted to **\$ 24,558.41** as shown below. Accordingly, enclosed you will find our invoice for this amount and copies of the 2001 property tax bills to evidence these cost.

Tenant Square Footage: 79,902 Building Square Footage: 124,704

2001 Tax	\$110,360.42
Less Base Yr. Tax (1983)	<u>(\$72,029.83)</u>
Increase over Base	\$38,330.59
Prorata Share	<u>0.6407</u>

Amount Due:

UNPAID
\$ 24,558.41

For your documentation, enclosed you will find copies of 2001 paid taxes

Please make your check payable to **San Jacinto Choice Group, LTD.** and mail to:

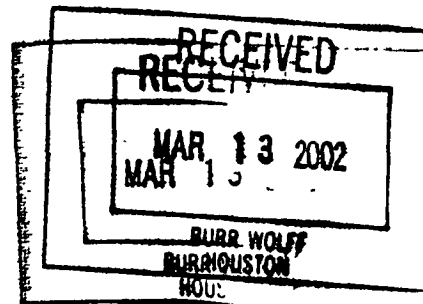
San Jacinto Choice Group, LTD.
P.O. Box 442
Crosby, Texas 77532

Please let me know if you have any questions concerning the enclosed.

Sincerely yours,

Camille H. Chehayeb
Camille H. Chehayeb, CPM

CHC/gv
encl.





Kmart Corporation
3100 West Big Beaver
Road
Troy MI 48084-3163

Kamal

March 25, 2002

San Jacinto Choice Group, Ltd.
P.O. Box 442
Crosby, TX 77532

EXHIBIT 1
Supporting documents
1.

RE: In re Kmart Corporation, et al. Case No. 02-B02474
Store # 7594

To Whom It May Concern:

Kmart Corporation, and its affiliates (collectively, the "Company") filed chapter 11 reorganization cases as debtors and debtors in possession on January 22, 2002 in the United States Bankruptcy Court for the Northern District of Illinois. As a consequence of filing these cases, federal bankruptcy law (11 U.S.C. § 362(a)) imposes an automatic stay that bars the collection or payment of any claims that arose before January 22, 2002 (commonly known as "prepetition claims"), including claims for property taxes.

This letter is to advise you that federal bankruptcy law prohibits the Company from paying any such amounts at this time. Nevertheless, as required by federal bankruptcy law, the Company will continue to satisfy its obligations under the lease between you and the Company arising from and after January 22, 2002, in accordance with 11 U.S.C. § 365(d)(3)

Enclosed are copies of materials received by Kmart relating to property taxes. We forward these materials to you so that you may evaluate protecting your own interests during the time that bankruptcy law forbids Kmart from paying these claims.

If you have any questions regarding the enclosed materials, please feel free to call Walt Cieslik, Property Tax Manager at (248) 463-1865.

William C. Saad

Assistant Controller
State and Local Tax
(248) 463-1061

SAN JACINTO CHOICE GROUP
6600 NORTH MAIN
SUITE 240
PO BOX 442
CROSSBY

TX 77532

STORE NO: 7594 CITY/STATE HOUSTON TX

LEASE YR END DATE:

FEBRUARY 28 2002


GROSS SALES: \$17,357,662.32
PERCENTAGE RENT (24110), \$58,576.62

LESS REAL ESTATE TAXES (24110), \$0.00
UNRECOVERED TAX BALANCE \$0.00
TAXES PAID \$0.00
BREAKPOINT \$0.00
EXCESS \$0.00

LESS SEWER CHARGES (65150)

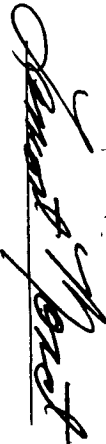
NET AMOUNT \$58,576.62
PRE-PETITION \$52,478.38
POST-PETITION \$6,098.24

← Unpaid.


Kmart Corporation
Real Estate Accounting
3100 West Big Beaver Road
Troy, MI 48064
(248) 465-1050

3/19/02

Supporting documents
2.


KMAR representative

(248) 463-1814
3/25/02

SKADDEN, ARPS, SLATE, MEAGHEE & FLOM LLP

**300 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071-3144**

(213) 687-5000

Fax: (213) 687-5600

<http://www.skadden.com>

DIRECT DIAL
(213) 687-5631
EMAIL ADDRESS
VDURRER@SKADDEN.COM

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PARIS
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TOKYO

3/25/02

March 21, 2002

**SAN JACINTO CHOICE GROUP LTD
6500 NORTH MAIN, SUITE 240
PO BOX 442
CROSBY, TX 77532**

RE: Kmart Corporation, et al., Case No. 02-B02474

Dear Sir or Madam:

Kmart Corporation and its affiliates (collectively, the "Company") filed chapter 11 reorganization cases as debtors and debtors in possession on January 22, 2002 in the United States Bankruptcy Court for the Northern District of Illinois. As a consequence of filing these cases, federal bankruptcy law (11 U.S.C. § 362(a)) imposes an automatic stay that bars the collection or payment of any claims that arose before January 22, 2002 (commonly known as "prepetition claims"), including claims for property taxes.

This letter is to advise you that federal bankruptcy law prohibits the Company from paying prepetition claims at this time. We are sending this letter so that you may evaluate how best to protect your interests during the time that bankruptcy law forbids Kmart from paying these claims. Nevertheless, as required by federal bankruptcy law, the Company will continue to satisfy its obligations under the lease between you and the Company arising from and after January 22, 2002, in accordance with 11 U.S.C. § 365(d)(3).

If you have any questions regarding the above, please feel free to call.

Very truly yours,



Van C. Durrer, II



San Jacinto Choice Group, Ltd.

COMMERCIAL REAL ESTATE • ACQUISITION • DEVELOPMENT • MANAGEMENT • MARKETING
4/5/2002

VIA CERTIFIED MAIL — RRR
Article No: 7000 0520 0025 9750 5713

Kmart Corporation, et al.
c/o Trumbull Services, LLC
Claims Agent
P.O.Box 426
Windsor, CT 06095
(860) 876- 2705

RE: Proof of Claim ; Chapter-11; Case No: 02-02474; Kmart Corporation et al; United States Bankruptcy Court ; Northern District of Illinois, Eastern Division. Chief Judge Susan Pierson Sonderby.

Dear Claims Agent,

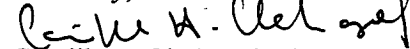
We are herewith submitting to you the enclosed Claim Form in the amount of \$ 77,036.78 seventy seven thousand thirty six Dollars and seventy eight cents. This claim is due to the following reasons:

Kmart Corporation "Tenant" leases store No: 7594 at 5607 Uvalde Rd.; Houston, Texas 77049 from San Jacinto Choice Group, Ltd. "Landlord". Kmart owes the landlord for the following two (2) Pre-petition items:

- 1) Prorata share of its 2001 Property Taxes in the amount of Twenty Four Thousand Five Hundred Fifty Eight Dollars and Forty One Cents (**\$ 24,558.41**) covering the period from January 1,2001 to December 31, 2001(see enclosed supporting documents 1).
- 2) Additional rent in the form of Percent Rent in the amount of Fifty Two Thousand Four Hundred Seventy Eight Dollars and Thirty Eight Cents (**\$ 52,478.38**) for the pre- petition period starting March 1,2001 till January 22, 2002 , the petition date. (see enclosed supporting documents 2)

Please advise when this claim will be paid. Thank you for your efforts.

Sincerely,


Camille H. Chehayeb, CPM
Managing Partner
enc

file: Kmartclaimform

2324
4/9/02
PO