

B 10 (Custom Form 10) (04/09)

| UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE   | PROOF OF CLAIM  |
|---|---|
| Indicate the Debtor against which you assert a claim by checking the appropriate box below. <b>(Check only one Debtor per claim form.)</b>  |   |
| <input checked="" type="checkbox"/> Cynergy Data, LLC – (Case No. 09-13038) <input type="checkbox"/> Cynergy Data Holdings, Inc. – (Case No. 09-13039) <input type="checkbox"/> Cynergy Prosperity Plus, LLC – (Case No. 09-13040)  |   |
| Name of Creditor (the person or other entity to whom the debtor owes money or property):<br>47THSTREETCLOSEOUTSCOM<br><hr/> Name and address where notices should be sent: Name ID: 8454852                      Pack No. 16<br><br>47THSTREETCLOSEOUTSCOM<br>37 WEST 47TH ST<br>NEW YORK, NY 10031<br><br><div style="text-align: right;">Telephone No. <u>212-391-1888</u></div>  | <input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.<br><b>Court Claim Number:</b> _____<br><div style="text-align: center;">(if known)</div> Filed on: _____   |
| Name and address where payment should be sent (if different from above):<br><br><div style="text-align: right;">Telephone No. _____</div>   | <input type="checkbox"/> 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.<br><input type="checkbox"/> Check this box if you are the debtor or trustee in this case.  |
| <b>1. Amount of Claim as of Date Case Filed:</b> \$ <u>86,552.30</u><br>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.<br>If all or part of your claim is entitled to priority, complete item 5.<br><input type="checkbox"/> 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 charges   | <b>5. Amount of claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.</b><br>Specify the priority of the claim.   |
| <b>2. Basis for Claim:</b> <u>Rolling Reserve</u><br>(See instruction #3a on reverse side.)   | <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).<br><input type="checkbox"/> Wages, salaries, or commission (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, which ever is earlier -- 11 U.S.C. § 507(a)(4).<br><input type="checkbox"/> Contributions to an employee benefit plan -- 11 U.S.C. § 507(a)(5).<br><input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use -- 11 U.S.C. § 507(a)(7).<br><input type="checkbox"/> Taxes or penalties owed to governmental units -- 11 U.S.C. § 507(a)(8).<br><input type="checkbox"/> Other -- Specify applicable paragraph of 11 U.S.C. § 507(a)(____). |
| <b>3. Last four digits of any number by which creditor identifies debtor:</b> _____<br><b>3a. Debtor may have scheduled account as:</b> _____<br>(See instruction #3a on reverse side.)<br><b>3b. Creditor Tax ID #</b> _____   | <input type="checkbox"/> Other -- Specify applicable paragraph of 11 U.S.C. § 507(a)(____).<br><b>Amount entitled to priority:</b><br>\$ _____  |
| <b>4. Secured Claim</b> (See instruction #4 on reverse side.)<br>Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.<br><b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other<br><b>Describe:</b><br><b>Value of Property:</b> \$ _____ <b>Annual Interest Rate:</b> _____ %<br><b>Amount of arrearage and other charges as of time case filed included in secured claim,</b><br><b>if any:</b> \$ _____ <b>Basis for Perfection:</b> _____<br><b>Amount of Secured Claim:</b> \$ _____ <b>Amount Unsecured:</b> \$ _____   | <input type="checkbox"/> Other -- Specify applicable paragraph of 11 U.S.C. § 507(a)(____).<br><b>Amount entitled to priority:</b><br>\$ _____<br>* Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with response to cases commenced on or after the date of adjustment.   |
| <b>6. Section 503(b)(9) Claim Amount:</b> _____<br><input type="checkbox"/> Check this box if your claim is for the value of goods received by the debtor within 20 days before the date of commencement of the case (11 U.S.C. §503(b)(9)). Include the amount of such claim in the space for "Section 503(b)(9) Claim Amount" above.  |   |
| <b>7. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.<br><b>8. Documents:</b> 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. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)<br>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENT MAY BE DESTROYED AFTER SCANNING.<br>If the documents are not available, please explain: |   |
| <b>Date:</b> <u>1/7/10</u><br><b>Signature:</b> <u>Dani Borohov</u><br>The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.   | <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>RECEIVED</b><br/>             FOR COURT USE ONLY<br/> <b>JAN 19 2010</b><br/> <br/> <b>KURTZMAN CARSON CONSULTANTS</b> </div>   |

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 357.

