

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

**PROOF OF INTEREST**

Name of Debtor:  
**Touch America Holdings, Inc.**

Case Number:  
**03-11915 (KJC)**



**YOUR INTEREST IS RECORDED AS:**

1. Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"):

16938530009255

**MARK M BUDAK, Estate of**  
**3437 WAVE DR**  
**HELENA, MT 59602-8551**  
**59604-4388**

Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars.

Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.

Check box if this address differs from the address on the envelope sent to you by the court.

Internal ID: s12100  
Account ID: BUDAK MARM101  
Member Interest: 6.458

The amounts reflected above constitute your interest per the Debtor. If you agree with the number of shares set forth herein you do not need to file this proof of interest.

Telephone Number (**406 431-0801**)

**NOTE: This form SHOULD NOT be used to make a claim against the Debtor for money owed. A separate Proof of Claim form should be used for that purpose. This form should only be used to assert an Equity Interest in the Debtor. An Equity Interest is any right arising from any capital stock and any equity security in any of the Debtor. An equity security is defined in the Bankruptcy Code as (a) a share in a corporation whether or not transferable or denominated stock or similar security, (b) interest of a limited partner in a limited partnership, or (c) warrant or right other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.**

If you have already filed a proof of interest with BMC for common stock equity, you do not need to file again.

**THIS SPACE IS FOR COURT USE ONLY**

Account or other number by which Interestholder identifies Debtor:

Check here if this claim:

replaces a previously filed Proof of Interest dated: \_\_\_\_\_

amends a previously filed Proof of Interest dated: \_\_\_\_\_

2. Name and Address of any person or entity that is the record holder for the Equity Interest asserted in this Proof of Interest:

3. Date Equity Interest was acquired:

**RECEIVED**  
**JUN 21 2010**  
**BMC GROUP**

Telephone Number ( )

4. Total amount of member interest:

5. Certificate number(s):

6. Type of Equity Interest:

Please indicate the type of Equity Interest you hold:

Check this box if your Equity Interest is based on common shares held in the Debtor.

Check this box if your Equity Interest is based on anything else and describe that interest:

7. SUPPORTING DOCUMENTS: *Attach copies of supporting documents*, such as stock, certificates, brokerage statements, option agreements, warrants, etc. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

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

The original of this completed proof of interest form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is **actually received on or before 4:00 PM, prevailing Eastern time, on June 28, 2010** for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).

**BY MAIL TO:**  
BMC Group, Inc.  
Attn: Touch America Holdings Claims Processing  
PO Box 3020  
Chanhassen, MN 55317-3020

**BY HAND OR OVERNIGHT DELIVERY TO:**  
BMC Group, Inc.  
Attn: Touch America Holdings Claims Processing  
18750 Lake Drive East  
Chanhassen, MN 55317

**THIS SPACE FOR COURT USE ONLY**

Touch America POI  
  
01435

DATE: **6/19/10** SIGN and print the name and title, if any, of the Interestholder or other person authorized to file this proof of interest (attach copy of power of attorney, if any):  
**Rhonda Sommar PR Estate of**

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Honorable Dorothy McCarter  
Lewis and Clark County District Court  
228 Broadway  
Helena, MT 59601  
(406) 447-8205

2008 DEC -2 P 2:42  
C. Polunak  
DEPUTY

MONTANA FIRST JUDICIAL DISTRICT COURT,  
COUNTY

IN RE THE ESTATE OF  
MARK BUDAK,  
Deceased.

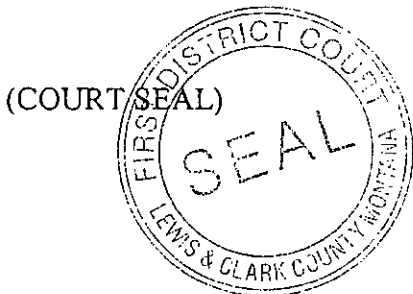
Probate No. DP-08-157

LETTERS

Application by Rhonda Simmons for appointment as Personal Representative in intestacy of the estate of the above-named decedent, having been made and granted by Order in the above proceeding dated the 2nd of December, 2008.

Letters of appointment as such Personal Representative are hereby issued as provided by law.

WITNESS the Clerk of Court and the seal of the Court affixed this 2<sup>nd</sup> day of  
December, 2008.



Clerk of Court

By: C. Polunak  
Deputy Clerk

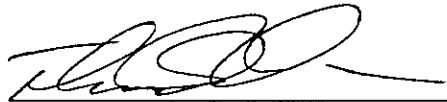
The State of Montana )  
 :SS  
County of Lewis and Clark )

I, Rhonda Simmons, hereby accept the duties of Personal Representative of the intestate estate of Mark Budak, deceased, and do solemnly swear that I will perform, according to law, the duties of Personal Representative of the intestate estate of Mark Budak, deceased.

Rhonda Simmons  
Rhonda Simmons

The State of Montana )  
 :SS  
County of Lewis and Clark )

Signed and sworn to (or affirmed) before me on 2<sup>nd</sup> day of December, 2008 by Rhonda Simmons.

  
Print Name: THOMAS R. JOHNSON  
Notary Public of the State of Montana  
Residing at: HELLENA  
My Commission Expires: November 7, 2011

(Notarial Seal)

STATE OF MONTANA  
County of Lewis and Clark  
I hereby certify that the letters to which this certificate is affixed is a true, correct and complete copy of the original on file in the office of the Clerk of the District Court and the date of appointment was December 2, 2008 and that the same are in full force and effect  
Witness my hand and the seal of the District Court of Lewis and Clark County this 2nd day of December 2008  
NANCY SWEENEY, Clerk of the District Court  
Lewis and Clark County, Montana  
By [Signature] Deputy Clerk  
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