UNITED STATES BANKRUPTCY COURT Northern District of Illinois	PROOF OF CLAIM
In re WICKES INC	Case Number 04-02221

YOUR CLAIM IS SCHEDULED AS

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

☐ 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 this address differs from the address on the envelope sent to you by the court

Name of Creditor and Address

05708375030976
AARON NEWCOMB
NEWCOMB CONSTRUCTION
46 VICTORIAS WAY
HOLDEN, ME 04429-7275

Creditor Telephone Number ( )

If you have already filed a proof of claim with the Bankruptcy Court or BMC you do not need to file again

CREDITOR TAX I D # 01-0523393

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

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

1 BASIS FOR CLAIM

☒ Goods sold
☐ Services performed
☐ Money loaned
☐ Personal injury/wrongful death
☐ Taxes
☐ Other (describe briefly)
☐ Retiree benefits as defined in 11 U S C § 1114(a)
☐ Wages, salaries and compensation (Fill out below)

Your social security number _____

Unpaid compensation for services performed from _____ (date) to _____ (date)

2 DATE DEBT WAS INCURRED July 2002

3 IF COURT JUDGMENT, DATE OBTAINED

4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE $ $1,300 95 (unsecured) $ _____ (secured) $ _____ (unsecured priority)

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

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) _____

Amounts are subject to adjustment on 4/1/01 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

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

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before the Deadline to File a Proof of Claim as set forth in the "NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 11 OF THE BANKRUPTCY CODE MEETING OF CREDITORS, FIXING OF CERTAIN DATES AND SETTING OF CERTAIN CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES '

BY MAIL TO
Wickes Inc c/o Bankruptcy Management Corporation
P O BOX 1016
El Segundo CA 90245-1016

BY HAND OR OVERNIGHT DELIVERY TO
Wickes Inc c/o Bankruptcy Management Corporation
1330 East Franklin Avenue
El Segundo CA 90245

THIS SPACE FOR COURT USE ONLY

FILED
MAY 2 6 2004
BMC
Wickes Inc
04196

DATE SIGNED 5/25/04

SIG ... the name and title if ar ... of power
Jeffrey C Newcomb, Vice President

Penalty for presenting fraudulent clai ... is a fine of up to $500 000 or im ... 152 AND 3571

Aaron Newcomb Building Construction, Inc.

Invoice

DATE	INVOICE #
12/26/2002	292

46 Victoria Way
Holden, ME 04429
Phone # 207 843 4332
Fax # 207 843 4332

BILL TO
Wickes

TERMS	DUE DATE
	12/26/2002

DESCRIPTION	AMOUNT
cyr soffit	1,300 95

All Bills are due upon reciept A Service Charge of 1 5% per month will be added to overdue accounts Any legal fees mav also be added to bill

Total $1,300 95

FIVE STAR
SIDING AND ROOFING
884-8606 296-2002

To Aaron Newcomb *Job.* Sears *Date* 9/28/2002

	Quantity	*Description.*	*Unit Price*	*Total*
1	262'	strip and replace soffit	2 00	524.00
2	263'	strip and replace facia	2 00	526 00

Aaron Newcomb Bldg Const, Inc PHONE NO 207 843 0682 Mar 13 2003 10 18AM P3

es Lumber
aterials for Contractors

SALES TICKET
DELIVERY TRANS: 256912103
JURISDICTION: 0018 DEL DATE:
EXEMPT NO:
ORDER NO: PAGE 1
WITCHES PO#:
CUSTOMER PO#: LANE
SALESPERSON NO 10-30-02 13:
024-024 401
ACCOUNT NO. 1205095-1205095

SKU OR GEN LED	QTY ORDERED	DESCRIPTION	QTY SHIP	UNIT RETAIL	EXTEND RETAIL
[illegible]	[illegible]	[illegible] LOAD	20 PC	6.95	[illegible]
[illegible]	[illegible]	[illegible] LOAD	2 POL	50.00	[illegible]

250 95

SUB TOTAL	[illegible]
SALES TAX	[illegible]
TOTAL	[illegible]
CONTRACTOR CHARGE	[illegible]
CHARGE	[illegible]

RECEIVED

CUSTOMER SIGNATURE

LOADED BY

CHECKED BY

250 95

11/1/02 Fire Star Roofing · Siding 1050 W

Ck. 1062.

November 30, 2003

Dear Mr Ed Krska,

I am sending this letter and related bills as per our conversation on November 3, 2003 We are submitting a bill to Wickes Lumber to be compensated for work we had to complete at a home we built in Hermon, Maine Within a few months of our customer living in this home they brought to our attention a moisture problem in their attic We spent much time trying to determine the cause of this problem and finally discovered that the center vent soffit that was sold to us at your store in Bangor, Maine was not sufficient to vent this attic After calculations were run by Bryon Dill, our sales representative, he found out that this product was not what should have been used for soffit vent This was the only soffit vent product that your store was carrying (Bryon Dill has since informed us that once this problem we realized the center vent soffit was removed from stock and replaced with full vent soffit)

We were not specifically looking to purchase center vent soffit, we were simply looking to purchase soffit and the staff at the Bangor Wickes store believed this was a product able to complete this task and sold it to us

Once this problem was discovered Byron Dill brought this issue to the store manager's, Rich Dodges attention He was working with us to help get this situation resolved and presented to us that we did not have to worry about it and to go ahead and complete the repairs and submit the bills

We did bill in late December of 2002 and have not been compensated Material charges total $250 95 and we were billed $1050 00 from our subcontractor, Five Star Roofing and Siding to replace the soffit vent Both of these bills we have paid

Based on our conversation on November 3rd I believe you understand the position we are in and understand that your store was supplying and selling an inferior

product under the pretense that it would do what we needed it to do, which of course it didn't

Please contact me for any further information Thank you

Sincerely,

Jennifer C Newcomb
Aaron Newcomb Building Construction, Inc
46 Victorias Way
Holden ME 04429
207 843-4332
207 843-0882 fax

November 12, 2003

Dear Ed Krska,

I am sending this letter in conjunction with information Aaron Newcomb Building Construction, Inc is forwarding to help you by establishing what I remember regarding the problem with Owens Corning soffit

This is the time line as I recall

Ashland Davis siding program including center vent soffit was discontinued and Owens Corning came to a meeting presenting their product Wickes decided to use Owens Corning product including their center vent soffit

In July 2002 Aaron Newcomb informed me of a moisture problem in the attic of a home he constructed in Hermon for Nicole and Darrell Cyr

In late July or early August Aaron asked Larry Cogswell for spec sheets on vinyl center vent soffit Larry received aluminum information from Wickes home office We didn't realize it wasn't the specs for vinyl soffit, ran the calculations and everything seemed fine

Aaron brought to my attention that the specs were for aluminum soffit, not vinyl so I called Wickes home office to send a copy of the specs and again was sent specs for aluminum I called Wickes home office again and asked for the vinyl specs and did receive them At this point Aaron and I sat down to run the calculations which showed the Owens Corning center vent soffit to be inadequate for a normal 12" overhang soffit

I next called Jim Ousten at Owens Corning to report the findings He told me to file a warranty claim I explained to him that this was not a warranty issue but rather a product that would not work in this application which a 12" soffit is a normal soffit application in this area

After the conservation with Jim, Rich Dodge called Ed Krska Ed told Rich that he would get in touch with his contact at Owens Corning Then Ed contacted Rich and told him that we would have a conference call, which we did Rich Dodge, myself, Ed Krska, and the Owens Corning rep during the conversation I explained the calculations to Ed and the O C rep When we finalized the conversation the O C rep, Rich , myself and Ed agreed that we would pull the Owens Corning center vent soffit and replace it with full vent soffit This change over was completed within a week The O C rep proposed that we would possibly have a third, a third, a third shared responsibility and that it was important to take care of Aarons customer Then Ed said to get the information to him

Byron Dill Sr
Home Phone 207-667-2589