FORM B10 (Official Form 10) 4008186

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

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

Case Number:
02-02474

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):

MORROW, VIRGIL
C/O MONTGOMERY, BARRY & BOVEE 11 2970776
RICHARD J BARRY
316 11TH STREET
SOUTHWEST PLAZA
SPENCER, IA 51301

☐ 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
Address
City/St/Zip.
Telephone. #

Account or other number by which creditor identifies debtor.

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

Your claim is scheduled as follows.

Class
UNSECURED NON PRIORITY

Amount
CONTINGENT, DISPUTED, UNLIQUIDATED

10100019

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1. Basis for Claim
☐ Goods sold
☐ Services performed
☐ Money loaned
☒ Personal injury/wrongful death
☐ Taxes
☐ Other

☐ 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: September 6, 1999

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: $ 125,000.00
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, 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 U S C § 507(a)(3)
☐ Contributions to an employee benefit plan – 11 U S C §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 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 units - 11 U S C § 507(a)(8)
☐ Other – Specify applicable paragraph of 11 U S C § 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 19 2002
BANKRUPTCY

Date: 4-9-02

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)
Virgil J. Morrow - Virgil J. Morrow

4/19/02
3352 CK.

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 and 3571

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR CLAY COUNTY

VIRGIL MORROW,	:	LACV_____
Plaintiff,	:	
vs.	:	**PETITION AT LAW - JURY DEMANDED**
KMART CORPORATION,	:	
Defendant.	:	

Plaintiff states:

1. The incident that is the subject matter of this action occurred at the Kmart store in Spencer, Iowa on September 6, 1999.

2. At said time and place Plaintiff was a business invitee on the Defendant's premises.

3. At said time and place Plaintiff fell when he tripped over a cart which was partially obscured by the customer service counter at the Spencer, Iowa Kmart store. As a result of this incident the Plaintiff substantial serious personal injuries.

4. The Defendant knew or in the exercise of reasonable care should have known that the placement of the cart in a location where it was partially obstructed by the customer service counter created a condition on the Kmart premises that involved an unreasonable risk of injury to a person in the Plaintiff's position.

5. The Defendant knew or in the exercise of reasonable care should have known that Plaintiff would not readily observe the partially obstructed cart or would not realize that the partially obstructed cart created an unreasonable risk of injury.

6. The Defendant was negligent in failing to maintain the premises and in failing to warn Plaintiff.

7. The negligence of Defendant was a proximate cause of Plaintiff's damage.

8. As a result of Defendant's negligence Plaintiff has sustained a severe and permanent personal injury for which he seeks fair, just and adequate compensation.

9. Plaintiff certifies to the Court that the amount in controversy is in excess of $10,000.00.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount that will fairly, justly, and adequately compensate his for all injuries sustained as a result of the negligence of Defendant, plus interest as provided by law and the costs of this action.

JURY DEMAND

COMES NOW Plaintiff and demands trial by jury of the foregoing cause of action.

MONTGOMERY, BARRY & BOVEE

By _____
Michael R. Bovee 000000536

By Richard J Barry
Richard J. Barry 000000258
316 11th Street SW Plaza
P.O. Box 500
Spencer, Iowa 51301
Phone: 712-262-1150
Fax: 712-262-5590

ATTORNEYS FOR PLAINTIFF

LAW OFFICES
MONTGOMERY, BARRY & BOVEE
316 ELEVENTH STREET SW PLAZA
P.O. BOX 500
SPENCER, IOWA 51301-0500

DICK H. MONTGOMERY
RICHARD J. BARRY
MICHAEL R. BOVEE

E.I.# 42-0642218

TELEPHONE (712) 262-1150
FAX (712) 262-5590

April 15, 2002

Kmart Corporation, et al.
c/o Trumbull Services, LLC
P.O. Box 426
Windsor, CT 06095

Re: **Virgil Morrow v. Kmart Corporation**

Greetings:

Enclosed is a Proof of Claim to be filed on behalf of Virgil Morrow. We are enclosing an extra copy to be filed-stamped and returned to us in the envelope provided.

Thanks for your attention to this matter.

Yours very truly,

Rick Barry

Richard J. Barry

prv
Enc.