FORM B10 (Official Form 10) (4/98) USBC Illinois Northern (4/1/98)

FILE ORIGINAL FOR CHAPTERS 7 and 11, IN DUPLICATE FOR CHAPTER 13, FOR DATE-STAMPED COPY, SEE #9 BELOW

United States Bankruptcy Court
Northern District of Illinois, Eastern **Division**

☐ CH 7 ☐ CH 13 ☒ CH 11
PLEASE CHECK CHAPTER

Name of Debtor	Case Number
K-Mart Corporation	02 B 02474

PROOF OF CLAIM

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

File Claim Form With
United States Bankruptcy Court
P O Box A3613
Chicago, Illinois 60690-3612

Name of Creditor (The person or other entity to whom the debtor owes money or property) Brenda D. Houston and Joseph Houston, Jr.

☐ 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 and Address Where Notices Should be Sent
c/o John E. Kardos, Attorney
126 S. Milledge Avenue, Suite B
Athens, GA 30605

☒ 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

Telephone No
(706) 353-1200

Creditor # __

THIS SPACE IS FOR
COURT USE ONLY

Account or other number by which creditor identifies debtor

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

1. BASIS FOR CLAIM

☐ Goods sold
☐ Money loaned
☐ Taxes
☐ Retiree benefits as defined in 11 U S C § 1114 (a)
☐ Services performed
☒ Personal injury/wrongful death
☐ Other
☐ Wages, salaries, and compensation (Fill out below)
Your social security number
Unpaid compensation for services performed
from ___ ___ ___ to
(date) (date)

2 DATE DEBT WAS INCURRED: Injury - 4/10/2000

3. IF COURT JUDGMENT, DATE OBTAINED

4 Total Amount of Claim at Time Case Filed: $75,000.00
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 above, 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 $4,300), *earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier 11 U S C § 507(a)(3)
☐ Contributions to an employee benefit plan 11 U S C § 507(a)(4)
☐ Up to $1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use 11 U S C § 507(a)(6)
☐ Alimony, maintenance, or support owed to a spouse, former spouse or child -11 U S C § 507(a)(7)
☐ Taxes or penalties owed to governmental units11 U S C § 507(a)(8
☐ Other--Specify applicable paragraph of 11 U S C § 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 ANY ATTACHMENT MUST BE 8-1/2" BY 11"

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

THIS SPACE IS FOR COURT USE ONLY

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
APR 8 2002
KENNETH S. GARDNER
MAILROOM = MM

CL 5290 4-8-02

Date 4/5/02

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) JOHN E. KARDOS, ATTORNEY FOR CREDITOR

Penalty for presenting fraudulent claim Fine of up to $500,000 or imprisonment for up to 5 years, or both 18 U S C §§ 152 and3571

JOHN E. KARDOS, P.C.
ATTORNEY AT LAW
HODGSON HOUSE
126 S. MILLEDGE AVENUE, SUITE B
ATHENS, GEORGIA 30605
TELEPHONE (706) 353-1200
FACSIMILE (706) 354-4585

July 19, 2000

K-Mart Corporation
2656 Atlanta Highway
Athens, GA 30606

Ladies and Gentlemen:

I represent Brenda Houston, who was seriously injured as an invitee in your store at 2656 Atlanta Highway in Athens, Georgia on April 10, 2000. Ms. Houston was in the store on that date and was in the process of purchasing a computer desk. While she was waiting for a salesperson to help her get the desk, she sat down in a chair which was part of a display of dining room furniture on your sales floor. The chair was a wooden windsor chair that went with a farmhouse-style table and was part of a five-piece dining set. The box for the table indicates that these items were made in Malaysia for K-Mart Corporation. The windsor chair collapsed immediately upon Ms. Houston's placing her weight on it and was obviously a defective product.

Ms. Houston was helped from the floor by Sandra Moyers, the store manager, and she subsequently went to St. Mary's Hospital Emergency Room the next day because of continuing pain. She has since then begun treatment with Dr. Manuel Alexander, an orthopedic surgeon in Commerce, Georgia, and she is going to Dr. Alexander on a regular basis for physical therapy. An MRI has disclosed that she has a serious injury to the discs in her lower back.

This letter is to place you on notice of Ms. Houston's claim against your company for personal injury and to give you ten (10) days from the date of this letter to get back with me to discuss how we will proceed with this claim. If I've not heard from you

within that period of time, we will, without further notice, commence such action as is necessary to protect Ms. Houston's interests with regard to this claim. I look forward to hearing from you.

Sincerely,

John E. Kardos

JEK:gbc

cc: Brenda Houston