

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. (Check only one Debtor per claim form)

Cynergy Data, LLC – (Case No. 09-13038) Cynergy Data Holdings, Inc. – (Case No. 09-13039) Cynergy Prosperity Plus, LLC – (Case No. 09-13040)

Name of Creditor (the person or other entity to whom the debtor owes money or property):

5th Ave Digital

Check this box to indicate that this claim amends a previously filed claim.

Court Claim

Number: _____
(if known)

Filed on: _____

Name and address where notices should be sent:

5th Ave Digital
1223 McDonald Avenue, Brooklyn, NY 11230
Aini & Lazar PLLC
2615 Coney Island Ave, Brooklyn, NY 11223

Telephone No. 718-265-1544

Name and address where payment should be sent (if different from above):

Aini & Lazar PLLC
2615 Coney Island Ave, Brooklyn, NY 11223

Telephone No.
718-265-1544

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 this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 9,073.36

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.

If all or part of your claim is entitled to priority, complete item 5.

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

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.

Specify the priority of the claim.

2. Basis for Claim: Reserve Account Held With Debtor
(See instruction #3a on reverse side.)

Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

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).

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

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).

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)(____).

Amount entitled to priority:

\$ _____

* 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.

3. Last four digits of any number by which creditor identifies debtor: 6291

3a. Debtor may have scheduled account as: _____
(See instruction #3a on reverse side.)
3b. Creditor Tax ID # _____

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: Real Estate Motor Vehicle Other RESERVE FUND
Describe:

Value of Property: \$ 9,073.36 Annual Interest Rate: N/A %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ _____ Basis for Perfection: _____

Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____

6. Section 503(b)(9) Claim Amount: _____

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.


7. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

8. 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. 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.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENT MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date:
1/15/2010


Signature: 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.

RECEIVED

JAN 19 2010

KURTZMAN CARSON CONSULTANTS

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.



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LAW OFFICE OF
AINI & LAZAR PLLC

2615 CONEY ISLAND AVENUE,
BROOKLYN, NY 11223

Jack A. Aini, Esq.
Ron Lazar, Esq.*

*Also Admitted in New Jersey

(718) 265-1500

Fax (718) 265-1515

jackaini@ainilazar.com

January 15, 2010

Via FedEx

Cynergy Claims Processing Center
c/o Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245

Re: Account Number: 3899000001366291 / 5th Ave Digital

Dear Sir or Madam:

Below is a summary of amounts owed to 5th Ave Digital in connection with its proof of claim filed herewith against Cynergy Data LLC:

\$12,132.71	Rolling Reserve held by Cynergy per attached Schedule
- \$3,059.35	<u>Funds Released to 5th Ave Digital from Rolling Reserve</u>
\$9,073.36	Balance of Reserve

If you have any questions, please contact me at 718-265-1544.

Kind Regards,



Jack A. Aini



Print



Rolling Reserve

Report Results

MID: 3899000001366291
DBA: 5TH AVE DIGITAL

June 2009

Date	Reserve	Released	Scheduled	Release
06/26/2009		\$16.38		Note
06/01/2009		\$519.99		Note

May 2009

Date	Reserve	Released	Scheduled	Release
05/21/2009		\$2,522.98		Note

April 2009

Date	Reserve	Released	Scheduled	Release
04/22/2009	\$74.00			
04/07/2009	\$37.00			
04/03/2009	\$179.11			
04/02/2009	\$77.90			
04/01/2009	\$115.00			

March 2009

Date	Reserve	Released	Scheduled	Release
03/31/2009	\$9.40			
03/27/2009	\$1,715.98			
03/26/2009	\$1,675.53			
03/25/2009	\$2,499.78			
03/24/2009	\$1,203.79			
03/21/2009	\$1,002.58			
03/20/2009	\$1,246.95			
03/19/2009	\$1,353.65			
03/18/2009	\$596.35			
03/13/2009	\$281.89			
03/12/2009	\$63.80			
Total :	\$12,132.71	\$3,059.35		

Handwritten: \$ 9073

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30-30 47TH AVENUE 9TH FLOOR, LIC, NY 11101