

Fill in this information to identify the case:

Debtor 1 KIKO USA, Inc.

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: District of Delaware

Case number 18-10069

RECEIVED  
MAR 01 2018  
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## Official Form 410

### Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached 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. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

#### Part 1: Identify the Claim

1. Who is the current creditor?	<u>Plaza Internacional Puerto Rico LLC</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor <u>The Mall of San Juan</u>	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?  <u>The Taubman Company c/o Andrew S. Conway</u> Name <u>200 East Long Lake Road, Suite 300</u> Number Street <u>Bloomfield Hills MI 48304</u> City State ZIP Code Contact phone <u>248-258-7427</u> Contact email <u>aconway@taubman.com</u>	Where should payments to the creditor be sent? (if different)  Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____
	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 190,753.94. Does this amount include interest or other charges?  
☒ No  
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
Lease

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.  
**Nature of property:**  
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
☐ Fixed  
☐ Variable

10. Is this claim based on a lease? ☐ No  
☒ Yes. Amount necessary to cure any default as of the date of the petition. \$ 4,898.06

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ \_\_\_\_\_

☐ Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 02/28/2018  
MM / DD / YYYY



Signature

Print the name of the person who is completing and signing this claim:

Name Andrew S. Conway  
First name Middle name Last name

Title Vice President, Senior Counsel

Company The Taubman Company  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 200 East Long Lake Road, Suite 300  
Number Street  
Bloomfield Hills MI 48304  
City State ZIP Code

Contact phone 248-258-7427 Email aconway@taubman.com

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re:	)	
	)	Chapter 11
KIKO USA, Inc.,	)	
	)	Case No. 18-10069-MFW
Debtor.	)	
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**PROOF OF UNSECURED CLAIM OF  
PLAZA INTERNACIONAL PUERTO RICO LLC  
("The Mall of San Juan/Kiko Milano, Store #142")**

1. This proof of claim is made for Plaza Internacional Puerto Rico LLC, a Puerto Rico limited liability company ("Claimant"), 200 East Long Lake Road, Bloomfield Hills, Michigan 48304, is signed by Andrew S. Conway, who is the attorney for the Claimant and is duly authorized to make this claim.

2. The debtor were, at the time of filing of the petition initiating this case, and still is indebted or liable to the Claimant in the sum of **\$190,753.94**. (See Exhibit A attached hereto.)

3. The basis of liability for this debt is the debtors' failure to pay and perform its obligations under the Lease Agreement prior to January 11, 2018, the date on which the debtor filed their petition under Chapter 11 of the Bankruptcy Code, and the debtor's rejection of the Lease effective January 27, 2018.

4. The writing on which this claim is founded (the Lease Agreement) is in the possession of the debtor. (A copy of the Lease Agreement is available upon request.)

5. No judgment has been rendered on this claim.

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

7. This claim is not subject to any setoff or counterclaim.

8. No security interest is held for this claim.
9. This claim is a general unsecured claim.
10. The Claimant reserves the right to amend this claim.

Total Amount Claimed: **\$190,753.94**

Claimant: Plaza Internacional Puerto Rico LLC  
("The Mall of San Juan /Kiko Milano, Store #142")

Dated: February 28, 2018

Andrew S. Conway  
Attorneys for Claimant

By: 

\_\_\_\_\_  
Andrew S. Conway  
200 East Long Lake Road, Suite 300  
Bloomfield Hills, Michigan 48304  
(248) 258-7427

Penalty for Presenting Fraudulent Claim. Fine of not more than \$5000 or imprisonment for not more than 5 years or both. Title 18, U.S.C. §152.

**EXHIBIT A TO  
PROOF OF UNSECURED CLAIM OF  
PLAZA INTERNACIONAL PUERTO RICO LLC  
("The Mall of San Juan/Kiko Milano, Store #142")**

**I. General Information**

Date of Lease: 04/17/15  
Lease Commencement Date: 10/01/15  
Expiration Date of Lease: 01/31/25  
Chapter 11 Petition Filed: 1/11/18  
Lease Rejection Date: 01/27/18

**II. Liability in the amount of \$4,898.06 arising from debtors' failure to perform their obligations under the Lease Agreement prior to January 11, 2018:**

**See attached Exhibit A-1**

**III. Liability arising from debtors' rejection of the Lease on February 9, 2018 (limited to the rent reserved in the Lease for one year of the remaining term), pursuant to 11 U.S.C. §502(b)(6)(A), consisting of:**

Gross rent:	\$8,600.00 X 12 mos. =	\$103,200.00
RNA – Rent Adjustment	\$258.00 X 12 mos. =	\$3096.00
Common area maintenance:	\$3,454.35 X 12 mos. =	\$41,452.20
Insurance:	\$311.75 X 12 mos. =	\$3,741.00
Real estate taxes and assessment:	\$880.48 X 12 mos. =	\$10,565.76
Promo dues:	\$173.64 X 12 mos. =	\$2,083.68
Electric (AMR)	\$602.28 X 12 mos. =	\$7,227.36
VAC:	\$1,122.00 X 12 mos. =	\$13,464.00
Other (Water)	\$85.49 X 12 mos. =	\$1,025.88

**Total Rejection Claim: \$185,855.88**

**IV. Total Claim (II and III, above): \$190,753.94**

ACCOUNT STATUS REPORT  
PRE - PETITION CHARGES

DATE PREPARED: 2/21/18  
PREPARED BY: J. Tressel

TOTAL:	\$	4,898.06
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re:

KIKO USA, Inc.,

Debtor.

Chapter 11

Case No. 18-10069-MFW

CERTIFICATE OF SERVICE

Mindy M. Rumpl, being first duly sworn, deposes and says that she is an employee of The Taubman Company, and that on February 28, 2018, she served a copy of **Proof of Unsecured Claim Form and Proof of Unsecured Claim, Proof of Administrative Claim and this Certificate of Service**, via Notice of Electronic Filing and/or by enclosing the papers in sealed envelopes with first-class postage fully prepaid and depositing the envelopes and their contents in the United States mail, addressed as follows:

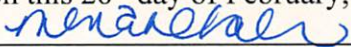
Saul Ewing Arnstein & Lehr  
Mark Minuti  
Monique Bair DiSabatino  
1201 North Market Street  
Suite 2300  
Wilmington, DE 19801

United States Trustee Delaware  
844 King Street, Suite 2207  
Lockbox 35  
Wilmington, DE 19801



Mindy M. Rumpl

Subscribed and sworn to before me,  
on this 28<sup>th</sup> day of February, 2018

  
Mona K. Jabr, Notary Public  
Oakland County, Michigan  
My commission expires: 05/04/23  
Acting in Oakland County, MI





Andrew S. Conway  
Direct dial: (248) 258-7427  
Email: [Aconway@taubman.com](mailto:Aconway@taubman.com)



February 28, 2018

**By UPS**

BMC Group  
Attention: Kiko USA Claims Processing  
3732 W. 120th St.  
Hawthorne, CA 90250

**Re: KIKO USA, Inc.**  
**Chapter 11 Case No. 18-10069-MFW**

Dear Clerk:

Please find enclosed an original and one (1) copy of the following:

1. **Proof of Claim Form and Proof of Unsecured Claim of Plaza Internacional Puerto Rico LLC ("The Mall of San Juan/Kiko Milano, Store #142");**
2. **Proof of Administrative Claim of Plaza Internacional Puerto Rico LLC ("The Mall of San Juan/Kiko Milano, Store #142"); and**
3. **Certificate of Service.**

Please file the enclosed and a return time-stamped copy in the self-addressed, stamped envelope provided. Thank you for your assistance in this regard.

Very truly yours,

Andrew S. Conway

ASC/mlr  
Enclosures  
cc: Mark Minuti, Esq.  
Office of US Trustee  
Susan Kaufman

200 East Long Lake Road  
Suite 300  
Bloomfield Hills, Michigan  
48304-2324

T 248.258.6800  
[www.taubman.com](http://www.taubman.com)